

“EMBARRASSINGLY WRONG:” THE ONGOING MISINFORMATION CAMPAIGN ABOUT THE HUNTER BIDEN HARD DRIVE

Trump’s Executive Order stripping 51 former spooks of clearance for writing a true letter expressing their opinion that Rudy Giuliani’s claims to have Hunter Biden’s emails “has all the classic earmarks of a Russian information operation” has led to inevitable false claims about the hard drive people falsely call a laptop.

Shockingly, it comes from Shane Harris, who at least while at WaPo would not make the kinds of errors he makes in this piece.

Harris states as fact that the 51 spooks were “embarrassingly wrong” and as proof, asserts that “the emails really did turn out to belong to Hunter Biden.”

But they were wrong. Embarrassingly wrong. The emails really did turn out to belong to Hunter Biden, and they raised legitimate concerns that he was trying to profit from his father’s political position. No evidence ever surfaced that Russia had played a role in bringing the emails to light. Intelligence experts sometimes make bad calls. This was one of those times.

[snip]

Some of the signatories still defend their work by noting, correctly, that they said the emails *might* be part of some Russian trick, not that they definitely *were*. That too-cute defense

does not absolve them of bad judgment.

Except, as John Brennan noted in an interview on MSNBC, one thing they posited in the letter is that the information might be “accurate information,” noting that Russia did just that in the 2016 presidential election.

Such an operation would be consistent with some of the key methods Russia has used in its now multi-year operation to interfere in our democracy – the hacking (via cyber operations) and **the dumping of accurate information** or the distribution of inaccurate or misinformation. Russia did both of these during the 2016 presidential election.
[my emphasis]

Harris knows this stuff! While the Guccifer 2.0 persona altered some of the documents stolen from the DNC and misrepresented others and Yevgeniy Prigozhin’s trolls engaged in outright fabrication, the emails stolen from John Podesta were authentic. The operation nevertheless succeeded in sucking up all the attention in the last several weeks of the election, with scandals manufactured out of inconclusive emails, just like the ones used in the NYPost story.

So claiming that the spooks were wrong because the emails really did turn out to be Hunter’s simply misrepresents both the letter and the mechanism of information operations.

As for Harris’ claim that, “No evidence ever surfaced that Russia had played a role in bringing the emails to light”?

Even ignoring Lev Parnas’ testimony that Rudy was offered a laptop hacked with the assistance of Russian spies in 2019 (while unverified, that *is* evidence, and Mykola Zlochevsky got the legal relief from Trump’s DOJ that Parnas claimed Rudy was offering at the time), the available record

shows that the FBI didn't do the most basic work they would have had to do to check for such evidence.

Remember, the currently operative story is that someone claimed to be Hunter Biden dropped off three devices at John Paul Mac Isaac's store in April 2019. JPMI kept one to make a copy of the data. But no one ever retrieved the laptop or a hard drive on which JPMI stored the data. So after snooping through it all, months later, JPMI's father offered up the laptop to the FBI. In December 2019 – days after Rudy traveled to Kyiv to meet with Andrii Derkach and the same month when DOJ shut down an investigation into Mykola Zlochevsky – FBI obtained both the hard drive and a laptop using a subpoena referencing a money laundering investigation that is not referenced in the warrant from the known tax investigation.

But there's little evidence that the FBI checked that story. Indeed, the public evidence suggests there's something fishy about the hard drive, which was the basis for all the other copies, including the one Rudy got.

- Mac Isaac's own description of his actions does not match that of the FBI. On top of timeline discrepancies (including about whether FBI accessed the device before obtaining the known warrants), that includes misidentifying the devices dropped off at his shop and falsely claiming the laptop ultimately turned over to FBI did not have a removable hard drive (which was JPMI's explanation for why he copied the laptop in

the way he did).

- A March 31, 2020 email documented concerns, “about quality and completeness of imaged/recovered information from the hard drive” that “for a variety of reasons [USA0] thought they needed to keep it from the agents” who might testify at trial.
- Ten months after obtaining the laptop, the FBI had never checked the creation date of the files on it and the **FBI never indexed the laptop** (nor did it Bates-stamp the files they used at trial).
- Hunter Biden’s laptop data was not introduced at trial via an expert witness. Rather, a summary witness introduced the data, and she clearly testified she had not been asked to check for signs of tampering. The only things she mentioned at trial that validated the laptop is that the laptop matched subpoena information for Hunter’s iCloud (which may mean no more than that it accessed the account) and Hunter’s publicly available iCloud email account had received an email from John Paul Mac Isaac. Those sworn

claims were far short of the things investigators had earlier claimed tied Hunter to the laptop: an exchange of calls, a local purchase, and "other intelligence."

- The expert validation used in lieu of expert testimony does not identify the device(s) it validated and only refers to a single extraction report even though two separate extractions (one of the hard drive, another of the laptop) were done.
- According to prosecutors, the Cellebrite report of the hard drive from which (according to JPMI) all subsequent copies were made is 62% larger, by page count, than the Cellebrite report of the laptop itself.

FBI's thin validation of the laptop could not rule out involvement of others, not least because of Hunter's otherwise erratic behavior in the period.

- At least seven different laptops had accessed Hunter's iCloud account in the years leading up to Mac Isaac obtaining it; Zoe Kestan testified that Hunter would do business from her laptop and she had access to

his bank account via that laptop.

- Kestan also testified that Hunter would give her *and his drug dealers* one time codes so they could access his bank accounts.
- In January 2019, Hunter claimed that his Russian drug dealer had stolen a laptop (this may actually have been an iPad) from him in August 2018; this was the same period when new devices accessed Hunter's Venmo account from two different cities within 12 minutes of each other. David Weiss appears to have made an error in the Tax Indictment about a closely related Venmo transaction.
- The access to the laptop in FBI custody does not match Hunter's normal pattern after obtaining a new device of logging into his iCloud account and at least one of his Google accounts in fairly quick succession.
- The days before Hunter bought the laptop that would eventually end up in Fox News pundit Keith Ablow's custody, he paid a Slavic sex worker over \$8,000 via four different transactions

and different bank accounts, an outlier both in amount and the multiple payment methods.

- The laptop itself has an inexplicable collection of data, much of which is unavailable from the iCloud backups obtained with warrants in 2019.

Hunter Biden was an addict. As such he had almost no control over his own devices, and both Kestan's testimony and his own memoir describe that he routinely lost devices. Particularly given the known access he provided others and the number of devices that accessed his iCloud account, it would be child's play for nefarious actors to package up Hunter's data on a laptop.

And, at least as late as David Weiss made that error in the tax indictment, no one at FBI or DOJ appears to have tried to check what happened to Hunter Biden's devices (I think the Kestan testimony may have been based on interviews just before the June gun trial). By all appearances, DOJ had no plan to use evidence from the laptop had the tax case gone to trial.

In his testimony for Jim Jordan's investigation regarding the letter, James Clapper repeatedly said he'd like a statement about the FBI's forensic analysis of the laptop. At Kristin Wood's interview by the Committee, Trump's OMB Deputy designee (and then Congressman) Dan Bishop said, "If, in fact, the FBI has not conducted a forensic investigation, or has conducted a forensic investigation and has suppressed the results, should the American people continue to defer to the FBI?" Yet when I tried to liberate that forensic report last year, DOJ successfully fought its release.

I'm *not* saying that this was a Russian operation. I'm saying that, based on the public

record, the FBI did scandalously little to even test whether it could be; there's no evidence they took the steps they would have needed to rule it out and plenty of reason to believe they did not.

The FBI never even indexed the laptop, not over the course of four years of reliance on it. They're in no position to make claims about its provenance.

And so, Shane Harris is in no position to lecture spooks about them being "embarrassingly wrong."