

MARIA BUTINA'S LEGAL TEAM EMBRACES DISINFORMATION (WITH HELP FROM RUSSIA)

One key prong of Republican propaganda attempting to discredit the Mueller investigation has been to claim Trump associates were targeted by informants. Perhaps the most brazen example was when Roger Stone claimed a Russian whose offer of dirt he entertained (but claims to have refused to pay for) was an FBI informant. But George Papadopoulos has spawned an entire subindustry of such claims.

It appears that Maria Butina's attorneys have adopted that approach. In a letter to her attorneys the prosecutors posted to the docket the other day, they insist (as DOJ has had to insist to Republicans in Congress) that they are not sitting on evidence of approaches by informants.

During our previous discussions, you have advanced certain hypothetical scenarios involving your client, including a supposed "dangle" operation or the acquisition of exculpatory information from "Cis," which we take to mean confidential government informants. It appeared at the time of our discussions, that you based these ideas not on firsthand knowledge of any events, but rather on speculation based on claims made in some unidentified media articles. Inexplicably, however, in your October 18, 2018 email, you—for the first time—firmly assert that "[w]e know this information exists [and] have called it out by name..." [emphasis added]. The government was surprised by this newly adamant assertion, and we invite you to provide us any additional information you may have concerning the

provenance or existence of the information you request.

Notwithstanding its speculative nature, the government took your original request seriously and made specific inquiries about the hypothetical scenarios you advanced. Regarding the scenarios described in your October 18, 2018 email, based on our reviews to date, we are not aware of any information that would trigger any disclosure obligations regarding either a "dangle," successful or otherwise, or information obtained from any confidential informant. We are aware of no surveillance targeting your client that occurred prior to in or around [redacted] We will obviously continue to review the government's holdings for such information, as well as any additional surveillance records of your client and we will continue to discuss with you any other materials that you consider potentially exculpatory. If that ongoing review yields information that should be disclosed to you, we will certainly do so.

Don't get me wrong. DOJ has a history of playing games with discovery, or of interpreting discovery narrowly so as to hide other prongs of an investigation. So the allegation from Butina's lawyers, by itself, is not outrageous.

Except it seems to be a part of the Devin Nunes/Mark Meadows/Jim Jordan propaganda effort in Congress, driven by a bunch of half-wits who leak information that they don't understand.

Indeed, this incident raises real questions for me on whether the House effort has now taken not only to defending Donald Trump, but also Maria Butina, an alleged foreign spy whose own writings indicate Putin knew of her operation.

Meanwhile, DOJ's letter to Butina's team reveals

that they have not picked up a hard drive of discovery DOJ made available a month ago.

With respect to materials provided to you so far, we have made an FBI CART examiner available to you to help you navigate the electronic evidence, and we made a second hard drive of electronic evidence available to you over a month ago, which you have thus far declined to retrieve.

The claim that Butina's team has left evidence sitting for a month comes just days before Russia's Foreign Affairs spokesperson, Maria Zakharova, claimed that DOJ has not handed over discovery to her and used that to claim DOJ is treating her unfairly.

It is baffling that the court considering Maria Butina's case has not yet handed over the case material to her, although the hearing is scheduled for November 13. Unfortunately, this gives us yet another reason to doubt the impartiality of American justice system.

Again, it is not unheard of for DOJ to play games with discovery. But in this case, particularly in context of obvious propaganda serving Trump and other Republicans' interest, it seems like Butina's defenders both in and outside the country have decided on a disinformation strategy rather than a direct defense of her case.

Update: The parties just asked for Butina's case to be put off for three weeks to deal with discovery. Maybe in the interim, the government will find the evidence of informants sidling up to Butina that the claim is not exculpatory.