



Durham: Clinton allies spied on the Executive Office of the President

Description

USA: The Michael Sussmann case is heating up.

On February 11, 2022, Durham filed the Government's Motion to Inquire into Potential Conflicts of Interest in the Michael Sussmann case. [Read it here](#). As you might recall, Sussmann was charged with giving false statements to then-FBI General Counsel James Baker regarding the interests he was representing in pushing to the FBI the Alfa Bank/Trump Organization hoax. More background information on the Sussmann indictment can be [found here](#).

The basis for the latest motion is that Sussmann's current counsel, Latham & Watkins LLP (Latham) might have a conflict of interest because Latham previously represented Perkins Coie and Mark Elias "in this investigation." It is alleged that Latham "likely possesses confidential knowledge about Perkins Coie's role in, and views concerning, Sussmann's past activities." (Cleaned up.)

There might also be a conflict because Latham was representing both the Clinton Campaign and Hillary for America in the Special Counsel's investigation. Durham observes that Latham's duties to these former clients "might cause its interests to diverge from those of [Sussmann]."

Why might there be a conflict?

Because Durham might offer evidence at trial he obtained from the Clinton Campaign and Hillary for America. And because certain employees of the Clinton Campaign and Hillary for America might be witnesses at Sussmann's trial. (Theoretically, a Clinton Campaign witness could be called by the prosecution to prove-up billing records and payments made to Sussmann. I'd guess they might have already testified to a grand jury about this.)

concerning its representation of those clients with its then-counsel, Latham. In addition, to the extent the Government offers documents and other evidence at trial that it obtained from the Clinton Campaign and/or Political Organization-1, Latham's duties to its former client (Law Firm-1) might cause its interests to diverge from those of the defendant in connection with such evidence and/or the cross examination of witnesses. Accordingly, the Government respectfully requests that the

Another conflict issue is that Latham helped Perkins Coie draft and issue public statements concerning Sussmann's 2016 meeting with the FBI General Counsel. Per Durham, "Those statements – which [Sussmann] appears to have reviewed or assisted in drafting – were at least partially inaccurate and/or misleading." Thus, "Latham may encounter potential conflicts of interest in advising the defendant concerning past events in which Latham played a significant role."

The Exploited Data.

We [previously discussed](#) how Rodney Joffe (identified as Tech Executive-1 in the Sussmann indictment and in the latest filing discussing the conflict) exploited proprietary – and perhaps classified – data provided by DARPA to further their own political attacks, and how that might result in charges. This latest filing summarizes Joffe's activities, stating Joffe asked his researchers "to mine Internet data to establish 'an inference' and 'narrative' tying then-candidate Trump to Russia." It was [later confirmed](#) that two former DARPA employees have given grand jury testimony, so it appears Durham is following this track.

I provide that background because of what we have now learned. Durham just divulged, to an extent, that contractors and tech experts (meaning Joffe and his cohorts) – those same people involved in the Alfa Bank hoax – essentially **spied on President Trump**.

According to Durham, Joffe and his associates exploited internet data from "the Executive Office of the President of the United States" to further their own political agenda and damage President Trump. They had come to possess this data as part of a "sensitive arrangement" with the U.S. government. As Durham explains:

5. The Government's evidence at trial will also establish that among the Internet data Tech Executive-1 and his associates exploited was domain name system ("DNS") Internet traffic pertaining to (i) a particular healthcare provider, (ii) Trump Tower, (iii) Donald Trump's Central Park West apartment building, and (iv) the Executive Office of the President of the United States ("EOP"). (Tech Executive-1's employer, Internet Company-1, had come to access and maintain dedicated servers for the EOP as part of a sensitive arrangement whereby it provided DNS resolution services to the EOP. Tech Executive-1 and his associates exploited this arrangement by mining the EOP's DNS traffic and other data for the purpose of gathering derogatory information about Donald Trump.)

Joffe and his associates obtained the information because they had "come to access and maintain dedicated servers for the Executive Office of the President." They then manipulated this information to further a conspiracy theory that Trump and those in Trump's orbit were continuing their secret backchannels with the Russians.

This was repackaged with the Alfa Bank hoax and given to Sussmann, who then **laundered it to the CIA** on February 9, 2017. (Apparently Sussmann was done dealing with the FBI.) Sussmann alleged to the CIA that the data showed "that Trump and/or his associates were using supposedly rare, Russian-made wireless phones in the vicinity of the White House and other locations." Durham "identified no support for these allegations."

One can't help ask why Joffe (via Sussmann) risked legal exposure to continue to push false Trump-Russia allegations before *and* after the 2016 election. First to the FBI in 2016 then to the CIA in 2017. It seems that Joffe was desperate, and his desperation only increased after Trump's election.

The source of Joffe's desperation? It's speculation at this point, but perhaps it goes to the origins of the purported Russia/DNC hack. To revise a previous question we have asked:

What if Crowdstrike was a patsy, there to unknowingly reach false conclusions of a "Russian hack" based on fraudulent information provided to them by Rodney Joffe and Perkins Coie and the DNC/Hillary Campaign?

We don't have an answer to that question – yet. Maybe we never will. But that question becomes more reasonable the more we learn about Joffe. At a minimum, it seems likely that we will see Joffe's indictment. Don't ask if Joffe was involved in a conspiracy. Ask how deep that conspiracy went, and who else was involved.

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