

Why Democrats have filed a lawsuit against Russia – and what Australian politicians should learn from it

Written by Sandeep Gopalan, Pro Vice-Chancellor (Academic Innovation) & Professor of Law, Deakin University

Last week, the Democratic Party in the United States brought an unprecedented lawsuit against a foreign country, Russia, and persons connected to the Kremlin. Predictably, this has received [condemnation from Republicans](#)

and the

[Trump campaign](#)

. The Russian government – the primary target of the case – has not responded publicly.

[Democratic party faithful have been supportive](#), invoking memories of their successful legal action against the Nixon campaign. That action yielded a

[settlement worth US\\$750,000](#)

in 1974.

The recent filings provide important insights for Australian politicians.

The case

The case has several defendants. These include Russia, the General Staff of the Armed Forces of the Russian Federation (GRU), the Trump campaign, senior Trump advisor (and First Son-in-law) Jared Kushner, former campaign advisor Paul Manafort, Donald Trump Jr., Wikileaks, and several Russian individuals.

The case will be heard in the US District Court for the Southern District of NY. The legal action is brought under provisions of the [Computer Fraud and Abuse Act](#), [Racketeer Influenced and Corrupt Organizations Act](#)

(RICO), the

[Stored Communications Act](#)

, and the

[Digital Millennium Copyright Act](#)

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Read more: [***How to manage Russia becomes one of the most pressing questions in US, and world, affairs***](#)

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Essentially, [Russia is alleged to have hacked](#) into the Democratic National Committee's (DNC) computers. The government and related entities are accused of accessing the party's telecommunications and obtaining tens of thousands of documents and emails.

This “stolen information” was allegedly used to advance Russia's own interests, destabilise the US political environment and denigrate Hillary Clinton. Russia is also accused of supporting Trump's campaign because his “[policies would benefit the Kremlin](#)”.

The Trump campaign is also [alleged to have engaged in a conspiracy](#) with the Russians to ensure the election of Trump.

Chronology of events

Shortly after Trump announced his candidacy for president in June 2015, European intelligence agencies [intercepted communications](#) between his campaign and Russian operatives.

By July 27 2015, Russia had conducted cyber attacks on Democratic National Convention (DNC) systems, which contained “some of the DNC's [most sensitive](#) strategic and operational data”.

In October of that same year, Trump signed a letter of intent to develop real estate in Russia financed by a Russian bank ([Vneshtorgbank](#)) that was under under US Treasury [sanctions](#) .

This deal was brokered by real estate developer Felix Sater, who claimed in a [November 3 email](#) :

I will get Putin on this program and we will get Donald elected.

The DNC complaint alleges that in 2016, Kremlin operatives:

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notified the Trump campaign that Russia intended to interfere and expressed their government's backing of Trump via meetings, emails, and other communications.

This included a willingness on Russia's part "to use stolen emails and other information to damage" Hillary Clinton.

The Russians hacked into the DNC's servers for the second time in April 2016. GRU agents hacked the DNC's research, IT, and other departments, and document repositories.

On April 26, then foreign policy adviser to Trump's campaign, George Papadopoulos, [met with a Russian agent](#) who told him that the Russians had dirt on Clinton in "thousands of emails". Papadopoulos only reported this to his employers and not law enforcement.

He also [confided in an Australian diplomat](#), who reported this to US officials, prompting an FBI inquiry into connections between Russia and the Trump campaign.

But for this [crucial error by Papadopoulos](#), Trump may not have been in his current predicament.

Read more: [**US approach to security is deeply troubling – and it's not just about Trump**](#)

Russia continued its presence on DNC servers. By May, it had [hacked data including donor information](#), opposition research and plans for political activities, as well as thousands of confidential emails.

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[Donald Trump Jr. was contacted on June 3](#) with an offer of damaging information about Clinton as “part of Russia and its government’s support for Mr. Trump”. Soon after, Trump Jr., Manafort, and [Kushner had the now infamous meeting with Russians](#) in Trump Tower.

A GRU operative publicly [disseminated illegally obtained](#) documents on June 15.

On July 22, prior to the DNC Convention, Wikileaks publicly disseminated DNC emails and other documents.

The complaint documents contact between Rick Gates (Trump Campaign Deputy Chair), Assange, and a GRU Operative.

What the DNC claims

After learning of the hacking, the DNC commissioned a forensic analysis by IT firm CrowdStrike, which confirmed hacking by two Russian state-sponsored entities.

The entities were codenamed “[Cozy Bear](#)” and “[Fancy Bear](#)”. The latter was an agent of GRU.

The [analysis found that user credentials](#) were used to access information that was then posted online by the GRU operative. Hackers also accessed phone calls and voicemail.

The DNC claims the motivations for the conspiracy were twofold. First, [Putin’s intense dislike of Clinton](#), stemming from his belief that she was behind massive protests in Russia in December 2011. Putin is quoted in the [complaint](#), accusing Clinton of setting “the tone for some of our actors in the country”.

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Second, Trump's admiration of Putin made him valuable to Russia.

The DNC claims these two motivations provided the "common purpose" for the conspiracy. They [argue Assange was part of the conspiracy](#) because of his long [history of conflict with Clinton](#)

Lessons for Australia

This case provides the most detailed view of Russia's tactics in election manipulation – providing a roadmap for other countries where it might try similar methods.

Australia may be [vulnerable](#) because of [tensions with Russia](#) and [North Korea](#) in recent times. With a federal election on the horizon, it would be sensible for Australian political parties to upgrade their cyber security and protect IT equipment in close consultation with intelligence agencies.

Read more: [Could Russian hacking pose a threat to Australian democracy?](#)

Parties should be wary of approaches by unknown entities with promises of assistance and carefully vet any foreign commercial contacts or deals. They should also assume that sensitive information is likely to be leaked and dirty tricks against the opposition could backfire. Individual politicians should be careful not to become pawns of foreign governments.

Finally, Australian political operatives should carefully scrutinise social media information trends for manipulation and invest in human monitors, and of course, report anything suspicious immediately to law enforcement.

Sandeep Gopalan does not work for, consult, own shares in or receive funding from any

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company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.

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