

JEFF GERTH'S UNDISCLOSED DISSEMINATION OF RUSSIAN INTELLIGENCE PRODUCT

In his CJR series claiming the NYT and WaPo botched coverage of the Russian investigation, Jeff Gerth makes a great show of transparency, with the same disclosure statement appended to each installment of his 23,000-word series.

But the statements hide the most important details, given Gerth's project (and his past history tilting at Hillary Clinton's windmills and other real estate investments). For example, when he says he "helped ProPublica decide whether to collaborate with a book that was critical of the Clintons' involvement with Russia; the arrangement didn't happen," he doesn't explain whether that book was Clinton Cash, a piece of political oppo research written by Steve Bannon associate Peter Schweitzer that has a structurally similar position, in the 2016 election, as the Steele dossier does. When he says that he "approached [the NYT] on my own about the Clinton family foundation," but "expressed disappointment to one of the *Times* reporters about the final result," he's engaged in press criticism about his own work, without disclosing which work that is (in his series he otherwise discusses this story about Clinton Cash and the Foundation). When he discloses that he wrote about Clinton at ProPublica, he does not explicitly describe a story he wrote using emails stolen by Guccifer 1.0, Marcel Lazar, putting him at the forefront of the relentless reporting on Hillary based on stolen documents.

There's nothing, per se, wrong with writing about those things.

Where it becomes a problem, however, is in the

way Gerth approaches his project, purportedly an attempt to decide why, after the 2016 election, trust in media nose-dived. Even beyond limiting his project to just the NYT and WaPo – or rather, claiming to; as I showed, he ignored great swaths of the most important work from both – Gerth simply assumes that the thing that damaged press credibility in 2016 was coverage of the Russian investigation, and not any of the other closely linked politicized investigations into one or another of the candidates, including the ones he played a role in.

There have been at least six investigations, at least four criminal, of events tied to the 2016 election:

- The investigation into Hillary Clinton's server that arose partly out of the Benghazi investigation and partly as a result of a hack of Sidney Blumenthal
- An investigation of the Clinton Foundation, predicated in part by oppo research from Steve Bannon associate Peter Schweitzer, an investigation which leaked in the weeks leading up to the election and which was staffed by an FBI team that included a pro-Trump agent running an informant targeting the Foundation
- The investigation into two strands of Russia's influence operation – a hack-and-leak and a social media campaign – which ultimately merged, in part,

with Crossfire Hurricane,
under Robert Mueller

- The UNSUB investigation, named Crossfire Hurricane, that attempted to learn which Trump aide got a tip that Russia would intervene to help beat Hillary; this investigation became the Mueller investigation
- A review by US Attorney John Huber of Uranium One allegations against Hillary
- The Durham investigation that Bill Barr would initiate, with no evidence that a crime had been committed, into the initiation of the Crossfire Hurricane investigation

That should provide the opportunity to apply a consistent approach to covering the investigations, particularly for someone lecturing others about press standards. But it would require including the Clinton server and Clinton Foundation coverage – coverage including Gerth's own – somewhere besides the disclosures section. It would require reviewing documentation showing the Trump team's plotting to find Hillary's deleted emails – including consideration of plans to reach out to hostile intelligence services to do so.

And it would require reviewing Trump's efforts to optimize the release of the files stolen by Russian hackers, something that Mark Meadows, in describing allegations that the Trump campaign might be "benefitting from Hillary Clinton emails," said would be "collusion." George Papadopoulos himself told Stefan Halper that "reaching out to wiki leaks or whoever it is ...

to tell them please work with us, collaborate," as Stone undeniably attempted, would be "a form of treason." Yet Gerth doesn't consider whether the media's relentless focus on the emails stolen from the Democrats, and not the investigation into that theft, drove at least part of the ensuing distrust in the media.

Along with avoiding those issues, Gerth ignores many of the materials released as part of the Mueller investigation (and most of the materials released in two Congressional investigations), and instead draws on materials released in the investigation *into* the Russian investigation, whether by Congress or as part of Durham's two failed prosecutions. That is his fact-set: not the underlying "collusion" (adopting Meadows' measure), not the investigation itself, but the effort to weaponize the investigation.

That's how Gerth comes up with this statement of the scope of what he includes in "Russiagate."

By 2016, as Trump's political viability grew and he voiced admiration for Russia's "strong leader," Clinton and her campaign would secretly sponsor and publicly promote an unsubstantiated conspiracy theory that there was a secret alliance between Trump and Russia. The media would eventually play a role in all that, but at the outset, reporters viewed Trump and his candidacy as a sideshow.

When he first raises it, Gerth doesn't date the timing of this claimed effort.

That's important because Gerth obscures the public reporting on Trump's ties to Russia, barely addresses the reliable open source research Fusion was doing on the topic (which was the part of the project taken over after Paul Singer stopped paying), and completely leaves out Trump efforts that were underway already by then.

For example, Gerth made much of a June 17, 2016

WaPo story, on which Tom Hamburger had the lead byline, which described Trump's business pursuits in Russia, including his ties with Aras Agalarov. It was a remarkable story, particularly when you consider WaPo focused on Trump's ties with Agalarov just 8 days after Agalarov arranged the June 9 meeting, promising "high level and sensitive information ... that is part of Russia and its government's support for Mr. Trump." Gerth raises no questions about the accuracy of the report – indeed, much of it has since been confirmed by the Russia investigation. Rather, he notes that Hamburger, "was a former Wall Street Journal reporter who had worked with [Glenn] Simpson; the two were friends, according to Simpson's book," as if any association with Fusion would taint otherwise solid reporting.

But WaPo's story came out before the first of Steele's dossier reports, and Gerth himself distinguished between the "records on Trump's business dealings and associates, some with Russia ties," that Fusion collected via open source and the dossier (Gerth falsely suggests that Fusion stopped its open source research after the Democrats started paying). If Hamburger had an assist from Fusion, he would have been relying on their accurate work.

Gerth also doesn't mention, at all, that WaPo reported on Carter Page's comments in Moscow on July 7, 12 days before the first dossier report on Page's trip.

Gerth focuses closely on Josh Rogin's critique of the treatment of the RNC platform regarding Ukraine, but presents no evidence that Hillary seeded the critique or that Hillary's campaign manager, Robby Mook, should have doubted it before he focused attention on it (the best pre-Mueller Report debunking of Rogin's claims about the platform came from Byron York, but not until November 2017). Much of this early reporting was organic, and even assuming the Hamburger story relied on Fusion research and that research was conducted after the Democrats started paying, it

would be little different from the Schweitzer efforts about which Gerth is almost silent.

Meanwhile, the Trump campaign was already pursuing emails – both the 30,000 emails from Hillary’s server she had deleted, and whatever emails became available from the Russian hack of Democratic targets. For example, GOP Senate staffer Barbara Ledeen BCCed Mike Flynn on a pitch to journalist Catherine Herridge on May 24 promising stories about Hillary emails found on the dark web. Ledeen sent Flynn more information on June 16, which he called, “amazing!” Per Flynn’s testimony to the FBI, Ledeen’s pursuit, which continued up to the election, included travel by others overseas in search of emails purportedly hosted in Eastern Europe.

Rick Gates testified that Roger Stone claimed to have knowledge, *prior to Julian Assange’s public announcement on June 12*, that WikiLeaks had Hillary’s 30,000 deleted emails. He claimed that in a call on June 15, Stone said he was in touch with Guccifer 2.0, the persona alleged to be set up by Russian intelligence officers. He explained that when Stone asked for contact information for Jared Kushner that same day, Stone intended to debrief Jared and another campaign aide about the DNC’s announcement they’d been hacked. Gates testified at Stone’s trial that the campaign thought the hack of the DNC would give the campaign “a leg up.” Even accounting for uncertainty about which efforts were an attempt to get the deleted Hillary emails and which were an attempt to optimize the hacked emails, Stone’s efforts easily meet the definition of “collusion” – seeking to benefit from the stolen emails – that Mark Meadows adopted in 2018.

And the drumbeat coverage of Hillary’s server was part of what set up the later WikiLeaks releases. That’s a press coverage issue – a matter that undoubtedly led to frustration among many with the press, but not one that Gerth, who wrote an early article in the unrelenting mass of coverage, chose to mention.

Gerth's efforts to pitch the Russian investigation as uniquely corrupt get more problematic once he tries to date the purported Hillary "conspiracy theory" that Trump's campaign – which had already accepted a meeting promising help from Russia – did have ties to Russia.

In coverage of the initial release of the stolen DNC emails, Gerth makes much of the fact that Fusion GPS founders Glenn Simpson and Peter Fritsch traveled to the 2016 DNC convention a few hours away in Philly, though he doesn't describe a single thing they did there.

At the end of July, the DNC held its nominating convention in Philadelphia. In attendance were legions of journalists, as well as Simpson and Fritsch. On the eve of the events, the hacked emails from the DNC were dumped, angering supporters of Bernie Sanders, who saw confirmation in the messages of their fears that the committee had favored Hillary.

The disclosures, while not helpful to Clinton, energized the promotion of the Russia narrative to the media by her aides and Fusion investigators. On July 24, Robby Mook, Hillary's campaign manager, told CNN and ABC that Trump himself had "changed the platform" to become "more pro-Russian" and that the hack and dump "was done by the Russians for the purpose of helping Donald Trump," according to unnamed "experts."

Still, the campaign's effort "did not succeed," campaign spokeswoman Jennifer Palmieri would write in the Washington Post the next year. So, on July 26, the campaign allegedly upped the ante. Behind the scenes, **Clinton was said to have approved a "proposal from one of her foreign-policy advisers to vilify Donald Trump by stirring up a scandal claiming interference by Russian**

security services," according to notes, declassified in 2020, of a briefing CIA director John Brennan gave President Obama a few days later. [my emphasis]

But, just as John Durham did, Gerth treats the release of emails on the most important day of Hillary's campaign – stolen by Russia – as merely "not helpful," rather than an unprecedented attack on the country and democracy and a presidential candidate. (Gerth, based primarily on the public uncertainty about how WikiLeaks got the emails, claims elsewhere the attribution of the hack to Russia, "is far from definitive," an opinion which CJR presents while ignoring virtually all of the evidence, not to mention a 2016 NYT Pulitzer-winning story presenting what the hack looked like to the Democrats). And rather than focusing on Hillary as the victim of a hack-and-leak – something reflected in documents released in the Michael Sussmann trial that Gerth elsewhere relies on but ignores here – Gerth instead describes being targeted by a hack-and-leak operation as an opportunity to "promot[e] the Russia narrative to the media by her aides and Fusion investigators."

Even at this level, Gerth's description is astounding. He cites Jennifer Palmieri, writing in 2017, claiming she later confirmed this was all just about "promoting the Russia narrative." But Palmieri's "did not succeed" comment was not just or even primarily about Trump's encouragement of the operation, it was about accountability for Russia, a topic the importance of which would have been reinforced had Gerth reviewed more of the 2016 NYT stories that won a Pulitzer prize. Indeed, Palmieri described how, "the sheer spectacle of Trump" distracted from Russia's influence operation, a worthy topic for a 23,000-word narrative trying to understand the press coverage of 2016, and one that might better explain Trump's always-contradictory claims in press conferences than Gerth's far less convincing explanations.

Gerth's misrepresentation about Palmieri's 2017 piece is all the more important given how his sloppiness soon turns to malpractice. The Brennan briefing he cites (bolded above), one of Gerth's primary pieces of proof that Hillary promoted a secret "conspiracy theory" and one that falls far short of his claim that she was claiming "a secret alliance between Trump and Russia," comes from a document released by John Ratcliffe in September 2020, as part of Trump's effort (with Bill Barr) to weaponize the Russian investigation before the election.

When that document was released, I noted that its distribution represented the same unmasking of identities in intelligence reports that had provoked Republican complaints for three years – something that itself probably merited more press coverage. Gerth, however, uses it to suggest that any attempt by Hillary to impose a cost on Trump for exploiting Russian interference – something the Mueller Report concluded he did – was itself scandalous. "[T]he Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the Campaign expected it would benefit electorally from information stolen and released through Russian efforts," the Mueller Report concluded in the same sentence that stopped short of alleging a conspiracy.

There's no scandal there. Trump *did* exploit Hillary's woes, and had already been doing so, for more than a month, by the time of Brennan's briefing. It was, per documents released as part of the Mueller investigation and the SSCI Report, a key campaign focus. To suggest Hillary's efforts to exploit Trump's goading of the Russians was more sinister than it was, Gerth misstates what the briefing said. "[V]ilify[ing] Donald Trump by stirring up a scandal claiming interference by Russian security services" becomes, in Gerth's earlier translation of it, "promot[ing] an unsubstantiated conspiracy theory that there was a secret alliance between Trump and Russia."

Brennan's briefing didn't say Hillary was planning to claim there was an alliance between Trump and Russia.

Worse still, Gerth hides a critical detail about that document. When Ratcliffe shared it with Lindsey Graham in 2020, Trump's Director of National Intelligence did so with a warning: The document was a Russian intelligence report, and even four years later, the Intelligence Community still didn't know how reliable it was.

The IC does not know the accuracy of this allegation or the extent to which the Russian intelligence analysis may reflect exaggeration or fabrication.

Gerth makes no mention of the warning. None. He simply parrots a Russian intelligence product of uncertain reliability without notice that it *is* one.

During Ratcliffe's confirmation to become Trump's top spook, the press laid out how Ratcliffe misrepresented his background to get elected. Yet Gerth, in the middle of a 23,000 word screed lecturing other journalists they need to be more transparent, fails to match even Ratcliffe's standard for disclosure. He doesn't reveal that one of his only pieces of evidence to support his thesis is a Russian intelligence product that the IC would not verify.

I asked CJR editor Kyle Pope twice whether the outlet should have disclosed this, first in my general list of questions, then in a specific follow-up.

Finally, you did not answer this question.

Do you believe your treatment of the John Brennan briefing should have revealed the briefing was based on a Russian intelligence document? Do you believe you should have noted the John Ratcliffe warning that, "The IC does not know

the accuracy of this allegation or the extent to which the Russian intelligence analysis may reflect exaggeration or fabrication"? Is there a reason you're certain the date was July 26 when it's not clear whether it says 26 or 28?

Is it your view that CJR owes its readers *neither* notice that it is relying on a Russian intelligence report for its interpretations about Hillary Clinton's motives *nor* reveal that the IC would not vouch for the accuracy of that report?

I got no answer.

Compare that with Gerth's incomplete treatment of Trump's actions at the time. In the passage immediately following one where he misrepresents Palmieri's column and then relies on a Russian intelligence product to describe Hillary's intent, he accuses the press of misrepresenting Trump's intent in their coverage of the statement, "Russia if you're listening."

Trump, unaware of any plan to tie him to the Kremlin, pumped life into the sputtering Russia narrative. Asked about the DNC hacks by reporters at his Trump National Doral Miami golf resort on July 27, he said, "Russia, if you're listening, I hope you're able to find the thirty thousand emails that are missing." The quip was picked up everywhere. Clinton national-security aide Jake Sullivan quickly seized on the remarks, calling them "a national-security issue." The comment became a major exhibit over the next several years for those who believed Trump had an untoward relationship with Russia. Clinton's own Russia baggage, meantime, began to fade into the background.

Hope Hicks, Trump's press aide, later

testified to Congress that she told Trump some in the media were taking his statement “quite literally” but that she believed it was “a joke.”

I asked Trump what he meant. “If you look at the whole tape,” he said in an interview, “it is obvious that it was being said sarcastically,” a point he made at the time.

I reviewed the tape. After several minutes of repeated questions about Russia, Trump’s facial demeanor evolved, to what seemed like his TV entertainer mode; that’s when, in response to a final Russia question, he said the widely quoted words. Then, appearing to be playful, he said the leakers “would probably be rewarded mightily by the press” if they found Clinton’s long-lost emails, because they contained “some beauties.” Trump, after talking with Hicks that day in Florida, sought to control the damage by tweeting that whoever had Clinton’s deleted emails “should share them with the FBI.”

Before I get into Gerth’s backflips to diminish damning aspects of Trump’s press conference, let me address his claim that, “Clinton’s own Russia baggage, meantime, began to fade into the background.” First, though this is his second reference to what he claims is real Russian baggage on Hillary’s part, Gerth never subjects the claim of baggage to his own standard, which is that, short of a charged criminal conspiracy, such allegations are merely a “conspiracy theory.” He never mentions that these allegations were part of the Clinton Foundation investigation (itself significantly predicated on the Clinton Cash narrative and according to the DOJ IG Report, investigated by a pro-Trump FBI agent), a subsequent review done by a Trump US Attorney, and even reviewed by the Durham investigation. Three different DOJ investigations made nothing of these

allegations, yet Gerth treats them as more worthy of press coverage than the Russian ties that Trump's aides lied to the FBI to cover up.

Worse still, Gerth's claim is factually wrong. In precisely this period, the NYPost rolled out another Peter Schweitzer product, again crafted in close coordination with soon-to-be Trump campaign manager Steve Bannon, alleging improprieties pertaining to Russia, this time focused on John Podesta. The narrative had been in the works since March, even before the Russian hack of Hillary's campaign manager. A 2017 Berkman Center report on the press and propaganda in the 2016 election showed that coverage of the topic spiked through much of August.

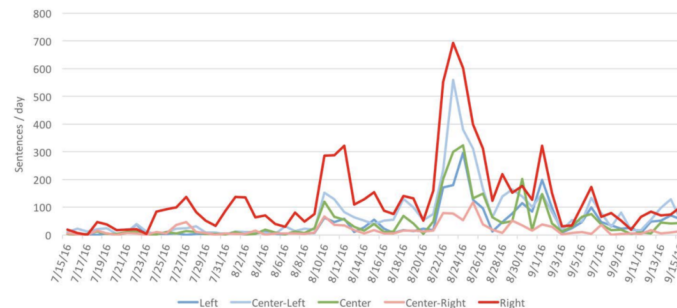


Figure 49: Sentences mentioning Clinton Foundation or Clinton Cash in open web media from mid-July to mid-September, 2016

As it laid out, the later spike in attention – the one Gerth says doesn't exist – milked the earlier coverage by the NYT for credibility, coverage that Gerth might or might not have had a hand in.

As the Trump campaign sought to resurface the Clinton Foundation allegations, that early 2015 New York Times story became the second most shared story about the Clinton Foundation on Facebook in August 2016.

Gerth's omission of this spike in attention is not just a factual error, it's a fatal error for someone claiming to write about the Russian investigation. That's because the packaging of these allegations was a central part of Mueller's investigation into Stone's alleged

request that Jerome Corsi help him craft a cover story in the days after he predicted it would soon be John Podesta's time in a barrel, in a period when Stone was pitching both Manafort and then Bannon on a way to win dirty.

And to the extent Stone was trying to cover something up, it would have been efforts to optimize the WikiLeaks releases, efforts that preceded the date of the Brennan briefing. The date of the briefing is uncertain (Gerth agrees with Ratcliffe's reading that it took place on July 26, not July 28, though Brennan's handwriting and a redaction obscure that), but one way or another, the briefing took place after Manafort ordered Rick Gates to ask Roger Stone to pursue more emails (though Gerth doesn't mention that) and after Stone instructed Corsi to check with Julian Assange about them (something else Gerth doesn't mention). It comes days before Stone sent Trump pro-Russian tweets that, he claimed, Trump had requested (they had spoken for ten minutes the night he sent them). It comes in the same time period, according to a Paul Manafort interview with the FBI, when, "Stone told Manafort that there would be a WikiLeaks drop of emails with Podesta, and that Podesta would be 'in the barrel' and Manafort would be vindicated." It's not me or Hillary Clinton saying that, or – worse! – the NYT. It's Stone's life-long friend and Trump's campaign manager, Paul Manafort.

Based on his review of Trump's facial expression, Gerth seems to credit Hope Hicks and Trump's suggestion that his comment, inviting Russia to go get more Hillary emails, was just a joke. (Gerth doesn't mention that Russian hackers swarmed a new Hillary target hours later.) But that should not matter! Even if that's all this was, a presidential candidate, making light of the fact that his opponent was the victim of a serious crime, no matter the culprit, that should be taboo in political campaigns.

And even though Gerth insists, here and in his

coverage of Trump's Lester Holt and Helsinki comments, that Trump's damning seemingly pro-Russian comments would look less damning if journalists simply consulted the full context, *he* doesn't do that himself.

He doesn't mention that in the same presser Trump made two more damning comments, which would also be a key focus of the Russian investigation. "We'll be looking" at recognizing Russia's annexation of Crimea, said Trump. And he claimed he had already "decided not to do" any of the real estate deals he had considered in Russia (a claim belied by Michael Cohen's later cooperation and therefore Trump's most damning lie to Mueller).

Both of these comments were important details in continuing suspicion about Trump. Indeed, Trump's false claim about real estate deals is critical in understanding why the Michael Cohen allegations in the dossier might be deliberate disinformation, designed to exploit the fact that Russia knew Trump had lied to cover up an election-year contact that Cohen had with the Kremlin. And Trump's disavowal of ongoing business pursuits was one of the reasons, records from the Michael Sussmann case made clear, that researchers who discovered an anomaly tying a Trump marketing server to Russia's Alfa Bank latched onto the anomaly. These statements in Trump's presser were central to what came next, regardless of what facial expression Trump adopted when saying them. But Gerth simply doesn't mention them, choosing instead to blame much of what followed on a deliberate campaign by Hillary and her aides.

That's how Gerth crafts his narrative about a Hillary conspiracy theory: ignoring several damning statements – one provably false – that Trump made as well as the efforts Trump's rat-fucker took to pursue stolen emails that preceded the Brennan briefing. He then rewrites a Russian intelligence product to claim Hillary was affirmatively manufacturing an alliance, when all the Russians said is that she was

trying to gin up a scandal about clearly scandalous behavior. And he does so – in a piece lecturing other journalists that they need to be more transparent – without describing *either* that he’s parroting a Russian line *or* that the IC won’t vouch for the reliability of the Russian line he’s parroting.

Links

CJR’s Error at Word 18

The Blind Spots of CJR’s “Russiagate” [sic] Narrative

Jeff Gerth’s Undisclosed Dissemination of Russian Intelligence Product

Jeff Gerth Declares No There, Where He Never Checked

“Wink:” Where Jeff Gerth’s “No There, There” in the Russian Investigation Went

My own disclosure statement

An attempted reconstruction of the articles Gerth includes in his inquiry

A list of the questions I sent to CJR