



Russians Indicted for Online Election Trolling

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The Department of Justice (DOJ) [announced](#) the grand jury [indictment](#) of three Russian companies and thirteen Russian nationals on February 16, 2018. The indictment alleges that the defendants took part in a multi-layered, multi-million dollar scheme to surreptitiously participate in the most recent presidential election. The defendants are charged with aggravated identity theft, conspiracy to commit mail and bank fraud and with conspiracy to defraud the U.S. government. The indictment asserts that the purpose of the enterprise was to obstruct “the lawful governmental functions of the United States by dishonest means in order to enable the Defendants to interfere with U.S. political and electoral processes, including the 2016 U.S. presidential election.”

One of the companies and four of the individual defendants are [charged](#) specifically with six counts of [aggravated identity theft](#). The crime involves unlawfully possessing, using, or transferring the identity of someone else in connection with the commission of one of a series of other offenses, such as wire or bank fraud. The offense is punishable by imprisonment for a mandatory two years (five years if the predicate offense is a federal crime of terrorism). The [indictment lists](#) six instances in which a victim’s social security number and/or date of birth were used in conjunction with acts of wire and bank fraud to open bank accounts or secure credit cards.

One of the companies and two of the Russian nationals are [charged](#) with conspiracy to commit wire fraud and bank fraud. [Wire fraud](#) is a scheme to defraud another of property using some form of interstate or foreign wire communications such as the Internet. [Bank fraud](#) is a scheme to defraud a bank. [Conspiracy](#) to commit wire or bank fraud is the agreement of two or more persons to commit the offenses. When a bank is victimized, wire fraud, bank fraud, or conspiracy to commit either offense is punishable by imprisonment for not more than 30 years and a fine of not more than \$1 million. The defendants charged under this count are alleged to have used stolen identities to establish accounts and secure credit cards in order to fund participation in the U.S. presidential election campaign.

The [indictment](#) also [charges](#) each of the three companies and each of the thirteen individual defendants with conspiracy to defraud the U.S. government. The [crime](#) consists of an agreement to impair, obstruct, or defeat the lawful functions of any department of the government provided that one of the conspirators

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commits some overt act in furtherance of the scheme. Conviction carries with it a term of imprisonment of not more than five years and a [fine](#) of not more than \$250,000 (not more than \$500,000 for a company). As part of the plot, three of the Russian nationals stand accused of planning and equipping an intelligence gathering trip to the United States. They allegedly submitted visa applications replete with false statements relating to the purpose of the trip. Two of the defendants purportedly traveled to the U.S. and engaged in political and social activities, posing as Americans. In addition, the indictment accuses each of the defendants with playing a role in the conspiracy that allegedly involved, among other things:

- Creating hundreds of camouflaged social media accounts to voice and solicit views on social, economic, and political issues associated with the campaign;
- Purchasing advertising on online social media sites to advocate for the election or defeat of various candidates;
- Purchasing space on computer servers within the United States in order to set up virtual private networks (VPNs) to facilitate the conspirators' activities within the United States;
- Registering hundreds of email accounts with U.S. providers using false names; some accounts employed URLs suggesting affiliation with a U.S. political party;
- Masquerading online as Americans to proselytize on various election issues among targeted segments of the U.S. electorate;
- Failing to report their campaign activities to the Federal Election Commission (FEC); and
- Failing to register under the [Foreign Agents Registration Act \(FARA\)](#).

In doing so, the indictment [charges](#) that the defendants conspired to impair, obstruct, or defeat the FEC, DOJ and the State Department in the performance of their regulatory and enforcement responsibilities.

The return and announcement of the indictment were presumably for purposes other than the trial of the accused. None of the defendants is currently in the United States. The United States also has no extradition treaty with Russia, and [some observers](#) believe there is little chance that Russia would hand over the defendants for prosecution in the United States, with or without an extradition treaty.

The DOJ press release [notes](#) that “[t]here is no allegation in the indictment that any American was a knowing participant in the alleged unlawful activity.” It ends with the observation that the Special Counsel’s Office, which drafted the indictment returned by the grand jury, is continuing the investigation.
