



CIA Bombshell: The Sussmann data was “user created”

Description

USA: My late Friday night involved hitting refresh on PACER every so often, incurring the \$0.10 charge for each search result as I waited on Special Counsel John Durham’s latest filing in the Michael Sussmann case. (Exciting, I know.)

The motion exceeded expectations, discussing CIA conclusions that Sussmann was providing implausible data to federal authorities, providing CIA notes regarding their meeting with Sussmann, and confirmation that they essentially spied on President-Elect Trump.

The motion can be found [here](#). It was filed as part of the government’s efforts to convince the court that the evidence it seeks to admit in Sussmann’s trial is relevant and admissible. Let’s go through the most important parts.

The CIA Notes Part 1: January 31, 2017.

Durham provided to the Court two sets of notes related to Sussmann’s representations to the CIA. The first was from Sussmann’s January 31, 2017 contacts with a CIA employee where Sussmann discussed wanting to provide to the CIA data on “the presence and activity of a unique Russian made phone around President Trump.” **It was said that this secret activity started in April 2016 and continued after Trump’s “move to the White House.”**

Sussman asked [Private Individual 1] to meet with senior [redacted] and [Private Individual 2] called [redacted] because of [redacted] and employment with [redacted]. ([redacted])

The story: Sussman said that he represents a CLIENT who does not want to be known, but who had some interesting information about the presence and activity of a unique Russian made phone around President Trump. The activity started in April 2016 when then President elect Trump was working out of the Trump Tower on its Wi-Fi network, and after his move to the White House, the same phone surfaced on the EOB network (assume Executive Office Building)

Sussmann alleged the Russian phone (YotaPhone) was always close to Trump (“only around the President’s Movements”), surfacing at his Trump Tower Network in April 2016 and being used through Wi-Fi at Trump’s Grand Central West apartment. The phone even “appeared with Trump in Michigan” when he was interviewing a Cabinet Secretary.

The phone close to President Trump apparently surfaced in April 2016 at the Trump Tower Network, and also at Wi-Fi used at Trumps apartment at Grand Central Park West. When Trump traveled to Michigan to interview a cabinet t secretary the phone appeared with Trump in Michigan. The phone was never noticed in two places at once only around the President’s Movements.

At a minimum, this confirms what we [reported](#) nearly two months ago: that the Trump transition data was passed to the CIA. Yet it’s also more than that. The CIA was provided with data all the way back from April 2016.

Why does April 2016 matter? Because Russia was [alleged](#) to have hacked “the Democratic Congressional Campaign Committee and DNC networks in April 2016.” Recall that “[Crowdstrike](#) was contacted on April 30, 2016 to respond to a suspected breach” of the DNC.

The CIA Notes Part 2: Sussmann’s February 9, 2017 meeting with the CIA

That January 31, 2017 conference was used to schedule the February 9, 2017 meeting with the CIA. At that meeting, Sussmann repeated his allegations that a “Russian-made Yota-phone” had been seen at Trump properties and had traveled with Trump to Michigan. He further alleged that **“In December 2016, the Yota-phone was seen connecting to WIFI from the Executive Office of the President (the White House).”**

■ Mr. Sussman gave a general description of the data he was providing (on a thumb drive) it was related to "domain name system" (DNS) information; his contacts had gathered data indicating that a Russian-made Yota-phone had been seen by them connecting to Verizon Tower in New York, as well as from a location in Michigan, at the same time that the phone was believed to be at these locations. In December 2016, the Yota-phone was seen from the Executive Office of the President (the White House). Mr. Sussman was asked what data provided would show instances when the Yota-phone and then candidate Trump would be collocated, to which Mr. Sussman answered, "yes."

A brief but necessary aside: [The Washington Post alleged](#) us to have fanned "the flames" on the Sussmann/Joffe spying operation, taking us to task for stating (correctly): "They spied on Trump." I hope the Washington Post is reading this, because the CIA notes confirm what we reported and what we told them via e-mail. Techno 1, WaPo 0.

Back to the Durham Filing – and the CIA's analysis of the Sussmann/Joffe data.

The CIA reviewed the Trump/YotaPhone data (and the Alfa Bank data) in early 2017. [The fact that the CIA accepted this data on President Trump is its own scandal.](#) In any event, the CIA's findings are significant, as they concluded that the data was not "technically plausible" and was "user created and not machine/tool generated."

At a minimum, however, the Government does expect to adduce evidence at trial reflecting (i) the fact that the FBI and Agency-2 concluded that the Russian Bank-1 allegations were untrue and unsupported and (ii) the primary bases for these conclusions, including the particular investigative and analytical steps taken by these agencies. (For example, while the FBI did not reach an ultimate conclusion regarding the data's accuracy or whether it might have been in whole or in part genuine, spoofed, altered, or fabricated, Agency-2 concluded in early 2017 that the Russian Bank-1 data and Russian Phone Provider-1 data was not "technically plausible," did not "withstand technical scrutiny," "contained gaps," "conflicted with [itself]," and was "user created and not machine/tool generated." The Special Counsel's Office has *not* reached a definitive conclusion in this regard.)

(I've been asked about the last part of that paragraph, which says the "Special Counsel's Office has *not* reached a definitive conclusion in this regard." The term "definitive conclusion" stands out, making me suspect he has "initial" conclusions on the data. Durham's filings in this case suggest he agrees with the CIA.)

Anyway, what a finding by the CIA. Of course, this only leads to more questions:

1. Which "user" created the data?
2. Does it go back to the Joffe conspiracy?
3. And who else is part of that conspiracy?

For that last question, [consider this revelation](#) from a previous Durham filing:

law firm Schertler Onorato Mead & Sears. In addition to their representation of the defendant, a separate lawyer at the firm is currently representing the 2016 "Hillary for America" presidential campaign (the "Clinton Campaign"), as well as multiple former employees of that campaign, in matters before the Special Counsel. As discussed more fully below, the Clinton Campaign

As to those questions of a conspiracy, Durham's granting of immunity provides some insight. [As we suspected](#) back on April 5, "Researcher-2" (identified as David Dagon) has been given immunity. The reason? So that Durham can "uncover otherwise-unavailable facts" relating to the Alfa Bank project.

relating to the Russian Bank-1 allegations invoked (or indicated their intent to invoke) their right against self-incrimination. The Government therefore pursued Researcher-2's immunity in order to uncover otherwise-unavailable facts underlying the opposition research project that Tech Executive-1 and others carried out in advance of the defendant's meeting with the FBI. To argue

Dagon being granted immunity is certainly important, as Durham states that Rodney Joffe – who led the Alfa Bank hoax effort – remains a "subject" of the investigation. While Sussmann and others argue that it's impossible to prosecute Joffe because of the 5-year statute of limitations, Durham disagrees, stating: **"defense counsel is not – and could not be – aware of all the evidence that the Government has collected and continues to collect, or the possible violations of law it is investigating."**

Durham will also be granting immunity at trial "for an individual who was employed at" Fusion GPS. I initially suspected this was Christopher Steele but was steered in the right direction after some smart folks noted the person was "employed" at Fusion GPS (as opposed to Steele, who was "retained" by Fusion GPS). This person might be Laura Seago.

commission of crimes other than the offense currently charged. (The Government also currently intends to seek immunity at trial for an individual who was employed at the U.S. Investigative Firm. But unlike Tech Executive-1, that individual is considered a "witness" and not a "subject" of the Government's investigation based on currently-known facts.)

This former Fusion GPS employee will likely testify to "limited information pertaining to" Christopher Steele. As Durham puts it: this will include whether Sussmann was acting on behalf of the Clinton Campaign when he relayed the Alfa Bank allegations.

Russian Bank-1's alleged ties to Putin. Contrary to the defendant's assertion, the Government is *not* interested in creating a "circus full of sideshows" or engaging in "mini-trials" concerning U.K. Person-1 and his reporting. Rather, the Government seeks only to introduce limited information pertaining to U.K. Person-1, as it is highly probative of the central issue in dispute in this case, *i.e.*, whether the defendant was acting on behalf of the Clinton Campaign when he assembled and conveyed the Russian Bank-1 allegations.

Finally, I leave you with some questions to consider. Start asking why Sussmann and Joffe were so desperate to provide the FBI and CIA with dirt purportedly linking Trump and Russia. Sussmann himself provided false statements to federal officials, and it's becoming more and more likely that someone potentially fabricated this evidence. Sussmann and Joffe risked charges – and thus jeopardized their lucrative careers – to tie Trump to Russia.

Considering the personal costs to both men, are we to believe that this was only about politics?

Or maybe this all leads back to the DNC hack...

by Techno Fog

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