

Casey Michel

KILL THE MESSENGER

**How Russian and Post-Soviet
Oligarchs Undermine
the First Amendment**

**FREE
RUSSIA**



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Undermine the First Amendment



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Author's Note

The author of this report conducted a series of interviews with journalists and researchers to examine how Russian and post-Soviet oligarchs use a variety of methods to engineer favorable media coverage, thwart critical coverage, or work to push pro-Kremlin messaging in the United States. Out of concerns for threats, legal and otherwise, many of the subjects with whom the author spoke requested anonymity in return for sharing their stories. Some of the details of these interactions have been adjusted to protect sources' identification.

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From the Tretyakov Gallery collection

Tsar Mikhail Feodorovich with his boyars

Introduction

Over the past half-decade I've had the opportunity in my role as a journalist to report on the activities of a, by now, well-known class of Russian billionaires which occupies a place in the public imagination somewhere between boyar and robber baron. They are bankers, industrialists, oil men, gas men, metals and media magnates, philanthropists, and wheeler-dealers. All have properties or assets or business interests outside their country of origin. All also have discernable connections either to the Russian government or to other kleptocratic and undemocratic governments from the former Soviet Union.

I have written about Konstantin Malofeev, the deeply pious investment banker who maintains ties to a consortium of far-right movements in America.¹

I've covered the caterer-turned-disinformation baron Yevgeny Prigozhin and how his Internet Research Agency—now enshrined in the Mueller Report and the stuff of global notoriety—targeted Americans to help sway a U.S. presidential election.²

I've reported on transport king Vladimir Yakunin's alleged corruption and funding operations, and his efforts

1 <https://www.politico.com/magazine/story/2017/02/how-russia-became-a-leader-of-the-worldwide-christian-right-214755>

2 <https://www.washingtonpost.com/news/democracy-post/wp/2017/10/17/how-the-russians-pretended-to-be-texans-and-texans-believed-them/>

to recruit Americans to his cause³ as well as on Hollywood producer Len Blavatnik's unprecedented donations to American political entities, think tanks, and academic institutions.⁴

All of these men (and they're almost always men) are incredibly wealthy, annually making *Forbes'* list tallying eight-figure net worths. Yet all remain outside of the Russian government's official structures. (Yakunin, as detailed below, once served as the Russian Railways chief, though he no longer holds this position.)⁵

All of them maintain conspicuous ties to the Kremlin, if not personally to Vladimir Putin.

All are closely associated with Moscow's broader efforts at upending American democracy.

All of them made their unfathomable wealth while working closely with figures now sanctioned by the U.S. or—in the cases of Malofeev and Yakunin—have ended up sanctioned themselves.⁶

And all of them, despite their protestations, remain what are known colloquially as "oligarchs," the descendants of the original caste of businessmen and officials who took over the economy of post-Soviet Russia, stripped the state of its resources, siphoned public monies into their own bank accounts, and corrupted Russia's transition from totalitarian command economy to market democracy as a matter of course and wild self-enrichment.⁷

Over the past two decades, these oligarchs have become some of the primary faces of Russia's economic transformation under Putin—as well as the key proxies in Moscow's efforts to interfere in elections across the West. From relations with far-right forces in places like France

to high-profile investments in places like the United Kingdom, questions about Russian interference efforts almost always come back to involvement with Russian oligarchs, even when they don't have official roles in the Russian government. As detailed below, those roles have also extended to the U.S., centered especially on efforts to interfere in the 2016 election and cultivate links with numerous American organizations.

"These oligarchs have shown how critical coverage in the U.S. can be threatened and, in some harrowing cases, eliminated outright."

Along the way, as this report will highlight, all these oligarchs have also taken significant steps to subvert First Amendment protections in the process. They have spent decades threatening and harassing journalists to stifle critical coverage or bankroll a range of sympathetic voices to counteract any negative revelations. They've also begun turning increasingly to new tools, such as those offered on a myriad of social media platforms, or attempting to trick American audiences into reading (and promoting) "fake news" sites outright. Taken together, they've shown how critical coverage in the U.S. can be threatened and, in some harrowing cases, eliminated outright.

3 <https://www.thedailybeast.com/clinton-official-james-rubin-pulls-out-of-putin-crony-vladimir-yakunins-vanity-project>

4 <https://www.bellingcat.com/news/2019/10/21/u-s-politicians-cant-stop-taking-len-blavatniks-money/>

5 <https://www.cnbc.com/2015/08/18/putin-confidant-yakunin-to-resign-as-railways-chief.html>

6 <https://www.theglobeandmail.com/politics/article-long-time-putin-confidant-yakunin-among-names-on-ottawas-latest/>

7 <https://www.amazon.com/Oligarchs-Wealth-Power-New-Russia/dp/1610390709>

“Congress Shall Make No Law...”

One of the great benefits of working and living in the United States is, of course, the protections provided by the First Amendment. As it reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.⁸

It is arguably the most important of the 27 constitutional amendments extant, and has served as inspiration globally for basic protection for those critical of the government, religious organizations, and those hoping to peaceably assemble. That’s not to say the First Amendment is airtight, however. Under the John Adams administration, the federal government severely abridged media and speech rights through the passage of the Alien and Sedition Acts.⁹ Likewise, the Woodrow Wilson administration curtailed journalistic rights through wartime censorship regulations.¹⁰

But by and large, the federal government has remained largely hands-off in its efforts to limit the freedoms enumerated within the First Amendment. As a result, America’s civil society—including its media landscape, legacy of protest, and religious plurality—remains one of the most varied, successful, and necessary in the entire world.

As a new decade dawns, though, there has arguably never been a time of greater threats to the First Amendment in modern American history than the current political moment. Starting with Donald Trump, who routinely threatens journalists and rails against so-called “fake news”—a term he popularized—both populist cheerleaders and professional culture warriors have seen fit to transform the Fourth Estate into an American fifth column.¹¹

From elected officials physically assaulting reporters¹² to state-sponsored hacking attempts targeting American journalists,¹³ from illiberal voices trying to incite violent followers to attack critical reporters¹⁴ to Supreme Court justices publicly musing about easing the path toward lawsuits against adversarial journalists¹⁵—the threats are manifold and multiform. Add to this the market realities of modern journalism itself, an industry which has shrunk considerably owing largely to economic pressures and technological innovation, and the business of keeping a democratic electorate informed has never looked more difficult or less rewarding.¹⁶

“Russian and post-Soviet oligarchs have used their vast resources to further stifle or silence those paying attention to their activities and smother the protections enumerated within the First Amendment.”

Russian and post-Soviet oligarchs have certainly cottoned on to this weakness, using their vast resources to further stifle or silence those paying attention to their activities and smother the protections enumerated within the First Amendment.

8 https://www.law.cornell.edu/constitution/first_amendment

9 <https://guides.loc.gov/alien-and-sedition-acts>

10 <https://www.smithsonianmag.com/history/how-woodrow-wilsons-propaganda-machine-changed-american-journalism-180963082/>

11 <https://www.nytimes.com/2019/12/30/business/media/trump-media-2019.html>

12 <https://abcnews.go.com/Politics/happened-republican-greg-gianforte-body-slammed-reporter/story?id=58610691>

13 <https://www.politico.com/story/2017/02/google-hackers-russia-journalists-234859>

14 <https://www.nytimes.com/2019/09/23/opinion/press-freedom-arthur-sulzberger.html>

15 <https://www.nytimes.com/2019/02/19/us/politics/clarence-thomas-first-amendment-libel.html>

16 https://www.cjr.org/local_news/trump-and-trickle-down-press-persecution.php

These efforts, as detailed below, fall into two broad categories. First, they can center on threatening, pressuring, and harassing journalists who may publish critical information. After they get wind of potentially critical coverage in the offing—typically when journalists reach out for comment, as they’re supposed to do—oligarchs will often use incredibly aggressive legal teams and public relations specialists to pressure outlets to avoid publishing the allegations in question. Often, they will include language in their responses pointing to potential legal fallout if the publication goes through with its coverage, relying on publications’ reticence to field costly libel lawsuits to cut out significant chunks of the shutdown stories before they appear. As one journalist estimated below, such concerns about legal blowback don’t necessarily need to kill stories outright, but can lead to upwards of 50 percent of the critical material on the oligarch on the cutting-room floor. Increasingly, the litigiousness is premised on the very use of the term “oligarch” to describe the subject in the first place. Such efforts are relatively recent, or at least largely relegated to the post-Cold War period.

The second category uses First Amendment protections to an oligarch’s own ends by oversaturating the discourse. Examples include funding networks of American commentators (posing as journalists) to push pro-Kremlin rhetoric and narratives in the U.S.; wooing American academics to use their First Amendment protections in order to spin the oligarch’s image and further their efforts; and recruiting Americans to effectively lobby on behalf of the Kremlin without having to register with the Department of Justice as foreign agents. These methods carry on from the Soviet legacy of instrumentalizing American “fellow travelers” to push Moscow-friendly rhetoric.¹⁷

Nearly all of these methods, it’s worth noting, come with the broader purpose of lifting America’s ongoing sanctions regime against Russian figures. Even prior to its invasion of Ukraine, the Kremlin’s sweeping response to the Magnitsky Act,¹⁸ which specifically targets and highlights the malign actors within Russia who are credibly accused of “gross human rights abuses,” indicated just how worried the Russian state is about having its access to Western markets circumscribed. (See Free Russia Foundation’s “Misrule of Law” report for more on the Magnitsky Act and Russia’s retaliation for it.)

17 <https://www.britannica.com/art/fellow-traveler>

18 <https://www.washingtonpost.com/news/the-fix/wp/2017/07/14/the-magnitsky-act-explained/>



Len Blavatnik at a party in Moscow

Letters, Lawsuits and Phone Calls

No figure has bridged the gap between rising as a post-Soviet oligarch and succeeding in American business—and utilizing donations to political parties and non-partisan institutions alike as a means of burnishing his image—as Len Blavatnik.¹⁹ According to those who’ve covered him, Blavatnik prefers to position himself as a U.S. citizen whose financial acumen has allowed him to back charitable causes, from supporting Harvard’s medical program (to the tune of \$200 million)²⁰ to recently donating \$12 million to the Council on Foreign Relations (CFR) to bankroll the group’s internship program.²¹

Since Blavatnik has obtained American citizenship,

he has effectively been immunized from ever being sanctioned by the American government, unlike certain previous business partners in Moscow. However, the provenance of Blavatnik’s wealth, and the business partners he’s accumulated along the way, have raised eyebrows.²²

A *Financial Times* profile of Blavatnik last year listed a string of colleagues and business partners with whom the oligarch has worked over the past few decades: some questionable, some alarming.²³ For instance, one of Blavatnik’s former business associates was Oleg Deripaska, the notorious Russian metals magnate, ally of Russian President Vladimir Putin and erstwhile inves-

19 <https://www.hollywoodreporter.com/features/why-is-warner-music-group-owner-len-blavatnik-russia-probe-1150550>

20 <https://news.harvard.edu/gazette/story/2018/11/a-gift-to-harvard-to-turn-medical-discoveries-into-treatments/>

21 <https://www.motherjones.com/politics/2019/10/council-on-foreign-relations-leonard-blavatnik-russia/>

22 <https://www.hollywoodreporter.com/features/why-is-warner-music-group-owner-len-blavatnik-russia-probe-1150550>

23 <https://www.ft.com/content/c1889f48-871a-11e9-a028-86cea8523dc2>

tor-partner of American lobbyist turned convicted fraudster Paul Manafort. As Quartz wrote about the relationship between Deripaska and Blavatnik, “As recently as April [2018], Blavatnik and Vekselberg’s company Sual Partners owned 26.5% of Rusal, an aluminum giant long owned by yet another Russian of interest to Mueller: Oleg Deripaska.”²⁴

Deripaska was also sanctioned by the U.S for, among other things, “having acted or purported to act for or on behalf of, directly or indirectly, a senior official of the Government of the Russian Federation,” and “allegations that Deripaska bribed a government official, ordered the murder of a businessman, and had links to a Russian organized crime group.”²⁵

Blavatnik also appeared, at least until recently, close to Viktor Vekselberg, a Russian oligarch sanctioned in 2018 for his role in Russia’s “malign activity” in 2016 and afterward.²⁶ Alongside Vekselberg, Blavatnik formed a company called Renova in the early 1990s. The two began amassing assets in Russia’s aluminum industry and, shortly thereafter, oil sector, with investments in an oil producer named TNK.²⁷ The timing just so happened to coincide with the rise of the other gargantuan oligarchic fiefdoms that would come to dominate post-Soviet Russia.

Blavatnik’s estimated wealth increased dramatically, particularly after a 2003 partnership struck between TNK and British hydrocarbon giant BP and a 2012 deal involving Rosneft.²⁸ The moves made Blavatnik and his partners billions.²⁹ From there, he turned his attention to America and Europe. While others like Vekselberg and Deripaska kept the lion’s share of their holdings in Russia, Blavatnik began spending time expanding his empire westward. In 2011, Blavatnik bought Warner Music for some \$3.3 billion.³⁰ This wasn’t just a foothold in a new industry for

Blavatnik, but a chance to schmooze with leading lights of America’s music, film, and television industries. Other investments included luxury hotels and petrochemical companies.³¹

“We regard this as another step in the longstanding effort of Mr. Blavatnik—who, as we explain below, has close ties to the Kremlin and its kleptocratic network—to launder his image in the West.”

Along the way, Blavatnik kept a relatively low profile politically, and made efforts—both personal and financial in nature—to retain friends all across the political spectrum, especially in the U.S. Having gained American citizenship, he has tried to back both Democratic and Republican candidates over the years in spite of the fact that numerous questions remain about the source of much of his wealth.³² As the *Hollywood Reporter* noted in a run-down of all of Blavatnik’s entertainment contacts, the sources of his wealth “aren’t entirely clear.”³³ Over the past year, Blavatnik has continued donating widely across the aisle, according to data from the Federal Election Commission.³⁴

But in the aftermath of Russia’s 2016 interference efforts, new questions began to swirl about Blavatnik’s funding. Not only did the U.S. Treasury Department sanction Vekselberg, Blavatnik’s former partner, but in the af-

24 <https://qz.com/1521847/major-gop-donor-len-blavatnik-had-business-ties-to-a-russian-official/>

25 <https://home.treasury.gov/news/press-releases/sm0338>

26 <https://www.reuters.com/article/us-usa-russia-sanctions-renova/u-s-sanctions-on-vekselberg-have-1-5-2-billion-assets-frozen-sources-idUSKBN1HSOFB>

27 Ibid.

28 <https://www.reuters.com/article/us-rosneft-loan/rosneft-lines-up-financing-for-55-billion-tnk-bp-takeover-idUSBRE8BN0EO20121224>

29 Ibid.

30 <https://www.forbes.com/sites/zackomalleygreenburg/2011/05/06/billionaire-len-blavatnik-buys-warner-music-group-for-3-3-billion/>

31 <https://www.ft.com/content/c1889f48-871a-11e9-a028-86cea8523dc2>

32 <https://abcnews.go.com/Politics/investigators-follow-flow-money-trump-wealthy-donors-russian/story?id=50100024>

33 <https://www.hollywoodreporter.com/features/why-is-warner-music-group-owner-len-blavatnik-russia-probe-1150550>

34 https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=Leonard+Blavatnik

termath of the election Special Counsel Robert Mueller's office reportedly investigated Blavatnik's donations to Trump's inauguration.³⁵ Vekselberg also told the *Financial Times* that he attended Trump's inauguration at a table Blavatnik paid for, although Blavatnik's spokesperson denied this.³⁶

Needless to say, the murkiness surrounding Blavatnik's wealth has not prevented political entities—including GOP House Minority leader Kevin McCarthy and the Democratic Congressional Campaign Committee—from receiving massive donations from the oligarch.³⁷ Nor, unfortunately, has it prevented prestigious organizations such as the CFR from stooping to receive donations from him.³⁸

Indeed, the CFR's 2019 decision to accept a \$12 million donation from Blavatnik helped push the questions about Blavatnik's wealth into the national spotlight. Earlier incidents involving Blavatnik's donations have caused minor controversies, including his donation to the conservative think tank the Hudson Institute in 2018. This contribution resulted in the resignation of Charles Davidson, then overseeing Hudson's Kleptocracy Initiative, which was set up to expose and counter the influence peddling of non-transparent foreigners in America's political establishment.³⁹ Blavatnik's donation to CFR sparked an unprecedented pushback from the leading anti-corruption voices in the U.S. and abroad.⁴⁰

In a series of letters, the dozens and dozens of signatories noted that "Blavatnik's connections to corrupt Putin-supported oligarchs and officials are longstanding and well known." As the signatories wrote:

We are U.S., European and Russian foreign policy experts and anti-corruption activists who are deeply troubled by [CFR's] announcement last week of

a new \$12 million CFR internship program to be named after the donor, Leonid (Len) Blavatnik. We regard this as another step in the longstanding effort of Mr. Blavatnik—who, as we explain below, has close ties to the Kremlin and its kleptocratic network—to launder his image in the West...

It is our considered view that Blavatnik uses his "philanthropy"—funds obtained by and with the consent of the Kremlin, at the expense of the state budget and the Russian people—at leading [W]estern academic and cultural institutions to advance his access to political circles. Such "philanthropic" capital enables the infiltration of the U.S. and U.K. political and economic establishments at the highest levels. It is also a means by which Blavatnik exports Russian kleptocratic practices to the West.⁴¹

The letter's signatories included dozens of the most prominent anti-corruption activists in the U.S. and Ukraine, leading experts on post-Soviet kleptocracy, and former members of the Treasury Department, State Department, and National Security Council. These names included former U.S. Deputy Assistant Secretary of State Evelyn Farkas, former Deputy Assistant Secretary of Defense Michael Carpenter, Russian opposition figure Garry Kasparov, former Assistant Secretary of State David Kramer, and Daria Kaleniuk, the executive director of Ukraine's Anti-Corruption Action Center, among dozens of others.

They also highlighted how Blavatnik has managed to transform himself from a post-Soviet oligarch into a Western business mogul, pocketing a number of successful donations to prestigious institutions along the way—positioning Blavatnik as the ultimate case-study in how post-Soviet oligarchs utilize pressure, threats, and harassment as a means of obtaining the kind of coverage they want, and of preventing the kind of coverage they don't.⁴²

35 <https://abcnews.go.com/Politics/exclusive-special-counsel-probing-donations-foreign-connections-trump/story?id=55054482%5C>

36 <https://www.ft.com/content/c1889f48-871a-11e9-a028-86cea8523dc2>

37 <https://www.bellingcat.com/news/2019/10/21/u-s-politicians-cant-stop-taking-len-blavatniks-money/>

38 <https://nypost.com/2019/10/07/council-on-foreign-relations-faces-backlash-over-12m-len-blavatnik-donation/>

39 <https://www.nytimes.com/2018/12/05/opinion/harvard-russian-oligarch-whitewash.html>

40 <https://www.scribd.com/document/429188556/18-Sept-2019-Letter-to-CFR-on-Blavatnik-Donation-Signatures-Redacted>

41 Ibid. The letter goes into far further detail about how Blavatnik's donations fit within broader patterns of Russian interference efforts, including as "the role of Russian networks in undermining democracy from Eastern Europe to the United States has become plain," adding that "Blavatnik's connections to corrupt Putin-supported oligarchs and officials are longstanding and well known."

42 <https://www.newyorker.com/magazine/2014/01/20/the-billionaires-playlist>

How (Not) to Argue with an Oligarch

For those covering post-Soviet oligarchs in English-language publications, it's clear that writing about these figures is far more difficult than before because of their willingness to dispatch fleets of white-shoe law firms and PR shops to kill or dilute unflattering stories.⁴³ Indeed, there exists a perverse symmetry in how Soviet-born billionaires have managed to stymie investigations into their financial histories and how alleged sexual predators in Hollywood "captured and killed" exposés into their off-camera behavior, a tendency that has been somewhat reversed by the #MeToo movement. If anything, the Blavatniks and Deripaskas have taken a leaf out of the strategic communications playbooks of Harvey Weinstein and Bill Cosby.⁴⁴

"There used to be a bit of a negotiation, and you'd meet with PR advisers, and there would be a dialogue," according Journalist 1, who works at a major publication. "Now what happens is there's silence from the other side, and then you get an apocalyptic seven- or eight-page letter saying, 'You're an idiot, you have written ridiculous, defamatory accusations.' Basically there is no yellow in this media world anymore—it goes straight from green to red."

And in recent years, the strategy has only accelerated. "The strategy is classic hardball," Journalist 1 added. "They hint that they're very rich, while we have limited financial resources and they will just close us down. That doesn't always work, but that does have a chilling effect. It's intimidating, and it's gotten out of control."⁴⁵

The benefits of the strategy are obvious: These oligarchs want more than anything to be able to straddle both the benefits of a relationship with the Kremlin and the offerings of a life in the West. "In a way it's not surprising that they're using and abusing their resources to shut down free reporting," Journalist 1 said. "But the

more profound point is that these oligarchs, they want to play on both squares—they want to be seen as patriots at home, loyal to the regime in Moscow, but they also want to be respected international businessmen who play in the West."⁴⁶

In surveying American journalists' experiences with covering Russian oligarchs, and their machinations in the U.S., one figure stands out: Blavatnik. Much of this, perhaps unsurprisingly, has to do with the fact that he retains American citizenship—giving him that much more impetus and range to distance himself from post-Soviet kleptocratic dictatorships.⁴⁷

"[Blavatnik's PR person] wanted me to justify why I called him an oligarch, but you don't get into a pissing contest with a drunk."

A recent *Financial Times* profile of Blavatnik, who was originally born in the Soviet Union, shone a light on the lengths to which Blavatnik's team will go to avoid having him described as an "oligarch."⁴⁸ As the piece noted, Blavatnik's "head of press relations asks reporters to confirm that Blavatnik will not be referred to as an oligarch in any article before agreeing to arrange potential interviews. Those who do use that word are left to face complaints from his lawyers, who also protest when the fact of his Ukrainian birth is publicized without clarity about his U.S. and UK citizenships."⁴⁹

Discussions with journalists who have covered Blavatnik point to the sole focus Blavatnik's team of lawyers and PR specialists appear to have on making sure he is

43 <https://www.prdaily.com/report-pr-pros-outnumber-journalists-by-a-6-to-1-ratio/>

44 Indeed, as the *Hollywood Reporter* noted, Blavatnik was "in the somewhat antithetical position of investing in prestige films with players who have later become among the most toxic in Hollywood"—including Weinstein. <https://www.hollywoodreporter.com/features/why-is-warner-music-group-owner-len-blavatnik-russia-probe-1150550>

45 Interview with author.

46 Interview with author.

47 <https://www.forbes.com/sites/angelauyeung/2018/10/05/len-blavatnik-philanthropy-2018-forbes-400/>

48 <https://www.ft.com/content/c1889f48-871a-11e9-a028-86cea8523dc2>

49 Ibid.

not described as an “oligarch,” or noting that he was born in the Soviet Union. “The thing that really pushed their buttons was the use of the term ‘oligarch’—they did not like ‘oligarch,’” Journalist 2 said. “They also did not like when we mentioned that he was Ukraine-born. They would say, ‘He’s American, why are you dredging that up?’”⁵⁰

The reasons for such an overwhelming focus on terms and terminology is clear. As Journalist 2 continued:

We certainly noted he had American citizenship. But, of course, he’s Ukraine-born, and the guy’s in business with Deripaska. You don’t get to pretend you’re just an American citizen now doing business with Deripaska. You can’t just say, ‘How dare you.’ They try to do that, but that dog won’t hunt....

They want him to be positioned as this U.S. citizen who is a businessman. ‘Oligarch’ obviously has a connotation at this point, given that some of them are the subject of criminal allegations.⁵¹

Journalist 1 described Team Blavatnik’s preferred alternative to “oligarch” when writing about him. “They said that the only way we could describe him was an ‘American philanthropist,’ and any other description is defamatory. They basically said, ‘If you call him an oligarch, we’ll sue you.’ Essentially they were trying to define what could be written about him preemptively.”⁵² Ultimately, Blavatnik’s efforts to prevent this publication from calling him an “oligarch” failed, and the story, which remains up, refers to Blavatnik directly as an “oligarch.”

Another journalist who has covered Blavatnik, and who also has experience writing about other post-Soviet oligarchs, noted that Blavatnik’s approach was the most aggressive and unremitting of any of the other oligarchs they’ve covered. The journalist recounted a geyser of emails, letters, and phone calls all designed to slow down

the publication’s output and overwhelm and exhaust the publication’s legal team, which then forces the journalist and his editors to account for every point raised in these complaints, however gratuitous or divagating to the story. It’s death by a thousand memos, built upon prior successes.⁵³

“The first time I called Blavatnik an oligarch, his PR guy emailed once an hour,” Journalist 3, who works at a major daily, told Free Russia Foundation. “In the past that probably worked, and my understanding is that at other publications that worked. But the emails literally verged on harassment. He wouldn’t accept that I wasn’t getting into a conversation with him with the meaning of the word ‘oligarch.’” And it wasn’t just the sheer volume of the emails that presented cause for concern. As Journalist 3 added, “The emails from him really were crazy. He would send me an incredibly long email that quotes stories that don’t call Blavatnik an oligarch.”⁵⁴ Billable hours well spent, then. (Numerous journalists who have covered Blavatnik, or other post-Soviet oligarchs, either declined to comment for this report or didn’t respond to Free Russia Foundation’s request for comment.)

The journalist also pointed out that Blavatnik’s team may have had greater success in pressuring other outlets to refrain from calling Blavatnik an “oligarch” because of a broader lack of awareness with what the term “oligarch” actually means, especially in the U.S. “It also has to do with journalists earlier in the news cycle not understanding what an oligarch was,” Journalist 3 said.⁵⁵ Oligarch, said another reporter we queried, is hardly a legal term but rather a socioeconomic designation borne of the Yeltsin and Putin eras. By any measure, Blavatnik fits the dictionary definition of the term.⁵⁶

50 Interview with author.

51 Interview with author.

52 Interview with author.

53 Interview with author.

54 Interview with author.

55 Interview with author.

56 https://www.cjr.org/language_corner/whats-in-an-oligarch.php

This semantic onslaught, however, isn't always a winner. As Journalist 3 continued:

I didn't care. [Blavatnik's PR person] wanted me to justify why I called him an oligarch, but you don't get into a pissing contest with a drunk. I referred him to my editor, and my editor did the same thing ... At a certain point, once we did use the word "oligarch" the next time I had a story ... they realized that they couldn't do anything. But in the past, those threats, those requests not to use that word worked.⁵⁷

For this journalist, the ultimate responsibility for calling Blavatnik an "oligarch" rested on the patience and fortitude of the writer and his outlet. "There's always a herd mentality" when it comes to using descriptors like

"oligarch," Journalist 3 noted. "I do think it's up to individuals."⁵⁸

The tactics, at this point, appear wildly successful. Journalist 4 estimated that the amount of material left on the cutting-room floor—investigative material that the legal teams at these outlets, concerned with potential legal blowback from the oligarchs—ranged as high as 50 percent for specific oligarchs.⁵⁹ Add that to the increased costs of both lawsuit insurance and retaining counsel and, by all appearances, the oligarchs appear to be winning.

Still, just because the tides appeared to have turned in favor of the oligarchs, journalists—as is their nature—are loathe to give up. As one journalist said, "I think they're winning—but I don't think they've won."⁶⁰

57 Interview with author.

58 Interview with author.

59 Interview with author.

60 Interview with author.



Photo courtesy by Kremlin.ru. CC BY 4.0 License

Viktor Vekselberg

The Oligarch's Accomplices

Not all of the harassment of journalists need come directly from the oligarchs themselves, or their legal teams. Those who've helped oligarchs amass their fortunes use the same tools and tactics to pressure, cajole, and threaten the press.⁶¹

In all my years of covering oligarchs, one story sticks out. During 2018, I worked as a journalist with ThinkProgress, a digital publication that has since been shuttered. ThinkProgress was published by (but remained editorially independent from) the Center for American Progress (CAP), an entity run by John Podesta, the former campaign chair for Hillary Clinton's 2016 campaign, whom Russian hackers specifically targeted and hacked during the 2016 campaign.⁶² Charged with covering, analyzing, and investigating the revelations surrounding Russia's 2016 interference efforts, I closely followed the Mueller investigation, chasing every lead concerning the cast of characters I was all too familiar with.

In May of 2018, I noticed that a company called Columbus Nova had secretly funneled some \$500,000 to Donald Trump's longtime (and since jailed) personal attorney, Michael Cohen.⁶³ To be sure, others had secretly funneled Cohen money as well. Columbus Nova, however, was different: the company was listed as a subsidiary of Renova, a company overseen by sanctioned Russian oligarch Viktor Vekselberg.⁶⁴

61 <https://www.bloomberg.com/news/articles/2019-04-27/public-relations-jobs-boom-as-buffett-sees-newspapers-dying>

62 <https://apnews.com/dea73efc01594839957c3c9a6c962b8a/Inside-story:-How-Russians-hacked-the-Democrats'-emails>

63 <https://www.theguardian.com/us-news/2018/may/23/columbus-nova-michael-cohen-viktor-vekselberg-bank>

64 <https://thinkprogress.org/this-is-the-website-the-russian-linked-company-who-paid-michael-cohen-500k-didnt-want-you-to-see-93c5f39eeb66/>

ALL THE OLIGARCH'S MEN

The etymology of the term “oligarchy” is relatively straightforward: The word means, quite literally, “the rule of the few.”⁶⁹ Rather than a democratic republic full of charged debate and wide-ranging policy proposals, an “oligarchy” is instead a closer approximation to what played in the late Soviet period: a small cabal controlling TK percent of the country’s GDP became de facto rulers of various levers of state power, using their political patronage to further enrich themselves.

It should be little surprise, then, that the case studies of modern oligarchies can be found in the post-Soviet space. While countries like North Korea and China can also lay claim to acting as modern oligarchies, the primary examples are Russia, Azerbaijan, and Kazakhstan. These oligarchies are often understood to be simply entrenched dictatorships, holding routine sham elections while smothering any efforts at democratic reform. Yet to keep up appearances, they cultivate or construct foreign networks of reputation launders, lobbyists and agents of influence to ensure Western democracies continue to do business with them and don’t kick up too much of a fuss about their dire human rights records or the erosion of post-Soviet civil and political freedoms. This, perhaps more than anything, is the defining feature of contemporary oligarchy: it cannot succeed at home if it does not influence or court public opinion abroad.

A Russian oligarchy has existed, in effect, since the country first emerged from the ruins of Soviet centralization and was hastily reinvented as a market economy, only where laws regulating the market either didn’t exist or were meaningless. They gained their immense wealth through all manner of thievery, from insider dealing to alleged hiring of outright goon squads, including armed militias. From the scramble for oil-and-gas assets to the so-called “Aluminum Wars,” from media holdings to snapping up the crown jewels of Russia’s post-Soviet industrial assets, there was no major industry untouched by these oligarchs or the corporate raiding, and regular violence, that followed in their wake.⁷⁰

The 1996 election memorably saw then-President Boris Yeltsin cut the notorious “loans-for-shares” with the richest Russian businessmen, designed to make them even richer at the expense of the state, in exchange for their subsidization of his unlikely second term.⁷¹ With Putin’s rise in the early 2000s, a second generation of oligarchs emerged under a new presidency, one enabled by much the same cynical means as that which had extended Yeltsin’s lease on political life. Yet Putin swiftly turned on the very billionaires responsible for engineering his succession from Yeltsin, vowing to crack down on oligarchic corruption. In reality, the former KGB case officer simply offered the new class a choice: become his loyal servants at home and plenipotentiaries abroad, or lose it all.

Oligarchs don’t require official government roles and typically don’t have them. None of those detailed in this report are official members of the government, but have otherwise made hundreds of millions or billions of dollars thanks to their links with the Kremlin, which then instrumentalizes that wealth (and possibly takes a cut of it) to advance its interests. Only one oligarch in this study, Vladimir Yakunin, has maintained a high-ranking position within the Russian government, that of head of the state-owned rail monopoly Russian Railways, although he has since relinquished it. Modern oligarchs don’t even need to live in the country or region of their origin; Lev Blavatnik is an American and UK citizen and resides almost full time in the United States and the United Kingdom, and until recently, Roman Abramovich, the CEO of Evraz and the owner of the Chelsea Football Club, was mainly ensconced in the United Kingdom.

69 <https://dictionary.cambridge.org/us/dictionary/english/oligarch>

70 For further details on the emergence of Russia’s modern oligarchy, see: <https://www.amazon.com/Putins-Kleptocracy-Who-Owns-Russia/dp/1476795207>

71 <https://www.rferl.org/a/1061761.html>

As stated earlier, Vekselberg, one of the wealthiest men in Russia, worked closely with Blavatnik. Vekselberg also has a cozy relationship with Russian propaganda outlets, having attended the 2015 gala celebrating RT, formerly Russia Today, the Kremlin’s foremost English-language propaganda channel, now designated a foreign agent in the U.S.⁶⁵ Vekselberg also maintains “significant interest” in Rusal, a company connected closely to the sanctioned Oleg Deripaska.⁶⁶ More important, Vekselberg remains close to Putin, and served on the board of Rosneft, a Russian oil giant also sanctioned by the U.S. As Mother Jones wrote of Vekselberg:

Vekselberg certainly scored points with Putin with a pet project: his acquisition and repatriation to Russia of Fabergé eggs. In 2013, Vekselberg told an interviewer he had spent more than \$100 million to obtain the eggs, which once were owned by the late Malcolm Forbes. He noted that Putin personally thanked him for this: “I’ve seen the emotion of our president. It’s important to him that a Russian citizen has brought back this important collection.”

Like many Russian oligarchs, Vekselberg has faced accusations of corruption. One lawsuit claimed he used gunmen to gain control of a Siberian oil field. Two senior executives at firms controlled by Vekselberg were imprisoned last year in Russia on charges that they bribed regional officials.⁶⁷

Vekselberg managed to escape sanctions until early 2018, when the U.S. finally identified him as a key figure in the Kremlin’s kleptocracy, after which his business ties, such as those with Columbus Nova, merited new scrutiny.⁶⁸

65 <https://www.nbcnews.com/news/world/guess-who-came-dinner-flynn-putin-n742696>

66 <https://themoscowproject.org/players/viktorvekselberg/>

67 <https://www.motherjones.com/politics/2017/08/a-putin-friendly-oligarchs-top-us-executive-donated-285000-to-trump/>

68 <https://arstechnica.com/gaming/2018/04/after-sanctions-daybreak-games-changes-its-tune-on-its-russian-affiliation/>

Intriguingly, a series of statements, interviews, and previous media reporting indicated that Columbus Nova had purchased an American video game company in 2015—a relationship that that video game company, following the U.S. placing sanctions on Vekselberg in 2018, attempted to deny. But as one piece in Paste Magazine noted, Vekselberg was “the owner” of the video game company. “[Vekselberg] does own it. And the stuff he’s involved in, the oil and the steel and the shady land deals and the [allegations that Renova used militias to seize oil fields from competitors], are involved with [the video game company], too.”⁷²

“Customers haven’t shied from suggesting that [the video game company]—one that spent the past few years saying that it was ultimately owned by a Russian oligarch now sanctioned by the U.S.—could be a handy tool for laundering funds, especially for someone trying to get money out of Russia proper.”

As such, one question remained: Why would Vekselberg and his associates have any interest in purchasing an American video game company? Vekselberg, after all, had no previous commercial interest in video games. In attempting to unpack the purchase—and in attempting to further untangle Vekselberg’s commercial network in the U.S.—I examined the reasons a now-sanctioned Russian oligarch, who made billions on the back of a cozy relationship with the Kremlin, may have in the wildly lucrative video game industry. One theory: money laundering. As I wrote for ThinkProgress:

While there haven’t been any large-scale studies yet on the topic, early research has found that the games [the video game company connected to Columbus Nova] specializes in—massive, sprawling settings, involving large numbers of players and transactions—provides premium avenues for the types of money laundering that authorities would never detect.

[These types of video games] “provide an easy way for criminals to launder money,” security researcher Jean-Loup Richet wrote. “Using the virtual currency systems in these games, criminals in one country can send virtual money to associates in another country. Then, the virtual money can be transferred into real money, with the criminals leaving no trace of evidence authorities could follow back to them.”⁷³

One anti-corruption expert with whom ThinkProgress spoke backed up Richet’s findings, adding that money laundering via video games is significantly cheaper than more traditional means of cleaning dirty money.⁷⁴

The video game company’s customers, taken aback at the revelations of the relationship between the company and Vekselberg, publicly suggested money laundering as a potential theory for Vekselberg’s interest as well. As our piece at ThinkProgress concluded, the video game company’s

customers haven’t shied from suggesting that [the video game company]—one that spent the past few years saying that it was ultimately owned by a Russian oligarch now sanctioned by the U.S.—could be a handy tool for laundering funds, especially for someone trying to get money out of Russia proper. As one user wrote ... laundering money via the types of games [the video game company] provides ‘is not impossible, and in the grand scheme of money laundering is probably logistically much simpler [than] many of the other scheme[s], and it would all look legitimate and be mixed in with a fair amount of actual legitimate consumer transactions.’⁷⁵

All told, the piece stood as an opening foray into

72 <https://www.pastemagazine.com/articles/2015/03/videogames-inc-unraveling-the-corporate-ownership.html>

73 <https://arxiv.org/ftp/arxiv/papers/1310/1310.2368.pdf>

74 <https://web.archive.org/web/20180512013013/https://thinkprogress.org/why-is-video-game-distancing-from-michael-cohen-and-vekselberg-ab24e04f0a82/>

75 <https://massivelyop.com/2018/05/09/daybreak-update-renova-boss-questioned-over-columbus-nova-michael-cohen/>

examining a new, burgeoning world of video games as a conduit for corruption, bribery, and money laundering. Thanks to a lack of research and resources, regulatory oversight of monetary transactions in video games is negligible; despite increased interest in overseeing digital transactions, such as cryptocurrencies, neither the U.S. nor European jurisdictions have identified video games as a priority for combating massive money laundering moving forward. As such, and as with numerous other topics, any efforts to combat money laundering in this space would only come after journalistic coverage, new revelations, and public pressure.

As a journalist, I'd done my due diligence on the piece, ranging from fact-checking to reaching out to all interested parties, including the video game company itself. The original piece even included caveats, such as explicitly stating that there was "no indication any money laundering has taken place within" the company's games.⁷⁶ The piece simply examined the possible phenomenon of money laundering through video games—and the relationship this particular company had with an oligarch now specifically sanctioned by the U.S. for his role in Russia's ongoing interference efforts.

The piece was published on May 10. It immediately received greater blowback than any other piece I'd ever worked on. The video game company in question threatened legal action against ThinkProgress and began pressuring my editor to remove all of the information pertaining to money laundering in video games. And unfortunately, while my editor attempted to resist the demands to change

the article, higher-ups at ThinkProgress and the Center for American Progress eventually caved—due solely to pressure from the video game company.

As such, in the version of the story that now remains live, there is no analysis of the phenomenon of money laundering in video games, nor any discussion about why Vekselberg may be interested in an American video game company, nor any links to what external research exists on money laundering in video games and the digital space. Instead, all of that information was removed. All that remains in its stead is a piece only half the length of the original—with an update appended to the bottom of the piece, reading: "This article has been updated to include a statement from Columbus Nova and to remove a discussion of money laundering."⁷⁷

In this instance, it wasn't the oligarch sitting at the center of a web of a journalistic investigation who got a story heavily revised after the fact. It was a company he was shown to have been involved in, which pursued much the same methods oligarchs have at their disposal to dispense with critical coverage of their activities: by hounding the outlet into submission. In this case, a story simply asking why a now-sanctioned Russian billionaire with no prior interest in video games might suddenly expand his portfolio in this way; a story that did not accuse either Vekselberg or Columbus Nova of any crime. In all my years of working as a journalist on oligarchs, this the only article that was, in effect, re-edited by a corporate legal team, after it had been published.

Trolls, Imposters, and Fake News

Over the past few years, oligarchs have embarked on a new frontier of controlling or managing the discourse about themselves: social media.

The most obvious case of such a phenomenon centers on Yevgeny Prigozhin, known colloquially as "Putin's chef,"⁷⁸ a moniker deriving from his main enterprise in the

catering industry. Yet Prigozhin has branched out from the culinary arts in recent years. Today he is internationally recognized as the financier of the Russian mercenary corps known as the Wagner Group, which operates as a plausibly deniable arm of the Russian military—if not Russian military intelligence—in conflict zones around the world, from Syria to Central African Republic to Ven-

76 <https://web.archive.org/web/20180512013013/https://thinkprogress.org/why-is-video-game-distancing-from-michael-cohen-and-vekselberg-ab24e04f0a82/>

77 <https://thinkprogress.org/why-is-video-game-distancing-from-michael-cohen-and-vekselberg-ab24e04f0a82/>

78 <https://www.bbc.com/news/world-europe-50264747>

ezuela. Prigozhin originally gained notoriety in the U.S. for overseeing Russia's 2016 social media interference efforts. Funneled principally through Prigozhin's St. Petersburg-based Internet Research Agency, or "troll farm," imposturing Twitter and Facebook accounts, often promoting conspiracy theories or fabricated "news" stories, played as a still-unquantifiable role in shaping the American political landscape during the 2016 U.S. presidential election. The troll farm also helped with something else: smothering or distracting from actual news coverage of Russia's influence and disinformation operations in the U.S. by taking full advantage of First Amendment protections to flood the online ecosystem with free but compromised speech.

The fake social media accounts enjoyed incredibly wide reach.⁷⁹ More important, they undercut investigative findings on Russian political interference and polluted public debates surrounding American responses and policy prescriptions to countermand that interference. Often this took the time-tested form of ochlocracy, or mob rule. The only difference here was that non-real people, personae created by the hirelings of the troll farm, ganged up to destroy the reputation or credibility of real journalists, by tweeting or retweeting attacks on them or erroneous "debunkings" of their work. "The virtual applause from bots and fake posts threatens the integrity of the public debate by drowning journalistic content and creating a content asymmetry," concluded Reporters Without Borders in an analysis of online harassment of journalists.⁸⁰

These online trolls also created fraudulent "news" sites themselves, aimed at American audiences. These sites included "BlackMattersUS," which, replicating the genuine grassroots racial justice movement, described itself as a "nonprofit news outlet" inaugurated to reflect "the changes in American society that equal to 'Civil Rights Movement.'"⁸¹ Prigozhin-financed trolls also created online accounts dedicated to these fraudulent "news" sites to amplify the latter's reach, using platforms such as Tumblr, YouTube, and even podcasting media to do so.

Simultaneously, Prigozhin's online operators created forgeries of actual American news outlets, or persuasive knockoffs of the real things. In a rundown of these accounts, NPR noted that Prigozhin's team "sought to take advantage of the greater trust that Americans tend to place in local news." @ElPasoTopNews, @MilwaukeeVoice, @CamdenCityNews and @Seattle_Post portrayed themselves as American media sources when they were inventions of whoever was on shift in St. Petersburg.⁸²

As NPR noted:

"A not-insignificant amount of those had some sort of variation on what appeared to be a homegrown local news site," said Bret Schafer, a social media analyst for the Alliance for Securing Democracy, which tracks Russian influence operations and first noticed this trend.

Another example: The Internet Research Agency created an account that looks like it is the Chicago Daily News. That newspaper shuttered in 1978.

Another twist: These accounts apparently never spread misinformation. In fact, they posted real local news, serving as sleeper accounts building trust and readership for some future, unforeseen effort.

"They set them up for a reason. And if at any given moment, they wanted to operationalize this network of what seemed to be local American news handles, they can significantly influence the narrative on a breaking news story," Schafer told NPR. "But now instead of just showing up online and flooding it with news sites, they have these accounts with two years of credible history."⁸³

In simultaneously harassing American journalists, drowning out their coverage, and then proceeding to pose as American journalists themselves, those affiliated with Prigozhin's network illustrated the remarkable flexibility with which Russian oligarchs can manipulate constitutional safeguards in an open society to their own nefarious ends.

79 <https://www.thedailybeast.com/exclusive-russia-activated-twitter-sleeper-cells-for-election-day-blitz>

80 https://rsf.org/sites/default/files/rsf_report_on_online_harassment.pdf

81 <https://slate.com/technology/2017/11/a-fake-website-made-by-russian-trolls-is-still-running-and-still-co-opting-black-organizers-events.html>; <https://thinkprogress.org/black-matters-us-site-90625b18f262/>

82 <https://www.npr.org/2018/07/12/628085238/russian-influence-campaign-sought-to-exploit-americans-trust-in-local-news>

83 <https://www.npr.org/2018/07/12/628085238/russian-influence-campaign-sought-to-exploit-americans-trust-in-local-news>



Oleg Deripaska

Lies, Libels, and Lawsuits

When pressure from PR specialists, harassment from social media bots, and demands about certain coverage don't work, Russian oligarchs have opted for perhaps the ultimate threat they pose against American journalists: filing a lawsuit claiming defamation and libel, and turning to the courts to bleed the publications and journalists dry.

While First Amendment protections present a higher barrier to successful suits against American journalists than, say, their British counterparts (see Sidebar No. 2), they have not eliminated the threat entirely. And while suits against American journalists and publications for coverage pertaining to post-Soviet oligarchs hasn't yet become commonplace, that may be changing—especially as revelations about Russian oligarchs' relationship with the Kremlin, and their assorted roles in American election interference, grow in prominence in the U.S.

An encapsulation of the rising willingness for these

Russian oligarchs to lob lawsuits against American journalists came in 2017, as the first revelations on the 2016 Trump campaign's relationship with assorted post-Soviet figures began rolling out. In March 2017, the AP's Jeff Horowitz and Chad Day published a bombshell report revealing that Paul Manafort, Trump's 2016 campaign chair, had, as the headline read, "worked to aid Putin."⁸⁴ The key link between Manafort and the pro-Putin efforts: Oleg Deripaska, the aforementioned Russian oligarch linked to both Vekselberg and Blavatnik.

84 <https://apnews.com/122ae0b5848345faa88108a03de40c5a>

DEFENSE AND DEFAMATION

For decades, the U.S. has provided among the strongest free speech protections for journalists in the world, creating a thick burden-of-proof shield for ordinary citizens and writers alike who might otherwise face wanton suits for libel and defamation for simply offering their unvarnished opinions on public figures. While this hasn't stopped powerful forces from filing frivolous yet costly litigation against journalists and news outlets, it has nonetheless presented an exceptionally high threshold against allowing such litigation to make it defendants' motions to dismiss and onto full adjudication.

As the Supreme Court has found in the past, public figures suing journalists and outlets for defamation or libel—that is, material “injurious to the reputation of another”⁸⁵—must prove not only that the material in question is false, but that it was printed or broadcast with actual malice intended. This high bar has allowed America's First Amendment protections to provide broad cover for modern journalists. To take one revealing metric, it has been nearly six decades since anyone filed a successful libel suit against the *New York Times*.⁸⁶

The libel protections in the U.S. stand in stark contrast to those provided in the United Kingdom, which present a significantly lower threshold to successful plaintiffs. Indeed, the threshold for a successful lawsuit remains so low in the UK that the country has effectively become the capital of so-called “libel tourism,” wherein plaintiffs bring a suit against an outlet or journalist in the UK, even when there is no clear connection to the UK.⁸⁷

There is one key distinction between the American and British systems, as NPR summarized a few years ago: “In American courts, the burden of proof rests with the person who brings a claim of libel. In British courts, the author or journalist has the burden of proof, and typically loses.”⁸⁸ These chilling effects in the UK lead to rampant self-censorship, as seen most obviously in Cambridge University Press's 2014 decision to pull out of publishing the late Karen Dawisha's book *Putin's Kleptocracy*, out of fear of libel suits. (The book was eventually published out of the U.S. by Simon & Schuster.)

Still, such protections in the U.S. remain under threat from forces domestic and foreign alike. Frivolous suits still cost money, even if and when the publications win the court battle. Likewise, as one journalist told me, oligarchs can threaten to file suits in other jurisdictions, even if the material was published by an American publication. “One of these things they do is mention that [our publication] has offices elsewhere,” the journalist said. “They basically point out that they could sue us in London without saying it in those words—implying we wouldn't have First Amendment protections.”

And the costs are piling up. As a 2016 poll from the Knight Foundation found some 53 percent of editors agreed that “news organizations are no longer prepared to go to court to preserve First Amendment freedoms.”⁸⁹ As the *Columbia Journalism Review* wrote in 2018:

Fortunately libel law, overall, is in good shape—and is protective of speech, particularly on matters of public concern.... What is cause for concern, though, are the baseless threats and the filing of so many high-profile flimsy suits. They can chill speech on public issues.⁹⁰

And that, for many of those behind the lawsuits targeting American journalists, is precisely the goal. Even if they lose the case, it will likely cost the outlet precious funds, and set a precedent other outlets will take note of moving forward. That is to say, even if those filing the lawsuits ultimately lose, those filing the suits—such as some of the oligarchs in this report—still win.

85 <https://www.mtsu.edu/first-amendment/article/997/libel-and-slander>

86 https://www.cjr.org/united_states_project/joe-arpaio-nytimes.php

87 <https://www.nytimes.com/2008/01/20/technology/20iht-libel21.1.9346664.html>

88 <https://www.npr.org/sections/parallels/2015/03/21/394273902/on-libel-and-the-law-u-s-and-u-k-go-separate-ways>

89 https://www.cjr.org/united_states_project/knight_survey_editors_first_amendment.php

90 https://www.cjr.org/united_states_project/joe-arpaio-nytimes.php

The AP's story was relatively straightforward. As the reporters wrote:

Manafort proposed in a confidential strategy plan as early as June 2005 that he would influence politics, business dealings and news coverage inside the United States, Europe and former Soviet republics to benefit President Vladimir Putin's government, even as U.S.-Russia relations under Republican President George W. Bush grew worse.

Manafort pitched the plans to aluminum magnate Oleg Deripaska, a close Putin ally with whom Manafort eventually signed a \$10 million annual contract beginning in 2006, according to interviews with several people familiar with payments to Manafort and business records obtained by the AP. Manafort and Deripaska maintained a business relationship until at least 2009, according to one person familiar with the work. “We are now of the belief that this model can greatly benefit the Putin Government if employed at the correct levels with the appropriate commitment to success,” Manafort wrote in the 2005 memo to Deripaska. The effort, Manafort wrote, “will be offering a great service that can re-focus, both internally and externally, the policies of the Putin government.”⁹¹

The piece went on to detail how Deripaska “became one of Russia's wealthiest men under Putin,” noting that U.S. diplomatic cables referred to him as “among the 2-3 oligarchs Putin turns to on a regular basis.” It also detailed Manafort's years-long relationship with Deripaska, which included memos authored by Manafort that proposed building “long term relationships” with Western journalists, as well as “a variety of measures to improve recruitment, communications and financial planning by pro-Russian parties in the region,” the AP noted. All told, Horowitz and Day wrote, “The newly obtained business records link Manafort more directly to Putin's interests in the region. According to those records and people with direct knowledge of Manafort's work for Deripaska, Manafort made plans to open an office in Moscow, and at least some of his work in Ukraine was directed by Deripaska, not local political interests there.”⁹²

91 *Ibid.*

92 *Ibid.* CASEY MICHEL: KILL THE MESSENGER

The story helped accelerate investigations into Manafort's overseas work, especially in the post-Soviet space, which eventually helped land Manafort in prison on a number of lobbying and tax evasion charges. Deripaska, however, protested the coverage—so much so that he opted to file a lawsuit in the U.S. District Court for the District of Columbia against the AP for its coverage.⁹³

The lawsuit, filed in May 2017, presented a notable expansion of Russian oligarchs' previous pressure campaigns against American journalists. Where others, like Blavatnik, had been satisfied with simply siccing public relations specialists against American journalists, Deripaska hired the white-collar law firm of Boies Schiller to claim he had been defamed by the AP.⁹⁴

Deripaska's 12-page lawsuit claimed that the AP had libeled Deripaska, with the outlet acting "with actual malice in publishing" the article, especially as it pertained to Deripaska's relationship with both Putin and Manafort. Deripaska's lawsuit claimed that the AP knew certain statements in the article were "false, or at minimum entertained doubts about the truth of the defamatory statements contained in the article." The piece, per Deripaska's lawsuit, was "structured to imply falsely that Mr. Deripaska's commercial dealings from the period between 2005 and 2009 were somehow related to alleged criminal conduct and improprieties related to the campaign of then-presidential candidate Donald J. Trump and the 2016 U.S. Presidential election." All told, the AP's coverage contained a "dubious chimera of accusations," and was published "with reckless disregard," causing Deripaska "special harm, because his business interests have suffered a loss of good will value and other pecuniary loss."

The intent of the lawsuit was clear. It didn't include any allegations of factual inaccuracies, or actual claims of malicious intent on the part of the AP. Rather, the lawsuit came with one obvious goal: chilling any future reportage of Deripaska and his colleagues, or even Manafort's work abroad.

Thankfully, the presiding judge saw through the lawsuit's intent. That October, U.S. District Court Judge Ellen Huvelle dismissed the case outright.⁹⁵ In her ruling, Huvelle found that Deripaska's claims had no standing—and that they were completely undercut by previous revelations about Deripaska's close relationship with Putin.⁹⁶

"There can be no doubt a public controversy exists relating to Russian oligarchs acting on behalf of the Russian government."

As Huvelle wrote:

Deripaska is no stranger to news coverage related to his role as a Russian oligarch and one of Putin's closest confidantes. The Court notes that Deripaska does not dispute any material facts presented in the AP's discussion of the factual background as it relates to Deripaska's biography and his role in advancing Russian interests internationally. Given this concession and the many articles cited that reference Deripaska on this topic, there can be no doubt a public controversy exists relating to Russian oligarchs acting on behalf of the Russian government.⁹⁷

Deripaska's lawsuit, per Huvelle, had purposely misconstrued the AP's coverage, making it seem far more defamatory than it actually was. "Deripaska has cherry-picked sentences and strung them together to give the AP's article an effect it does not have when read in full," Huvelle noted. In reality the AP, according to the ruling, clearly acted with neither malice nor "reckless disregard" in its coverage of Manafort relationship. All of the article's coverage was newsworthy, and clearly in the public interest.

93 <https://www.scribd.com/document/443756125/Deripaska-Lawsuit>

94 <https://www.politico.com/blogs/under-the-radar/2017/05/15/russian-oligarch-deripaska-manafort-238419>

95 <https://www.politico.com/story/2017/10/17/russia-libel-suit-manafort-243892>

96 <https://www.scribd.com/document/443756225/Deripaska-Ruling>

97 Ibid.

Huvelle continued:

Deripaska makes an accusation that does not come close to plausibly alleging that the AP acted with actual malice or reckless disregard for the facts when it published the article in question.... Even if more information had been included about Deripaska's business interests in Ukraine, it would not have undermined the conclusion that he was also engaged in advancing Russian interests more broadly, because, as the AP persuasively points out, "the two are not mutually exclusive."⁹⁸

Huvelle dismissed the case. The suit itself was eventually dropped shortly thereafter.⁹⁹ (A few months later, Deripaska opted for a different tactic in trying to subvert the First Amendment, as illustrated below.) And ultimately, Deripaska's efforts were to little avail. Not only does the AP's coverage of Deripaska still stand, but in 2018 the U.S. formally sanctioned Deripaska, citing allegations of bribery, his relationship with the Kremlin, and his role in Moscow's invasion of Ukraine.¹⁰⁰

All told, Deripaska's attempts to threaten American journalists against investigating his role in Russia's broader political subversion efforts appears, at least for the time being, to have stalled. But just because he didn't win the lawsuit doesn't mean he failed. Simply by filing the lawsuit, Deripaska illustrated the lengths to which post-Soviet oligarchs will go to stifle critical coverage in the U.S. Even though the judge ultimately ruled against him, Deripaska illustrated one of the most potentially damaging tools at Russian oligarchs' disposal: filing costly lawsuits against American journalists and outlets.

Nor has his crusade ended. In October 2019, a Russian arbitration court found in favor of Deripaska in a separate lawsuit against critical American journalists.¹⁰¹ Deripaska's attempts to turn it against critical American journalists has clearly not ended—possibly setting a further precedent for other oligarchs to follow moving forward. Indeed, a number of wealthy Russian oligarchs likewise filed suit in the U.S. in 2018, alleging defamation

by British intelligence agent Christopher Steele, author of the infamous Steele Dossier, as well as BuzzFeed, which published the dossier. That suit was thrown out by the presiding American judge.¹⁰²

Nor has Deripaska given up on trying to polish his reputation in the American media. Shortly after his failed libel suit against the AP, he opted for a more direct method of trying to convince Americans he meant them no harm: he published an op-ed.

In the digital pages of the right-wing Daily Caller outlet, the controversial metals magnate suggested that American society was in thrall to a "shadow power exercised by a small number of individuals from media, business, government and the intelligence community, foisting provocative and cynically false manipulations on the public."¹⁰³ Moreover, the by-now well-documented and prosecuted case against the Russian government's interference in the 2016 U.S. presidential election was the crass invention of the "Deep State," a term much in circulation among the pro-Trump right (and the not exactly anti-Trump left) equating the U.S. intelligence and federal law enforcement services with the sort of native putschists who occasionally overthrow the governments of Turkey and Pakistan. George Soros, Deripaska inevitably added, was part of this grand American conspiracy.

While there's nothing wrong in letting a dubious foreign national publish in the comment section of an American outlet (one thinks of Putin or Muammar Gaddafi's past bylines in the *New York Times*), Deripaska's Daily Caller intervention was couched by the publication as that of the founder of "a large Russian aluminum company ... the world's leading producer of aluminum using clean, renewable hydropower." Well, that's one way to put it. Nothing about his ties to Manafort, a central and serially indicted figure in what was then the ongoing Mueller probe, or to the fact that this environmentally conscious aluminum manufacturer had been barred from entering U.S. soil owing to years of alleged connections to Russian organized crime.

98 Ibid.

99 <https://www.politico.com/blogs/under-the-radar/2017/12/06/oleg-deripaska-libel-suit-associated-press-283767>

100 <https://home.treasury.gov/news/press-releases/sm0338>

101 <https://meduza.io/en/news/2019/10/25/russian-oligarch-wins-slander-suit-against-the-times-the-daily-telegraph-and-the-nation-with-all-defendants-absent>

102 <https://www.buzzfeednews.com/article/chrisgeidner/dc-judge-dismisses-russian-bankers-lawsuit-against-the>

103 <https://dailycaller.com/2018/03/08/the-ever-changing-russia-narrative-in-american-politics-is-cynically-false-public-manipulation/>



Photo courtesy by <https://www.flickr.com/photos/148111111/>. CC BY 4.0 License

Vladimir Yakunin

Co-opting Americans

Chivvying, attacking, or impersonating American journalists are not the only tools in the oligarch's kit. Co-optation is yet another tried-and-true method: oligarchs have also seconded American commentators to stand in as arms-length spokespeople or mouthpieces. Oleg Deripaska, for example, even turned directly to American outlets themselves to whitewash his image as a last-resort effort to stave off U.S. sanctions, and muddy the waters about his own alleged role in interfering with a U.S. election.

Few post-Soviet oligarchs embody the marriage of proximity to the Kremlin with illicit finance as well as Vladimir Yakunin. The rail magnate's fantastic wealth derives directly from his long-standing personal intimacy with Vladimir Putin, a relationship that began when Yakunin joined Putin, then deputy mayor of St. Petersburg, in the

1990s to co-found the Ozero Dacha Cooperative, often thought of as incubator for the kleptocratic cabal that would eventually take over the Kremlin.¹⁰⁴ The relationship has paid dividends and then some. *Forbes* has estimated that the wealth tied to Yakunin—a man whom *The Economist* identified as a former KGB general¹⁰⁵—is now in the billions.¹⁰⁶

Recent investigations have connected his wealth to a global network of shell companies. Reuters, for instance, found in 2014 that Russian Railways, with Yakunin as its head, had "paid billions of dollars to private contractors that disguise their ultimate owners and have little or no presence at their registered headquarters."¹⁰⁷ As the investigation found, "Russian Railways' operating costs more than tripled during Yakunin's decade at the helm, while the size of its rail network increased just 1.2 percent."¹⁰⁸

104 <http://www.simonandschuster.com/books/Putins-Kleptocracy/Karen-Dawisha/9781476795195>

105 <https://www.economist.com/blogs/easternapproaches/2013/07/russian-politics>

106 <https://thinkprogress.org/why-are-these-american-academics-helping-a-sanctioned-russian-oligarch-1d1fa57c98e1/>

107 <https://www.reuters.com/investigates/special-report/comrade-capitalism-hidden-tracks/>

108 <https://qz.com/1037549/how-the-family-of-vladimir-putins-us-sanctioned-ally-uses-british-companies-to-burnish-its-reputation/>

Alexei Navalny, an opposition figure and anti-corruption activist, wrote that Yakunin's family had "built a huge business empire" through "corruption and mismanagement," accruing a network of wealth "worth billions of dollars."¹⁰⁹ "In all other countries, the railways are used for movement, but we use them for stealing," Navalny added.¹¹⁰ Yakunin has denied allegations of corruption, but has been directly sanctioned by the U.S., Canada, Norway, and Australia—although not yet the European Union.¹¹¹ Per the U.S., Yakunin was sanctioned immediately following Russia's invasion of Ukraine "because of his official position in the Russian government, but he is also a close confidant of Putin."¹¹²

All things considered, Yakunin stands as one of the premier examples of how oligarchs have profited from Putin's leadership, via corruption and connections. But Yakunin has not followed some of his compatriots in purchasing football clubs or mega-yachts. Instead, he has become the embodiment of a different form of Russian power projection as the self-appointed curator of his own peculiar brain trust.

"Rather than identifying himself as a former KGB general accused with a dodgy financial past, Yakunin instead spins himself as a 'philanthropist' interested in 'civilizational' issues."

In the West, rather than identifying himself as a former KGB general accused with a dodgy financial past, Yakunin instead spins himself as a "philanthropist" interested in "civilizational" issues. As the Free Russia Foundation's Anton Shekhovtsov, an expert on the links between Russia and the Western far-right, has observed, Yakunin often pushes a notion of a "multipolar world," which is "a Russian politically correct euphemism for anti-Americanism." Yakunin was the subject of an extensive investigation in 2017, which examined how the Russian oligarch had used PR companies to spin a new image of himself for Western audiences.¹¹³

One of Yakunin's foremost projects, as the Free Russia Foundation has noted in the past, is the founding and bankrolling of the Dialogue of Civilizations, a network of so-called think tanks based in Europe.¹¹⁴ The Dialogue of Civilizations think tank "promotes the idea of Russia's 'special way' in politics and the notion that Russia and the Putin regime are entitled to special treatment [in] the international arena," wrote Olga Shorina in a recent Free Russia Foundation report.¹¹⁵

The Dialogue of Civilizations claims to be independently funded, but media in Germany reported that Yakunin planned to give tens of millions of dollars to the Dialogue of Civilizations to help fund its operations.¹¹⁶ Added Shorina, "Yakunin reportedly has invested \$28 million of his personal wealth in the think tank over five years, but the organization has no official record of its income and expenses."¹¹⁷ According to Deutsche Welle, the other "most important donor" is a Russian national named Ruben Vardanyan.¹¹⁸ Vardanyan—who sits on the Dialogue of Civilizations Endowment Fund's board alongside Yakunin and Yakunin's wife¹¹⁹—was revealed in 2019 as part of the so-called Russian Troika Laundromat,

109 <https://navalny-en.livejournal.com/93479.html>

110 https://books.google.pt/books?id=9s2NCgAAQBAJ&pg=PA99&lpq=PA99&dq=%22In+all+other+countries,+the+railways+are+used+for+movement,+but+we+use+them+for+stealing%22&source=bl&ots=iurbgQugln&sig=ACfU3U1B5LMDNrzzk1ozEtnp24H5TIZ8g&hl=en&ppis=_c&sa=X&redir_esc=y#v=onepage&f=false

111 <https://www.dw.com/en/sanctioned-putin-ally-vladimir-yakunin-granted-german-visa/a-45162025>

112 <https://www.treasury.gov/press-center/press-releases/Pages/jl23331.aspx>

113 <https://www.amazon.com/Russia-Western-Far-Right-Routledge/dp/1138658642>

114 <https://thinkprogress.org/why-are-these-american-academics-helping-a-sanctioned-russian-oligarch-1d1fa57c98e1/>

115 <https://www.4freerussia.org/ngos-as-a-tool-for-russias-projection-of-influence/>

116 Ibid.

117 Ibid.

118 <https://www.dw.com/en/what-you-need-to-know-about-a-putin-supporters-think-tank-in-berlin/a-45548703>

119 <http://dofc-foundation.org/2015/08/13/ruben-var-danyan-joins-the-board-of-the-endowment-for-the-world-public-forum-dialogue-of-civilizations/>

which, according to the Organized Crime and Corruption Reporting Project, “shuffled billions of dollars through off-shore companies... [supplying] cash to Russian President Vladimir Putin’s friends and powerful oligarchs, and [enabling] criminals to mask the illicit origins of their cash.”¹²⁰

Recently, representatives from the Dialogue of Civilizations told me that they were considering opening a chapter in New York, presenting an opportunity not only for the Kremlin to inject its talking points that much further into American audiences, but threatening to use First Amendment protections in the process to do so.

Jean-Christophe Bas, the current CEO of Yakunin’s think tank, said that he’s considering opening a “liaison office” in New York.¹²¹ The office “would be liaising with the United Nations,” as well as with international groups like the International Monetary Fund (IMF), Bas said. “My objective is to make this organization truly global ... I think in a way we can easily operate in many parts of the world,” Bas said. “What has to be put to the credit of Dr. Yakunin, and it’s not really the easiest or most comfortable way to do it, is that he’s made this initiative to create this organization, to engage and reach out.”¹²²

Yakunin’s Dialogue of Civilizations has also gone out of its way to inject itself and Yakunin’s messaging into American academia, enlisting the efforts of numerous American professors to join the project, attend its annual conference in Greece, and of course whitewash Yakunin’s reputation for Western audiences.

The academics involved in Yakunin’s efforts—who either sit as members of the board, or have officially joined the Dialogue of Civilizations as “experts”—include those from Ivy League schools such as Columbia and Princeton, and extend to lesser-known institutions, such as Grand Valley State University or Wilmington College. (One of the academics affiliated with Yakunin’s group is Cynthia McKinney, the Green Party’s 2008 presidential candidate and a prominent conspiracy theorist on everything

from 9/11 to “PizzaGate,”¹²³ a fact which further highlights the lengths with which pro-Kremlin figures have cultivated fringe politicians.)¹²⁴

Almost all of the American academics involved in Yakunin’s project have all claimed ignorance that Yakunin was sanctioned by the U.S. and others. (Many of them, like McKinney, have also coincidentally spouted ludicrous conspiracy theories.) “I didn’t know that Yakunin is sanctioned,” Richard Falk, a professor emeritus at Princeton and a member of *The Nation*’s editorial board, said. Peimin Ni, a professor at Grand Valley State University and member of DOC-RI’s program council, said he’d “never heard confirmation about the sanction. I heard about it. So it’s true, right?”¹²⁵ Only one, Duke’s Walter Mignolo, admitted knowledge that Yakunin had been sanctioned by the U.S. but said that he didn’t “take things at face value.”¹²⁶

These academics were all willing to lend themselves, and their institutions’ reputations, to defending Yakunin’s expressly anti-Western geopolitical philosophy, which is inextricable from his role as an agent of the Russian government, complete with Chekist pedigree. “I’ve talked to [Yakunin] quite a few times—he seemed quite sincere about the stuff that he seems to genuinely care about, [like] social justice,” Steve Szeghi, one of the professors used by Yakunin, said. “He’s a critic of the neoliberal trade model, [the] Washington Consensus, as I have been throughout most of my economics career.”¹²⁷ Added Ni, “The thing that [Yakunin] was doing at this institute and the forum was to promote the dialogue of civilizations, and that’s something that we think itself is not wrong, something that is very much needed.”¹²⁸ (A number of prominent European politicians have also joined Yakunin’s efforts, including former Czech President Vaclav Klaus and former Austrian Chancellor Alfred Gusenbauer—the latter of whom is closely connected to a number of other reputation-laundering schemes, including those led by former Kazakhstani dictator Nursultan Nazarbayev¹²⁹ and dis-

120 <https://www.occrp.org/en/troikalaundromat/vast-offshore-network-moved-billions-with-help-from-major-russian-bank>

121 <https://thinkprogress.org/vladimir-yakunin-sanctioned-russian-oligarchs-think-tank-might-expand-to-the-u-s-c2b95d6c2de0/>

122 Ibid.

123 <https://twitter.com/cynthiamckinney/status/827785536995807232>

124 <https://thinkprogress.org/why-are-these-american-academics-helping-a-sanctioned-russian-oligarch-1d1fa57c98e1/>

125 Ibid.

126 Ibid.

127 Ibid.

128 Ibid.

129 <https://www.spiegel.de/international/europe/european-social-democrats-lobby-for-kazakhstan-autocrat-a-888428.html>

graced American lobbyist Paul Manafort.¹³⁰

Yakunin has even attempted to rope in former American officials to his own ends. In 2019, the Dialogue of Civilizations announced that Jamie Rubin, a former spokesperson for American Secretary of State Madeleine Albright, would keynote the group's annual conference. The incident provided insight into how Yakunin's group recruits American voices to push Yakunin's messaging. As Rubin later revealed, he had accepted the keynote position through his speakers bureau and revealed that he was never informed, until he spoke with a journalist, that Yakunin had been sanctioned by the U.S. He subsequently pulled out of the event.¹³¹ "Although I intended to speak my mind at the [conference], including strong criticism of Russia's foreign policy steps that continue to undermine the international order, I certainly did not want to appear

to give legitimacy to any of the individuals who have supported Russia's pernicious policies around the world," Rubin later stated.¹³² (Yakunin's son was also at the center of a notorious 2016 effort to silence journalists in the United Kingdom who published details of a multi-million dollar London home allegedly owned by Yakunin's family.)¹³³

None of the other Americans involved in Yakunin's enterprise have since distanced themselves from it, even after learning that they could potentially be liable under U.S. law if they should receive any monetary or in-kind compensation from a sanctioned foreign national. In this way Yakunin's careful cultivation of American university faculty, waged under the pretext of an international academic discipline, has taken some of the sting out of being someone the U.S. government considers a criminal.

Courting the Christian Lobby

There is an even darker aspect of Yakunin's exploitation of the First Amendment. When he's not working with the Dialogue of Civilizations, he is promoting Russia's state-enshrined homophobia and anti-LGBTQ bigotry well beyond Russia's borders, into the United States. "Yakunin is one of Russia's primary drivers in its anti-gay campaign, and is one of the biggest boosters in Russia of the World Congress of Families—one of the foremost anti-LGBTQ organizations in the world," I wrote in Politico in 2017.¹³⁴

There's one group that Yakunin, as well as a number of other prominent sanctioned Russian figures, have turned to, to help in their influence-expansion efforts, and in their efforts to subvert First Amendment protections: The World Congress of Families (WCF).

The WCF is a joint Russian-American group, founded in 1995, which has grown over the past quarter-century into the primary bridge between sanctioned Krem-

lin-linked actors and far-right forces in the West, with a particular emphasis on Christian fundamentalists in the latter category. Based in Rockford, Illinois, the group has helped foment anti-LGBTQ, anti-abortion, and illiberal legislation and rhetoric within Russia—helping Putin consolidate his religious-nationalist political turn after 2012.¹³⁵ They've also acted as one of the biggest cheerleaders for Putinism as an ideology and governing model within America over the past decade.¹³⁶

Unsurprisingly, the WCF has been previously bankrolled by both Yakunin and the far-right, deeply religious oligarch Konstantin Malofeev.¹³⁷ Despite the fact that both Yakunin and Malofeev were sanctioned by the Treasury Department in 2014 for their alleged role in the invasion of Ukraine, forcing them to cease their financing of the WCF, the organization has maintained close connections with their international networks, as well as with other sanctioned Russian figures.

130 <https://www.nytimes.com/2018/02/24/world/europe/manafort-gusenbauer-hapsburg-ukraine-indictment.html>

131 <https://www.thedailybeast.com/clinton-official-james-rubin-pulls-out-of-putin-crony-vladimir-yakunins-vanity-project>

132 Ibid.

133 <https://meduza.io/en/news/2016/05/03/litigation-by-former-russian-railways-president-s-son-results-in-facebook-banning-several-journalists-and-activists>

134 <https://www.politico.com/magazine/story/2017/02/how-russia-became-a-leader-of-the-worldwide-christian-right-214755>

135 https://assets2.hrc.org/files/assets/resources/American_Extremists_in_Russia.pdf

136 <https://www.newsweek.com/how-evangelicals-are-looking-putins-russia-save-christianity-godless-west-1115164>

137 <https://www.motherjones.com/politics/2014/02/world-congress-families-us-evangelical-russia-family-tree/>

“I think Russia is the hope for the world right now.”

Amidst its claims to simply be interested in pursuing Christian policies, the WCF presents yet another front for pro-Kremlin political subversion overseas, an endeavor little affected by the fact that Yakunin and Malofeev cannot lawfully travel to the U.S. Instead, they rely on any number of paid emissaries including Malofeev’s facilitator, Alexey Komov, the WCF’s official representative, who has used his involvement with the organization to work closely with a number of like-minded American religious organizations such as the Alliance for Defending Freedom and the Home School Legal Defense Association. Indeed, Malofeev has leaned heavily on Komov and the WCF to help rehabilitate his American image, and to spin the Kremlin’s crimes as good governance. As the WCF’s managing director Larry Jacobs (who died in 2018) said in the aftermath of Russia’s annexation of Crimea and invasion of eastern Ukraine—an invasion in which Malofeev played a substantial role—“I think Russia is the hope for the world right now.”¹³⁸

Komov has made serious inroads with culturally conservative Christians in America, a sizable part of the Republican Party (and Donald Trump’s) political “base.” He not only managed to earn a featured speaking slot at the Movieguide Faith & Values Awards Gala, which is known colloquially as the “Christian Oscars” in Los Angeles, but he has been named an official member of Movieguide, the leading Christian film organization in America.¹³⁹ Movieguide, as well as the broader Christian film indus-

try, have exploded in size over the past few years, with Movieguide’s site alone attracting millions of readers.¹⁴⁰ In 2018, Komov convinced the leading American homeschooling group, the Home School Legal Defense Association, to come to Russia where it entered into a partnership with St. Basil the Great Charitable Foundation to host the biggest annual homeschooling conference in the world, a multi-day affair held in both Moscow and St. Petersburg.¹⁴¹

Komov’s hacked emails—swiped by the Russian hacking outfit Shaltai Boltai—further revealed direct communications between Malofeev, himself and the pro-Kremlin and anti-Semitic website Russia Insider, hosted on U.S. servers and founded in 2014 by American Charles Bausman. In the emails, Komov and Bausman discussed direct funding from Malofeev, allowing Bausman to continue peddling pro-Moscow conspiracy theories for his audience. As Bausman wrote, “I still need money!”¹⁴²

The WCF hardly shows any signs of abandoning its role as bridge-builder between sanctioned Russians and far-right American constituencies.¹⁴³ It recently hosted Yelena Mizulina, a Duma deputy, as a featured speaker at the WCF’s 2018 conference, which was held in Moldova. That location might have owed to the fact that Mizulina, too, had been under U.S. sanctions for “contributing to the crisis in Ukraine” and was thus ineligible for U.S. travel.¹⁴⁴

That Yakunin and Malofeev’s ideologically-driven cultural outreach program has met with enthusiastic American helpmeets shouldn’t come as a surprise. For years, the Christian Right has believed, as Jacobs said in 2013, “The Russians might be the Christian saviors of the world.”¹⁴⁵

138 <https://www.politicalresearch.org/2016/02/16/russian-social-conservatism-the-u-s-based-wcf-the-global-culture-wars-in-historical-context>

139 <https://thinkprogress.org/how-russia-infiltrated-the-world-of-american-religious-right-film-making-movieguide-ted-baehr-alexey-komov/>

140 <https://www.newyorker.com/culture/culture-desk/the-christian-oscars>

141 <https://thinkprogress.org/americas-biggest-right-wing-homeschooling-group-has-been-networking-with-sanctioned-russians-1f2b5b5ad031/>

142 <https://www.thedailybeast.com/too-racist-for-russian-propaganda>

143 <https://thinkprogress.org/how-russia-infiltrated-the-world-of-american-religious-right-film-making-movieguide-ted-baehr-alexey-komov/>

144 <https://obamawhitehouse.archives.gov/the-press-office/2014/03/17/fact-sheet-ukraine-related-sanctions>

145 <https://www.theatlantic.com/ideas/archive/2019/12/false-romance-russia/603433/>

Conclusion and Recommendations

The avenues for Russian and post-Soviet oligarchs to manipulate, abuse, and subvert First Amendment protections are as wide-open as they've ever been. From an increased willingness to threaten and harass journalists—both via social media bot armies to PR specialists and legal teams—to setting up fake “news” outlets to undercut reportage, to funding sympathetic Americans to using existing American outlets to whitewash their own images, oligarchs have evolved new methods for dealing with unwanted scrutiny. And they've no doubt been bolstered by Moscow's brazen sabotage campaign of a U.S. presidential election, a campaign in which at least one of them played an integral part.

Libel suits, or the threat of them, proliferation of false online personae to push an ideology or brand; the rallying of cyber mobs to “drag” a public figure who kickstarts or contributes to an inconvenient public debate—such tactics predate oligarchs and will certainly outlive them. But if the last four years have proved anything, it is that there exists a certain class of foreign-born billionaire that isn't merely trying to control what is said and written about it for the sake of appeasing shareholders, facilitating mergers or smooth deal closings. Putin's billionaires are, without exception, de facto diplomats or operatives of the Russian state. Therefore, their expensive and ever creative ways of determining how a Western democracy gets to view them is also a matter of Russian foreign policy, which necessarily makes it a matter of American national security.

While the trends summarized above may appear pessimistic, oligarchs haven't quite had it all their way—at least not yet. Take Blavatnik. He created an enormous spin machine, focused on making sure that Western outlets didn't describe him as an “oligarch” or note that he was born in the Soviet Union. For years, the pressure campaign appeared successful. But in the aftermath of Blavatnik's massive donation to the Council on Foreign Relations, the dam appears to have broken. Every outlet covering that

scandal—Bellingcat,¹⁴⁶ *Mother Jones*,¹⁴⁷ Quartz,¹⁴⁸ and the *New York Post*¹⁴⁹—either described Blavatnik as an “oligarch” or quoted those who did. (Judging by Blavatnik's own lawyers' standards for how a good pressure campaign should be waged—by creating precedents with which to bludgeon future comers—this will only have turned back the clock on years of gaslighting.)

Luckily, Russia overreached. The aftermath of the 2016 U.S. election has made it a matter of national priority to prevail upon social media platforms to take a more interventionist approach in combating foreign-bought political ads and fake news and fake accounts linked to Yevgeny Prigozhin's troll farm.¹⁵⁰ Years of deep-dive reportage into the alleged Trump-Russia (or GOP-Russia) nexus has also yielded important landmark pieces of journalism about the influence-peddling of Vladimir Yakunin and Konstanin Malofeev.¹⁵¹ They've also helped lead to an increased awareness of the wider threats facing journalists in the U.S., especially in the “post-truth” media environment.¹⁵²

There is a handful of clear solutions to the subversion of the First Amendment by oligarchs. First, supporting investigative journalism, not only from pitch to publication, but in every way thereafter. Outlets engaged in covering oligarchs or Russian influence campaigns should train up their in-house counselors and editors on some of the dirty tricks employed to preempt or dilute such coverage, as outlined in this report. (Training seminars on libel law are anyway a good idea for anyone who makes a living by writing, but particularly necessary when the stakes are this high.) Beneficent NGOs, themselves sometimes targets of frivolous torts, might even create Journalism Defense Funds as a confidence-building measure for anxious reporters—and as a deterrent for their famously litigious subjects.

Then, of course, there's safety in numbers. The more

146 <https://www.bellingcat.com/news/2019/10/10/money-talks-len-blavatnik-and-the-council-on-foreign-relations/>

147 <https://www.motherjones.com/politics/2019/10/council-on-foreign-relations-leonard-blavatnik-russia/>

148 <https://qz.com/1721240/council-of-foreign-relations-criticized-for-russia-tied-donation/>

149 <https://nypost.com/2019/10/07/council-on-foreign-relations-faces-backlash-over-12m-len-blavatnik-donation/>

150 <https://www.theguardian.com/technology/2019/jan/31/facebook-and-twitter-removed-hundreds-of-accounts-linked-to-iran-russia-and-venezuela>

151 <https://www.theatlantic.com/ideas/archive/2019/12/false-romance-russia/603433/>

152 <https://www.npr.org/2019/04/18/714625907/the-u-s-now-ranks-as-a-problematic-place-for-journalists>

risk-taking investigative news outlets there are, the harder it is for any one billionaire to censor or silence them all. This is even more the case when these outlets collaborate in their investigations. Consider the award-winning Panama Papers story, perhaps the highest-profile exposé into financial corruption and offshore tax avoidance (or evasion) ever published. Overseen initially by three separate portals, the International Consortium of Investigative Journalists, the Organized Crime and Corruption Reporting Project, and the German newspaper *Süddeutsche Zeitung*, the Panama Papers became a rolling series of history-altering disclosures about the rich and the powerful all over the globe. Ultimately this years-long project required the journalistic intervention of 107 publications in 80 countries. Thus, a multilingual media saturation effect courtesy of three original recipients of privileged documents. This was a benchmark in how transnational investigative reporting ought to be conducted.

Second, it remains ludicrous that Americans—American organizations, and American groups—can not only continue their close relationships with Russian oligarchs post-sanctions, but that they can continue to host and provide platforms for such figures. For instance, despite being based in the U.S., the World Congress of Families continues to provide public platforms for sanctioned Russian figures, such as we saw with the WCF featuring at least one sanctioned Russian figure at its recent annual convention in Moldova. That is to say, there's no reason that an American organization continuing to enjoy non-profit or tax-exempt status should be able to freely host and highlight sanctioned post-Soviet figures—allowing them to effectively reach new American audiences and build new American contacts, all perfectly freely.

Likewise, it's past time for the U.S. to pass federal legislation prohibiting the types of federal lawsuits and legal actions employed by sanctioned post-Soviet figures (and their networks), which have had a substantial chilling effect on coverage of their assorted exploits. While a number of states and jurisdictions have passed measures to prohibit "strategic lawsuits against public participation" (SLAPPs), which are filed with the intent to censor or silence critics and critical coverage, nearly half the American states and most of the American territories still haven't passed anti-SLAPP legislation. Instead of waiting on each

state and territory to pass their own versions of such legislation, it would be far easier (and quicker) for Congress to enact its own version of a federal anti-SLAPP statute—and help prevent post-Soviet oligarchs from whittling down First Amendment protections any further. Along the way, Washington should publicly reveal further information about the business dealings of more Russian and post-Soviet oligarchs, allowing journalists to continue highlighting their efforts and crimes.

"The First Amendment remains one of the greatest instruments in America with which to fight tyranny, wherever it may be."

Finally, in an information ecosystem in which diplomats, presidents and dictators present falsehoods as facts and facts as falsehoods—and do so with little regard for their electoral accountability because such inversions of reality resonate emotionally with their constituencies—there is no greater safeguard on media freedoms than the very unimpeachable law malign actors have been bending to their will. The First Amendment remains one of the greatest instruments in America with which to fight tyranny, wherever it may be. (As one of the journalists interviewed for this report said, the First Amendment remains "such a blessing.") That is why even glib statements spouted (or typed) by elected officials that the time has come to reconsider or constrict it are so dangerous. Civil society organizations, themselves under as much attack as journalists and news publications, must be vigilant in the face of even half-cocked threats to roll back constitutional liberties. In the United States, libel and slander put the onus on the accuser, not the accused, as in other countries, and truth is seen as an absolute defense. Turn this democratic precept on its head, and it won't just be an insecure commander-in-chief who benefits; it will be every monied agent of every foreign power looking to undermine or weaken the United States.

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