The Durham Investigation: A Primer

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KEY TAKEAWAYS

The Durham investigation indicates a coordinated effort by the Clinton campaign to disseminate false allegations against Donald Trump to win the 2016 election.

Indictments filed by Durham show that the "Steele Dossier" and "Alfa-Bank" allegations of a conspiracy between Trump and the Kremlin were entirely concocted.

The actions alleged in these indictments should be condemned so that they are never repeated by any political campaign in the future.

In May 2019, then-Attorney General William Barr assigned federal prosecutor John Durham to investigate the origins of the Federal Bureau of Investigation's (FBI's) 2016 investigation into alleged collusion between the presidential campaign of Donald Trump and Russia, an investigation given the code name "Crossfire Hurricane."[1] For the purpose of protecting the investigation and providing additional independence to Durham, in October 2020, Barr formally appointed Durham as a special counsel charged to

investigate whether any federal official, employee, or any other person or entity violated the law in connection with the intelligence, counter-intelligence, or law-enforcement activities directed at the 2016 presidential campaigns, individuals associated with those campaigns, and individuals associated with the

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administration of President Donald J. Trump, including but not limited to Cross-fire Hurricane and the investigation of Special Counsel Robert S. Mueller, III.[2]

Key Takeaways from the Durham Investigation

While the general contours of Hillary for America's opposition research efforts during the 2016 election period have been reported in the press and have been the subject of congressional and inspector general investigations, many new details have been uncovered by Durham's investigation and revealed in federal indictments relating to former Perkins Coie attorney Michael Sussmann and former Brookings Institution policy analyst Igor Danchenko.

Among the key takeaways from the Durham investigation:

1. Durham's indictment of Michael Sussmann and other court filings reveal how senior members of Hillary Clinton's 2016 presidential campaign formed a "joint venture" with lawyers, opposition researchers, foreign nationals, and computer data analysts to produce false opposition research against then-candidate Donald Trump and aggressively disseminated that disinformation to reporters, the FBI, and others.[3]

2. Durham's filings indicate that the central component of the joint venture's disinformation campaign—the so-called "Steele Dossier"—consisted almost entirely of rumors, innuendo, and outright falsehoods fabricated by "sources" reporting to former British spy Christopher Steele.[4]

3. According to Durham, the core allegation of the Steele Dossier—that an "extensive conspiracy" existed between the Trump campaign and the Kremlin—was invented out of whole cloth by former Brookings Institution policy analyst Igor Danchenko, a Russian national on Steele's payroll.[5]

4. The FBI's interviews of Danchenko establish that the most salacious allegation in the Steele Dossier—that Trump was present during the performance of a lewd act at the Moscow Ritz-Carlton—was fabricated by Danchenko and/or Charles Dolan, a public relations executive living in Washington, D.C., with lengthy ties to the Democratic Party.[6]

5. Durham's indictment of Danchenko shows that other significant parts of the Steele Dossier—such as the allegation that Trump lawyer Michael Cohen travelled to Prague to meet with Russian conspirators—were invented by Olga Galkina, a Russian national living in Cyprus who had ambitions of joining the State Department under Hillary Clinton if she won the presidential election.[7]

6. According to Durham's indictment of former Perkins Coie law firm attorney Michael Sussmann, he directed an effort by a group of computer scientists including Rodney Joffe, April Lorenzen, and others to manufacture a false narrative that the Trump organization and the Kremlin had a secret channel of communications.[8]

The Durham investigation is ongoing.

What Has the Durham Investigation Uncovered?

The Durham investigation has seemingly uncovered a coordinated effort by Hillary for America; the Perkins Coie law firm (a Washington, D.C.-based law firm that was retained by Hillary for America to represent the campaign during the 2016 election); strategic intelligence firm Fusion GPS; former British spy Christopher Steele of Orbis Business Intelligence; and various computer researchers based in Virginia, Rhode Island, and at Georgia Tech to generate false, misleading, and sometimes sensational allegations against then-candidate Donald Trump in an effort to win the 2016 presidential election. According to documents filed by Durham's team and other published reports, which serve as the basis for the factual assertions in this *Legal Memorandum*, the effort was funded, approved, and briefed to the highest level of the Clinton campaign.

Hillary for America's disinformation efforts consisted of two main components: (1) creating and disseminating the so-called Steele Dossier that falsely alleged, *inter alia*, the existence of an "extensive conspiracy" between the Trump campaign and the Kremlin;[9] and (2) concocting false allegations regarding a secret computer communications link between the Trump organization and Alfa-Bank, Russia's largest private commercial bank.

Regarding both of those components, concerted efforts were made by the Clinton campaign, Perkins Coie attorneys, Fusion GPS, Christopher Steele, and others to present false allegations to the FBI and to disseminate them to media outlets for the purpose of denigrating Trump and his campaign. As described by Durham with regard to the Alfa-Bank allegations, the

Clinton campaign and its agents are alleged to have formed a "joint venture," the goal of which "was to gather and disseminate derogatory non-public information regarding the internet activities of [Donald Trump] and his associates."[10]

Hillary for America's "Joint Venture"

Unravelling all of the major and minor players in Hillary for America's disinformation campaign is daunting. That is particularly the case when, as here, Hillary Clinton's political operation retained a law firm in an attempt to provide legal cover for the campaign's opposition research efforts. This *Legal Memorandum* is an effort to unravel the "joint venture" and place each of the parties to Clinton's disinformation campaign into the proper context. The central players in the joint venture were Hillary for America, Perkins Coie LLP, and Fusion GPS.

Hillary for America. Durham's investigation has revealed that senior members of Hillary for America—campaign manager Robbie Mook, communications director Jennifer Palmieri, and foreign policy advisor Jake Sullivan (who currently serves as President Joe Biden's National Security Advisor)—were briefed on aspects of the disinformation scheme aimed at discrediting then-candidate Trump.[11] Hillary for America, as well as the Democratic National Committee (DNC), spent more than $1 million to fund the disinformation campaign, then used the "fruits" of that campaign to calumniate candidate Trump.

Durham may be investigating whether and to what extent then-candidate Hillary Clinton had knowledge of the disinformation campaign. There is some indication that Clinton knew of and approved the campaign. In late July 2016, U.S. intelligence agencies discovered that Russian intelligence had assessed that Clinton had approved a disinformation operation against Trump. When providing information to Members of Congress after the fact, officials were careful to say that the intelligence community "does not know the accuracy of this allegation or the extent to which the Russian intelligence analysis may reflect exaggeration or fabrication."[12] Still, former CIA Director John Brennan briefed President Barack Obama on this intelligence. Indeed, Brennan wrote in his briefing notes that on July 26, 2016, Clinton allegedly approved "of a proposal from one of her foreign policy advisors to vilify Donald Trump by stirring up a scandal claiming interference by Russian security services."[13]

Whatever Durham uncovers, the Clinton campaign—including Hillary Clinton and her foreign policy advisor, Jake Sullivan—touted the fabricated

Alfa-Bank allegation in the days leading up to the 2016 election. On October 31, 2016, one week before Election Day, Sullivan hyped the false Alfa-Bank disinformation in a press release. He released a campaign statement regarding an article that had appeared in *Slate* magazine.[14] Sullivan, as if learning about Alfa-Bank for the first time, feverishly stated:

> This could be the most direct link yet between Donald Trump and Moscow. Computer scientists have apparently uncovered a covert server linking the Trump Organization to a Russian-based bank. This secret hotline may be the key to unlocking the mystery of Trump's ties to Russia. It certainly seems the Trump Organization felt it had something to hide, given that it apparently took steps to conceal the link when it was discovered by journalists.[15]

To amplify Sullivan's statement, Hillary Clinton herself tweeted the press release to her 10 million followers, stating, "Computer scientists have apparently uncovered a covert server linking the Trump Organization to a Russian-based bank."[16]

Durham's investigation has revealed that Sullivan and other senior members of Hillary for America were aware of the Alfa-Bank disinformation well before the *Slate* article was published on October 31. A-month-and-a-half earlier, Perkins Coie's Marc Elias exchanged e-mails with Robbie Mook, Jennifer Palmieri, and Jake Sullivan "concerning the [Alfa-Bank] allegations that Sussmann had recently shared with [the *New York Times'* Eric Lichtblau]."[17] The opposition research efforts that resulted in the *Slate* article,[18] as well as other articles published on October 31 in the *New York Times* by Eric Lichtblau[19] and *Mother Jones* by David Corn,[20] were bought and paid for by Hillary for America through campaign agents Perkins Coie, Fusion GPS, and others.

Elias received budget approval from Mook to hire consultants, including Fusion GPS.[21] In total, Perkins Coie paid more than $1 million to Fusion GPS in 2016 for services rendered to Hillary for America.[22]

Marc Elias and Michael Sussmann (Perkins Coie LLP). Marc Elias was a partner at the Perkins Coie law firm and the lead attorney for Hillary for America at the firm. Elias also served as general counsel to both Hillary for America and the DNC during the 2016 election cycle.[23] Michael Sussmann was also a partner at the Perkins Coie law firm during the relevant time period, specializing in privacy and cybersecurity law. Along with Elias, Sussmann allegedly played a key role in the creation and dissemination of false allegations relating to the Trump organization and Alfa-Bank.

Sussmann was indicted by Durham on September 16, 2021, on one count of making a false statement to FBI General Counsel James A. Baker. The indictment states that Sussmann met with Baker at FBI headquarters on September 19, 2016 (less than two months before the presidential election), and presented him with data files and three "white papers" purporting to show a "secret channel of communications" between Internet servers belonging to the Trump organization and Alfa-Bank.[24] (It turns out that the Internet server in question did not belong to the Trump organization, but rather "had been administered by a mass marketing email company that sent advertisements for Trump hotels and hundreds of other clients.")[25]

During his meeting with Baker, Sussmann allegedly told Baker that he (Sussmann) was not acting on behalf of any client, which led Baker to believe that Sussmann "was acting as a good citizen...not as a paid advocate or political operative."[26] The indictment further alleges Sussmann was, in fact, acting on behalf of two clients—Hillary for America and Rodney Joffe, an executive at Neustar, Inc., a Virginia-based Internet company.[27]

Perkins Coie managing partner John Devaney published a letter in the *Wall Street Journal* intimating that Sussmann's meeting with Baker was on behalf of Joffe—a client "with no connections to either the Clinton campaign, the DNC, or any other Political Law Group client."[28] However, before his meeting with Baker, Sussmann texted Baker the following message on his personal cell phone:

> Jim—it's Michael Sussmann. I have something time-sensitive (and sensitive) I need to discuss. Do you have availibilty [sic] for a short meeting tomorrow? *I'm coming on my own—not on behalf of a client or company—want to help the Bureau.* Thanks.[29]

Tellingly, Sussmann's billing records at Perkins Coie indicate that he billed his September 19, 2016, FBI meeting with Baker to Hillary for America, describing the meeting as "work and communications regarding confidential project."[30] Indeed, Durham has uncovered that "all or nearly all of Sussmann's recorded time and work relating to the [Alfa-Bank] allegations...were billed to the Clinton Campaign."[31]

Michael Sussmann resigned from Perkins Coie on the day he was indicted.[32] His trial before the U.S. District Court for the District of Columbia commenced on May 16, 2022, and he was found not guilty on May 31.

Marc Elias resigned from Perkins Coie on August 22, 2021, less than a month before the extent of Elias' alleged role in the Clinton disinformation campaign was revealed in the Sussmann indictment.[33]

Glenn Simpson and Peter Fritsch (Fusion GPS). Fusion GPS is a Washington, D.C.–based consulting firm that, according to its website, "provides premium research, strategic intelligence, and due diligence services to corporations, law firms, and investors worldwide."[34] The firm was founded by two former journalists, Glenn Simpson and Peter Fritsch.[35]

Marc Elias of Perkins Coie hired Fusion GPS in April 2016 to "perform a variety of research services" relating to then-candidate Donald Trump.[36] Simpson, Fritsch, and others at Fusion GPS conducted preliminary research on then-candidate Trump, then collectively decided that they needed "to do what they could to keep Trump out of the White House."[37] Perkins Coie, using funds paid to it by Hillary for America and the DNC, paid Fusion GPS more than $1 million in 2016.[38]

Fusion GPS's role was to provide opposition research on then-candidate Trump relating to his alleged relationship with Russia. Opposition research is "the collection of information on the background, activities, etc., of one's opponent or opponents in an effort to uncover damaging details that will undermine them."[39]

As described by Durham:

> [I]t appears that [Fusion GPS]'s primary, if not sole, function was to generate opposition research materials that [Fusion GPS] then shared widely with members of the media, the U.S. State Department, the Department of Justice, the Federal Bureau of Investigation ("FBI"), members of Congress, and others.[40]

Fusion GPS utilized the $1 million paid to it to hire several "sub-vendors" to research alleged ties between Trump and Russia.[41] Fusion GPS's sub-vendors included Nellie Ohr (the wife of Bruce Ohr, a career Justice Department official who served as a conduit to provide certain Steele Dossier reports to the FBI); Edward Baumgartner (a Russia researcher based in London); and Graham Stack (a freelance journalist).[42] The most notable opposition research generated by Fusion GPS was through its sub-vendor Christopher Steele—the so-called Steele Dossier.[43]

As noted by Durham, Fusion GPS's role was not to assist Perkins Coie or Hillary for America with legal matters, but rather to generate and disseminate opposition research on Trump to the media and others. Simpson and Fritsch did so both with regard to the Steele Dossier and the Alfa-Bank allegations, both of which have proven to be unsubstantiated, if not entirely fabricated.

As Fusion GPS began to receive Christopher Steele's "salacious and unverified" (in the words of former FBI Director James Comey) reports,

it endeavored to widely disseminate the reports to journalists in the hope that the content of the reports would be published.[44]

Indeed, Fusion GPS's office in Washington, D.C., became "something of a public reading room" for journalists who were looking for information about Trump.[45] According to published reports, Glenn Simpson and Peter Fritsch aggressively shopped the false opposition research:

> Looking to meet with reporters and possibly advance stories about Trump and Russia, Simpson and Fritsch made an appearance at the Democratic convention in Philadelphia in July 2016. While there, they met the *New York Times* executive editor Dean Baquet and another of the paper's editors at a Rittenhouse Square–hotel restaurant to lay out Trump's "ongoing flirtation with Putin's Russia." Two months later, Simpson and Fritsch arranged for Steele to come to Washington and meet privately with *The Washington Post* and marquee investigative reporters at the *Times*, *The New Yorker*, ABC News, and other outlets.[46]

Fusion GPS pressured reporters at several media outlets to publish the false Alfa-Bank disinformation. In mid-October, Fritsch e-mailed Mark Hosenball, a reporter at Reuters, to "do the [expletive] alfa bank secret comms story...it is hugely important."[47] Fritsch also pushed the Alfa-Bank story on Matthew Mosk at ABC News, telling him "dude this is huge" in an e-mail.[48]

Fritsch found a more eager reporter in Franklin Foer of *Slate*. In October, Fritsch and two other Fusion GPS employees visited Foer at his home to brief him on the Alfa-Bank allegations. Foer expressed great interest in the story, e-mailing Fritsch: "My editors are very excited about this piece.... This is a big story. One of this biggest of the campaign."[49]

On October 31, 2016, one week prior to Election Day, Foer published an expansive 3,800-word article in *Slate* entitled, "Was a Trump Server Communicating With Russia?"[50] Foer's contemporaneous tweet promoting his article was less circumspect: "I just reported: Donald Trump has a secret server...[and] it connects to Moscow."[51]

The "Steele Dossier" Disinformation Campaign

The primary component of Hillary for America's disinformation campaign was its effort to smear then-candidate Trump with false reports that he was conspiring with the Kremlin to help him win the 2016 election—the so-called Steele Dossier assembled by a former British spy and funded by the Hillary Clinton campaign.

Christopher Steele (Orbis Business Intelligence). As part of Hillary for America's disinformation campaign, Fusion GPS hired Steele and Orbis Business Intelligence (Steele's London-based firm) in June 2016 "to investigate Trump's purported ties to Russia."[52] In the months leading up to the election, Steele disseminated a steady stream of "raw intelligence" to the FBI, various media outlets, elected officials, and others. In total, Hillary for America (through Fusion GPS) paid Steele $168,000 for his efforts.[53]

Durham's investigation has revealed that Steele's key sources for the dossier were not senior Russian officials or savvy Kremlin insiders, but rather Igor Danchenko (a Washington, D.C.–based policy analyst); Charles Dolan, Jr. (a Washington, D.C.–based public relations executive with a long history of working in Democrat Party politics); and Olga Galkina (a Cyprus-based Russian national who was a press secretary to a Russian tech company but had dreams of serving in a future Clinton State Department).[54]

These dubious sources did not, in fact, provide any actual evidence of a conspiracy between Trump and Russia. Indeed, after conducting a 22-month investigation, Special Counsel Robert Mueller stated that "the investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities."[55]

Igor Danchenko. Igor Danchenko is a Russian national who was once employed as a policy analyst for the Brookings Institution, a Washington, D.C.–based think tank. In 2016, Danchenko was a salaried employee of Orbis Business Intelligence, and was the primary source of information that "formed the core of the allegations" found in the Steele Dossier.[56] Danchenko was interviewed on multiple occasions by the FBI in 2017 and allegedly told multiple lies during those interviews. He was indicted by Durham on November 3, 2021, on five counts of making false statements to the FBI. Danchenko pleaded not guilty to the charges, and his trial is currently set to commence on October 11, 2022.[57]

According to Durham's indictment, Danchenko fabricated the Steele Dossier's central allegation—that the Trump campaign was conspiring with Russia. The Steele Dossier sets forth the alleged conspiracy as described by Danchenko in report 2016/095:

> Source E, an ethnic Russian close associate of Republican US presidential candidate Donald TRUMP, admitted there was a well-developed conspiracy of co-operation between them and the Russian leadership. This was managed on the TRUMP side by the Republican candidate's campaign manager, Paul MANAFORT, who was using foreign policy advisor, Carter PAGE, and others as intermediaries.[58]

Danchenko claims that he heard the "well-developed conspiracy" allegation from Sergei Millian (referred to above as "Source E"), a Belarusian–American who formerly served as the president of the "Russian American Chamber of Commerce in the USA."[59]

Millian was essentially Igor Danchenko's "deep throat" source—although in this instance, the source was entirely fabricated, according to Durham's indictment of Danchenko. Danchenko claims that in July 2016, he received a phone call from an anonymous caller he believed to be Millian, even though he had never met him and never heard his voice.[60] Danchenko claimed that he and the mysterious caller spoke for 10–15 minutes, during which time they discussed Paul Manafort, Carter Page, communications between the Trump campaign and Russian officials, and information to the effect that "the Kremlin might be of help to get Trump elected."[61] Danchenko further claimed that he and the anonymous caller agreed to meet in New York City in the future.

The Durham investigation concluded that Danchenko's claims regarding a mysterious phone call from an anonymous source were fictional:

> DANCHENKO's...statements claiming that he spoke with an individual that he believed to be [Millian] and arranged to meet him in New York, *were knowingly and intentionally false*. In truth and fact, and as reflected in contemporaneous communications, DANCHENKO did not receive such a call from [Millian], and did not agree to meet [Millian] in New York.[62]

Unfortunately for Trump campaign advisor Carter Page, the FBI utilized Danchenko's allegations in Steele Dossier Report 2016/095 as the basis for obtaining four separate Foreign Intelligence Surveillance Act (FISA) warrants to conduct covert surveillance on Page.[63]

Danchenko's other alleged lies to the FBI concerned his communications with various other "sub-sources" from which Danchenko gathered information that he passed on to Steele. For instance, Danchenko allegedly told the FBI that none of his conversations with Charles Dolan (*infra.*) had ever been reported in the Steele Dossier, when, in fact, Danchenko had gathered information that was featured in the Steele Dossier from Dolan regarding former Trump campaign manager Paul Manafort.[64]

Charles Dolan, Jr. According to Durham's indictment of Igor Danchenko, Dolan was connected to the most sordid allegation in the Steele Dossier—that in 2013, Trump had engaged in "salacious sexual activity" while a guest in the presidential suite at the Moscow Ritz-Carlton hotel.[65]

At the time, Dolan was employed by KGlobal, a Washington, D.C.–based public relations firm.[66] Prior to that, Dolan held several senior roles in Democratic political circles, including as the state chairman for President Bill Clinton's 1992 and 1996 presidential campaigns, adviser to Hillary Clinton's 2008 campaign, and a volunteer for her 2016 campaign.[67] As a public relations executive, Dolan interacted with senior officials in the Russian government, including the press secretary of the Russian Presidential Administration, as well as the Russian ambassador to the United States.[68]

In June 2016, Dolan traveled to Moscow and stayed at the Ritz-Carlton. During his stay, Dolan received a tour of the presidential suite and met with the hotel's general manager and other staff.[69] Dolan was told during the hotel tour that Trump had once stayed as a guest in the presidential suite.[70] Importantly, the staff member who provided the tour to Dolan did not mention any lewd or salacious activity by Trump during his stay in the presidential suite.[71]

Danchenko had lunch with Dolan at some point during the June 2016 trip to Moscow.[72] During interviews with the FBI, Danchenko "claimed to have collected information concerning Trump's purported activities at the [Ritz-Carlton] from various sources," such as the hotel's general manager and other staff.[73]

It is unclear from Danchenko's indictment whether he actually heard about salacious information regarding Trump from Dolan, from Ritz-Carlton staff, or whether Danchenko simply embellished the information to appear valuable to Steele. When interviewed by the FBI in 2017, Danchenko said that when he related the Ritz-Carlton allegations to Steele, he (Danchenko) "characterized Trump's alleged activity...as 'rumor and speculation.'"[74] Danchenko further characterized the salacious information as statements made in "jest."[75] Regardless, Steele reported the allegations in his dossier.[76]

Dolan also appears to be Danchenko's sole source in a report relating to Trump's former campaign manager, Paul Manafort. The Steele Dossier paints a picture of a highly placed source in the Trump campaign relating inside information regarding Manafort's resignation as campaign manager and former campaign manager Corey Lewandowski's dislike for Manafort.[77] Dolan informed Danchenko that he received the inside information about Manafort and Lewandowski over drinks "with a GOP friend of mine."[78] In fact, Dolan had never met with a "GOP friend" but rather "obtained the information about [Manafort] from public news sources."[79]

Olga Galkina. Galkina was (perhaps unknowingly)[80] a source who provided a great deal of information to Danchenko that was ultimately reported in the Steele Dossier. Danchenko, who has been friends with Galkina since they were both teenagers in Russia, described Galkina as a key source for what he called the "Trump dossier."[81] According to Danchenko, Galkina "knows someone in the Kremlin with direct/indirect access to Sergey Ivanov" (then chief of staff to the Russian Presidential Administration).

But there is no evidence that Galkina—referred to in the Danchenko indictment as "Russian Sub-Source-1"—was a Kremlin insider. She did not even live in Russia in 2016. As reported in the *Wall Street Journal*, in 2016, Galkina was a press secretary to Aleksej Gubarev, a Russian Internet entrepreneur living in Cyprus.[82] In early 2016, Galkina travelled to Washington, D.C., in an effort to develop a marketing campaign for Servers.com, one of Gubarev's business interests. In D.C., Galkina asked for assistance from Danchenko, who in turn introduced Galkina to Dolan (by way of Danchenko's former boss at Brookings, Fiona Hill).[83] Dolan was ultimately paid $75,000 by Aleksej Gubarev for his "message development" and outreach efforts in the U.S.[84]

During the summer of 2016, Danchenko, Dolan, and Galkina "traded gossip" and spoke frequently, according to interviews and e-mails reviewed by the *Wall Street Journal*.[85] Dolan and Galkina communicated regularly, expressing their mutual support for Hillary Clinton. In July, Dolan gifted Clinton's autobiography to Galkina, inscribing it with "To my good friend [Olga], A Great Democrat."[86] Galkina apparently harbored ambitions to move to the U.S. if Clinton won the election. In a September 2016 e-mail to a Russian associate, Galkina stated that Dolan would "take me to the State Department if Hillary wins."[87]

According to Danchenko's interviews with the FBI, Galkina was a fount of information on the Trump campaign's ties to the Kremlin. Among other items that were ultimately reported in the Steele Dossier, Galkina was Danchenko's source for the allegations that Michael Cohen met with Russian officials in Prague in August or September 2016 and that Carter Page met with Igor Diveykin, a senior Kremlin official—an allegation later cited by the FBI in its FISA application to surveil Page.[88]

As was the case with other significant Steele Dossier allegations, no evidence has arisen to indicate that either the Cohen–Prague or Page–Diveykin meetings ever took place. Special Counsel Robert Mueller's report mentions the Prague allegation only in the context that Cohen denied that a such a meeting ever took place.[89] The name of Igor Diveykin does not even appear in Mueller's report.

The Alfa-Bank Disinformation Campaign

The second major component of Hillary for America's disinformation campaign was its effort to smear then-candidate Trump with a false allegation that the Trump organization had a secret channel of communication with Alfa-Bank, the largest private bank in Russia.

According to the Durham investigation, with the active participation of Michael Sussmann of Perkins Coie, a group of computer researchers cooked up phony Internet server data in an attempt to create an "inference" of secret communications and create a "narrative" regarding Trump.[90]

April "Tea Leaves" Lorenzen. The Durham investigation has determined that Lorenzen, a computer data scientist, was the original source behind the Alfa-Bank disinformation. Durham refers to Lorenzen as "Originator-1" in the Sussmann indictment.[91]

Franklin Foer "communicated extensively with Tea Leaves" while writing the article that was published on October 31. Foer's article in *Slate* describes how Lorenzen began collecting Internet data on the Trump organization in late July 2016. Lorenzen "began carefully keeping logs of the Trump server's DNS [domain name system] activity" and circulated the data "in periodic batches to colleagues in the cybersecurity world."[92] Lorenzen's data—referred to by Durham as the "Russian Bank Data"—purported to show the existence of a "secret channel of communications" between the Trump Organization and Alfa-Bank.[93] One of the colleagues Lorenzen provided the Internet data to was Rodney Joffe.[94]

Rodney Joffe (Neustar, Inc.). Rodney Joffe, then an executive at Neustar, Inc., a Virginia-based Internet technology company, is a central figure in the Alfa-Bank disinformation campaign.[95] Joffe appears to have had an interest in Hillary Clinton's election. Days after the 2016 election, Joffe stated in an e-mail that he "was tentatively offered the top [cybersecurity] job by the Democrats when it looked like they'd win. I definitely would not take the job under Trump."[96]

After receiving the Russian Bank Data from Lorenzen in the summer of 2016, Joffe shared the data with Sussmann, with whom he had a prior attorney-client relationship.[97] Thereafter, Joffe, with the knowledge and support of Sussmann and Elias, enlisted allies—Lorenzen, two Internet companies in which Joffe had an interest, and two researchers at Georgia Tech University—to conduct research concerning Trump.[98]

As alleged by Durham, Joffe "used his access at multiple organizations to gather and mine public and non-public Internet data regarding Trump and his associates, with the goal of creating a 'narrative' regarding the

candidate's ties to Russia."[99] Within this context, Joffe stated that he was "working with someone who had close ties to the Democratic Party and to Hillary Clinton."[100] For his part, Sussmann billed his time on the Alfa-Bank disinformation project—what he termed a "confidential project" in his billing records—to Hillary for America.[101]

As part of the project, Joffe tasked employees at two Internet companies—referred to by Durham as "Internet Company-2" and "Internet Company-3"—to "search and analyze their holdings of public and non-public internet data for derogatory information on Trump."[102] As part of that tasking, Joffe e-mailed Internet Company-3 a "Trump Associates List" containing the names, home addresses, personal e-mail addresses, and other information regarding six people connected to Trump.[103] According to Durham, personnel at Internet Company-3 were uncomfortable utilizing the company's data in such an inappropriate manner, but they "complied with the tasking...because [Joffe] was a powerful figure."[104] Employees at Internet Company-3 subsequently provided Joffe with a report containing technical observations that Joffe later provided to Sussmann.[105]

Joffe retired from Neustar at or around the time that the Sussmann indictment was made public.[106] He has refused to cooperate or provide testimony to Durham, going so far as to plead his Fifth Amendment rights against self-incrimination when called to testify before Durham's grand jury.[107]

Manos Antonakakis and David Dagon (Georgia Tech). In addition to exploiting the public and non-public data held by Internet Company-2 and Internet Company-3, Joffe tasked Lorenzen and two Georgia Tech computer researchers—Manos Antonakakis and David Dagon—to search through Neustar's Internet data for "any information about Trump's potential ties to Russia."[108] Joffe's goal, according to Durham, was "to support an 'inference' and 'narrative' regarding Trump that would please certain 'VIPs.'"

From the beginning, Antonakakis was dubious about the alleged connection between the Trump organization and Russia. In August 2016, Manos queried the Neustar Internet data for the Trump organization domain name (mail1.trump-email.com) and determined that none of the domains that had communicated with it had links to Russia. Manos told Joffe that his findings do not "make much sense with the storyline you have."[109]

By the end of August 2016, Antonakakis raised concerns that the Internet traffic data being mined by the researchers did not implicate Trump in any wrongdoing, would not stand up to public scrutiny, and was clouded by their own bias. Antonakakis e-mailed Lorenzen and Dagon:

How do we plan to defend against the criticism that this is not spoofed [] traffic we are observing? There is no answer to that....

[Joffe], you do realize that we will have to expose every trick we have in our bag to even make a very weak association?...

Sorry folks, but unless we get combine [sic] netflow and DNS traffic collected at critical points between suspect organizations, we cannot technically make any claims that would fly public scrutiny.

The only thing that drive[s] us at this point is that we just do not like [Trump]. This will not fly in eyes of public scrutiny. Folks, I am afraid we have tunnel vision.[110]

Joffe himself expressed doubt about the Russian Bank Data that started the whole project. In an August 2016 e-mail to Lorenzen, Dagon, and Antonakakis, Joffe stated that the data "was not a secret communications channel" between the Trump organization and Alfa-Bank, but rather was "a red herring."[111]

After these doubts were expressed about any connection between the Trump organization and Russia, Lorenzen suggested that such a connection could be "faked." As related by Durham:

[Lorenzen] then explained that it would be possible to "fill out a sales form on two websites, faking the other company's email address in each form," and thereby cause them "to appear to communicate with each other in DNS."[112]

Despite their knowledge that the Russian Bank Data was "a red herring" and that there were no secret communications channel, Joffe, Lorenzen, Dagon, Antonakakis, and Sussmann drafted a "white paper" touting the Alfa-Bank disinformation. It was that white paper, among other materials, that Sussmann gave to the FBI.[113] As previously stated, Sussmann billed Hillary for America for his time working on the white paper.[114]

Conclusion

This paper summarizes Special Counsel Durham's findings to date regarding just some of the actions taken by key players in Hillary for America's 2016 disinformation campaign against Trump. The information herein is taken largely from indictments and other court filings in the cases filed against Michael Sussmann and Igor Danchenko. Much remains to be uncovered, exposed, and proven by Durham. The full story remains elusive.

Hillary for America, Perkins Coie, Fusion GPS, and others have repeatedly, and with some success, claimed attorney-client privilege over documents and communications relating to the disinformation scheme. Other key witnesses, such as Rodney Joffe, have asserted their Fifth Amendment right against self-incrimination to avoid providing information to Durham and his investigators. The full story of the Clinton campaign's corrupt "joint venture" may only come to light if and when Durham releases a final report at the conclusion of his investigation. The full story may never be known.

While opposition research will continue to be a standard part of political campaigns, the actions taken by Hillary for America and its agents should be condemned so that such actions are never repeated by any political campaign in the future. It is one thing to dredge up a political candidate's youthful indiscretions or shady financial dealings, but it is quite another to fabricate false and sensational allegations, present them to the FBI as fact, and serve them up to a willing media in the weeks leading up to Election Day.

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Endnotes

1. *Barr Appoints Prosecutor to Examine Russia Probe Origins*, Politico (May 14, 2019, 12:16 AM EDT), https://www.politico.com/story/2019/05/14/barr
    -prosecutor-russia-probe-origins-1319878.

2. U.S. Dep't of Just., Ord. No. 4878–2020, Appointment of Special Counsel to Investigate Matters Related to Intelligence Activities and Investigations Arising Out of
    the 2016 Presidential Campaigns (Oct. 19, 2020), https://www.justice.gov/file/1370931/download.

3. *See, e.g.,* Indictment, United States v. Michael A. Sussmann, Crim. Case No. 21–582 (CRC) (D.D.C. Sept. 16, 2021), ECF No. 1, *available at* https://www
    .courtlistener.com/docket/60390583/1/united-states-v-sussmann/ [hereinafter *Sussmann Indictment*]; The Government's Motions *in Limine*, United
    States v. Michael A. Sussmann, Crim. Case No. 21–582 (CRC) (D.D.C. Apr. 4, 2022), ECF No. 61, at 13-32 (emphasis added) (seeking the admission
    of certain communications because they were "made in furtherance of a joint venture between and among the defendant, Tech Executive-1, and
    representatives or agents of the Clinton Campaign"), *available at* https://storage.courtlistener.com/recap/gov.uscourts.dcd.235638/gov.uscourts.dcd
    .235638.61.0_7.pdf.

4. Indictment, United States v. Igor Y. Danchenko, Crim. Case No. 21–245 (AJT) (E.D. Va. Nov. 3, 2021), ECF No. 1, *available at* https://www.courtlistener
    .com/docket/60698540/1/united-states-v-danchenko/ [hereinafter *Danchenko Indictment*]; Matthew Mosk, *Durham Probe Offers Fresh Support
    for Man Who Has Long Denied Being 'Steele Dossier' Source*, ABC News (Nov. 11, 2021, 8:27 PM) (stating that Steele is U.K. Person-1 identified in the
    indictment), https://abcnews.go.com/US/durham-probe-offers-fresh-support-man-long-denied/story?id=81119325.

5. Danchenko Indictment, *supra* note 4.

6. Interview of Igor Danchenko, Federal Bureau of Investigation (Jan. 25, 2017), https://www.judiciary.senate.gov/imo/media/doc/February%209,%20
    2017%20Electronic%20Communication.pdf [hereinafter *Danchenko FBI Interview*].

7. Danchenko Indictment, *supra* note 4.

8. Sussmann Indictment, *supra* note 3. Of course, a Washington, D.C. jury acquitted Sussmann of the charge in the indictment.

9. Orbis Business Intelligence, Company Intelligence Report 2016/095 at 1, *available at* https://s3.documentcloud.org/documents/3259984/Trump-Intelligence
    -Allegations.pdf.

10. Government's Reply Concerning the Parties' Motions *in Limine* and Rule 404(b) Objections, United States v. Michael A. Sussmann, Crim. Case No.
     21–582 (CRC) (D.D.C. Apr. 23, 2022), ECF No. 94, at 4, *available at* https://www.courtlistener.com/docket/60390583/94/united-states-v-sussmann/.

11. Sussmann Indictment, *supra* note 3, at 17, ¶ 25(e).

12. Letter from John Ratcliffe, Dir. of Nat'l Intel., to Lindsey Graham, U.S. Senator, (Sept. 29, 2020), *available at* https://www.judiciary.senate.gov/imo
     /media/doc/09-29-20_Letter%20to%20Sen.%20Graham_Declassification%20of%20FBI's%20Crossfire%20Hurricane%20Investigations_20-00912
     _U_SIGNED-FINAL.pdf.

13. *Id.*

14. Franklin Foer, *Was a Trump Server Communicating With Russia?*, Slate (Oct. 31, 2016), http://www.slate.com/articles/news_and_politics/cover_story
     /2016/10/was_a_server_registered_to_the_trump_organization_communicating_with_russia.html. For more on the *Slate* article, see *infra*.

15. Press Release, Hillary for America, Statement from Jake Sullivan on New Report Exposing Trump's Secret Line of Communication to Russia (Oct.
     31, 2016) *available at* https://www.presidency.ucsb.edu/documents/statement-from-jake-sullivan-new-report-exposing-trumps-secret-line
     -communication-russia.

16. Hillary Clinton (@HillaryClinton), Twitter (Oct. 31, 2016, 8:36 PM), https://twitter.com/hillaryclinton/status/793250312119263233?lang=en; *see also*
     Katie Meyer, *In the Final Hours of the Election, Who is Winning on Social Media?* The Social Media Reader (Nov. 8, 2016) (stating that "Trump closed his
     campaign with 12.9 million Twitter followers; Hillary, with 10.2 million"), https://medium.com/the-social-reader/in-the-final-hours-of-the-election
     -who-is-winning-on-social-media-7243016e3d7b.

17. Sussmann Indictment, *supra* note 3, at 17, ¶ 25(e).

18. Foer, *Was a Trump Server Communicating With Russia?*, *supra* note 14.

19. Eric Lichtblau and Steven Lee Myers, *Investigating Donald Trump, F.B.I. Sees No Clear Link to Russia*, The N.Y. Times (Oct. 31, 2016), https://www.nytimes
     .com/2016/11/01/us/politics/fbi-russia-election-donald-trump.html.

20. David Corn, *A Veteran Spy Has Given the FBI Information Alleging a Russian Operation to Cultivate Donald Trump*, Mother Jones (Oct. 31, 2016), https://
     www.motherjones.com/politics/2016/10/veteran-spy-gave-fbi-info-alleging-russian-operation-cultivate-donald-trump/.

21. Interview of Marc Elias, Executive Session, U.S. House of Representatives Permanent Select Committee on Intelligence (Dec. 13, 2017), at 16–17, https://
     docs.house.gov/meetings/IG/IG00/CPRT-116-IG00-D041.pdf [hereinafter *Elias Interview*].

22. Conciliation Agreement, *In the Matter of DNC Services Corporation, et al.*, MURs 7291 and 7449, Fed. Election Comm'n (Feb. 22, 2022), at 2, ¶ 5,
     available at https://www.fec.gov/files/legal/murs/7449/7449_64.pdf [hereinafter *Conciliation Agreement*].

23. Elias Interview, *supra* note 21, at 9.

24.   Sussmann Indictment, *supra* note 3, at 2, ¶ 3.

25.   *Id.* at 3, ¶ 7.

26.   *Id.* at 2, ¶ 4.

27.   *Id.* Neustar, Inc. has subsequently been acquired by TransUnion. *See* Press Release, TransUnion, TransUnion and Neustar Announce Transaction Close (Dec. 1, 2021), https://newsroom.transunion.com/transunion-and-neustar-announce-transaction-close/.

28.   John Devaney, *Our Michael Sussmann Is an Honorable Man*, Wall St. J. (Oct. 18, 2018, 3:27 PM ET), https://www.wsj.com/articles/our-michael-sussmann-is-an-honorable-man-1539890834.

29.   The Government's Motions *in Limine*, United States v. Michael A. Sussmann, Crim. Case No. 21–582 (CRC) (D.D.C. Apr. 4, 2022), ECF No. 61, at 2 (emphasis added), *available at* https://storage.courtlistener.com/recap/gov.uscourts.dcd.235638/gov.uscourts.dcd.235638.61.0_7.pdf.

30.   Sussmann Indictment, *supra* note 3, at 20, ¶ 29.

31.   *Id.* at ¶ 30.

32.   Patrick Smith, *Michael Sussmann Resigns From Perkins Coie Amid Federal Indictment*, Law.com (Sept. 16, 2021), https://www.law.com/nationallawjournal/2021/09/16/michael-sussman-resigns-from-perkins-coie-amid-federal-indictment/.

33.   Press release, Perkins Coie, Perkins Coie and Its Political Law Group Announce the Formation of the Independent Firm Elias Law Group LLP (Aug. 22, 2021), https://www.perkinscoie.com/en/news-insights/perkins-coie-and-its-political-law-group-announce-the-formation-of-the-independent-firm-elias-law-group-llp.html.

34.   Fusion GPS, https://fusiongps.com/ (last visited May 19, 2022).

35.   Terry Gross, *Fusion GPS Founders On Russian Efforts To Sow Discord: 'They Have Succeeded,'* NPR (Nov. 26, 2019), https://www.npr.org/2019/11/26/782908119/fusion-gps-founders-on-russian-efforts-to-sow-discord-they-have-succeeded.

36.   Letter from Matthew J. Gehringer, Perkins Coie LLP General Counsel, to William W. Taylor III, Zuckerman Spaeder LLP (Oct. 24, 2017), *available at* https://cdn.cnn.com/cnn/2017/images/10/25/fusion.perkins.coie.pdf.

37.   Peter Nicholas, *The Real Story Behind the Steele Dossier*, The Atlantic (Nov. 21, 2019), https://www.theatlantic.com/politics/archive/2019/11/steele-dossier-fusion-gps/602341/.

38.   Conciliation Agreement, *supra* note 22, at 2, ¶ 5.

39.   *Opposition Research*, Dictionary.com, https://www.dictionary.com/browse/opposition-research (last visited May 31, 2022).

40.   Government's Motion to Compel the Production of Purported Privileged Communications Withheld by Non-Party Entities for *In Camera* Inspection by the Court, United States v. Michael A. Sussmann, Crim. Case No. 21–582 (CRC) (D.D.C. Apr. 6, 2022), ECF No. 64, at 9, ¶ 17, *available at* https://www.courtlistener.com/docket/60390583/64/united-states-v-sussmann/.

41.   Second General Counsel's Report, United States v. Michael A. Sussmann, Crim. Case No. 21–582 (CRC) (D.D.C. May 2, 2022), ECF No. 113–4, at 3–4 (This is a Federal Election Commission document dated June 24, 2021, which was entered into the record in the Sussmann trial as an exhibit to another filing.), *available at* https://www.courtlistener.com/docket/60390583/113/4/united-states-v-sussmann/.

42.   *Id.* at 4, n. 13–15.

43.   Orbis Business Intelligence, Company Intelligence Reports, *supra* note 9.

44.   Amber Philips and Peter W. Stevenson, *'I Need Loyalty': James Comey's Riveting Prepared Testimony About What Trump Asked Him, Annotated*, Wash. Post (June 7, 2017), https://www.washingtonpost.com/news/the-fix/wp/2017/06/07/i-need-loyalty-james-comeys-riveting-prepared-testimony-about-what-trump-asked-him-annotated/.

45.   Nicholas, *The Real Story Behind the Steele Dossier*, *supra* note 31.

46.   *Id.*

47.   Barry Meier, *Ping!! How Those Trump/Russia Stories Got Shopped to the Media*, The Nation (Dec. 2, 2021), https://www.thenation.com/article/politics/alfa-bank-ping-russiagate/.

48.   *Id.*

49.   *Id.*

50.   Foer, *Was a Trump Server Communicating With Russia?*, *supra* note 14.

51.   Franklin Foer (@FranklinFoer), Twitter (Oct. 31, 2016, 5:43 PM), https://twitter.com/franklinfoer/status/793206731203567616?lang=en.

52.   Danchenko Indictment, *supra* note 4, at 1, ¶3.

53.   Interview of Glenn Simpson, Executive Session, U.S. House of Representatives Permanent Select Committee on Intelligence (Nov. 14, 2017), at 25, https://docs.house.gov/meetings/IG/IG00/20180118/106796/HMTG-115-IG00-20180118-SD002.pdf [hereinafter *Simpson Interview*].

54. *See generally* Danchenko Indictment, *supra* note 4; *see also* Alan Cullison and Aruna Viswanatha, *Three Friends Chatting: How the Steele Dossier Was Created*, Wall St. J. (May 9, 2022), https://www.wsj.com/articles/the-surprising-backstory-of-how-the-steele-dossier-was-created-11652103582?mod =hp_lead_pos2.

55. U.S. Dep't of Just., Special Counsel Robert S. Mueller, III, Report On The Investigation Into Russian Interference In The 2016 Presidential Election, Volume I (Mar. 2019) at 2, https://www.justice.gov/archives/sco/file/1373816/download [hereinafter *Mueller Report*].

56. Danchenko Indictment, *supra* note 4, at 2, ¶ 8.

57. Order, United States v. Igor Y. Danchenko, Crim. Case No. 21–245 (AJT) (E.D. Va. Jan. 12, 2022), ECF No. 41, *available at* https://storage.courtlistener .com/recap/gov.uscourts.vaed.515692/gov.uscourts.vaed.515692.41.0_2.pdf.

58. Orbis Business Intelligence, Company Intelligence Report 2016/095, *supra* note 9.

59. Russian American Chamber of Commerce in the USA, LinkedIn, https://www.linkedin.com/company/russian-american-chamber-of-commerce-in -the-usa/ ("The Russian American Chamber of Commerce in the USA is nonprofit dedicated to strengthening intercultural and economic ties between Russian and American businesses.").

60. Danchenko FBI Interview, *supra* note 6, at 37.

61. *Id.*, at 37; Danchenko Indictment, *supra* note 4, 29–31, ¶¶ 90–95.

62. Danchenko Indictment, *supra* note 4, at 31, ¶ 98 (emphasis added).

63. *Id.* at 2, ¶¶ 5–6; *see also* U.S. Dep't of Just., Office of the Inspector General, Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation (Dec. 2019) at 100 ("As described in Chapters Five and Seven, the FBI relied upon Report 95 to support probable cause in the Carter Page FISA applications.") [hereinafter *DOJ IG Report*].

64. Danchenko Indictment, *supra* note 4, at 17–18, ¶¶ 53–56.

65. *Id.* at 19–20, ¶¶ 58–61. An attorney for Dolan has confirmed that he is the unnamed executive cited in the Danchenko indictment as "PR Executive-1." *See* Isaac Stanley-Becker, *A Spin Doctor With Ties to Russia Allegedly Fed the Steele Dossier Before Fighting to Discredit It*, Wash. Post (Nov. 6, 2021), https://www.washingtonpost.com/politics/2021/11/06/charles-dolan-steele-dossier-igor-danchenko-indictment/.

66. Cullison and Viswanatha, *Three Friends Chatting*, *supra* note 54.

67. Danchenko Indictment, *supra* note 4, at 6, ¶ 19.

68. *Id.* at ¶ 20.

69. *Id.* at 20, ¶¶ 59–60.

70. *Id.* at ¶ 61.

71. *Id.*

72. *Id.* at ¶ 60.

73. *Id.* at 21, ¶ 63.

74. *Id.* at ¶ 64.

75. DOJ IG Report, *supra* note 63, at 188.

76. Orbis Business Intelligence, Company Intelligence Report 2016/080, *supra* note 9.

77. Orbis Business Intelligence, Company Intelligence Report 2016/105 (Aug. 22, 2016), *available at* https://s3.documentcloud.org/documents/3259984/Trump -Intelligence-Allegations.pdf.

78. Danchenko Indictment, *supra* note 4, at 15, ¶ 48.

79. *Id.* at 16, ¶ 52.

80. Declaration of Olga Aleksandrovna Galkina, Mikhail Fridman, *et al.* v. Bean LLC a/k/a Fusion GPS, and Glenn Simpson, Civil Docket No. 17–2041–RJL (D.D.C. Jun. 8, 2021) ECF No. 153–8, *available at* https://media.washtimes.com/media/misc/2021/11/11/Galkina_affidavit.pdf.

81. Danchenko FBI Interview, *supra* note 6, at 16.

82. Cullison and Viswanatha, *Three Friends Chatting*, *supra* note 54.

83. *Id.*

84. *Id.*

85. *Id.*

86. Danchenko Indictment, *supra* note 4, at 11, ¶ 41.

87. *Id.* at 12, ¶ 41(d)–(e).

88. Danchenko FBI Interview, *supra* note 6, at 28–31; Kevin Clinesmith, a former FBI lawyer, pled guilty to a criminal offense resulting from altering an e-mail that was then relied on by FBI agents to seek a FISA warrant to surveil Page. *See* Press Release, FBI Attorney Admits Altering Email Used for FISA Application During 'Crossfire Hurricane' Investigation (Aug. 19, 2020). He received only 12 months of probation and 400 hours of community service. Editorial Board, *A Pass for Kevin Clinesmith*, Wall St. J. (Jan. 29, 2021), https://www.wsj.com/articles/a-pass-for-kevin-clinesmith-11611962556. Clinesmith also received only a one-year suspension of his D.C. law license. It was reinstated in September 2021, and Clinesmith was restored to being an attorney in "good standing" by the District of Columbia bar. *Caroline Downey, FBI Lawyer Found Guilty of Forgery in Trump-Russia Probe Restored to 'Good Standing' by D.C. Bar*, Nat. Rev. (Dec. 16, 2021), https://www.nationalreview.com/news/fbi-lawyer-found-guilty-of-forgery-in-trump-russia-probe-restored-to-good-standing-by-d-c-bar/.

89. Mueller Report, *supra* note 55, Vol. II at 139.

90. Sussmann Indictment, *supra* note 3, at 7–14, ¶¶ 21–23.

91. *Id.* at 5, ¶ 16.

92. Foer, *Was a Trump Server Communicating With Russia?*, *supra* note 14.

93. Sussmann Indictment, *supra* note 3, at 5, ¶ 16.

94. Lorenzen is referred to as "Originator-1" (as well as "Tea Leaves") in the Sussmann indictment. Lorenzen's identity was confirmed through her attorney to the *New York Times*. *See* Charlie Savage and Adam Goldman, *Trump Server Mystery Produces Fresh Conflict*, N.Y. Times (Sept. 30, 2021), https://www.nytimes.com/2021/10/01/us/politics/trump-alfa-bank-indictment.html. Lorenzen is the founder of ZETAlytics, a cybersecurity company based in Rhode Island.

95. Joffe is referred to as "Tech Executive-1" in the Sussmann indictment. Joffe's identity was confirmed through his attorney to the *New York Times*. *See* Savage and Goldman, *Trump Server Mystery Produces Fresh Conflict*, *supra* note 94.

96. Sussmann Indictment, *supra* note 3, at 5, ¶ 15.

97. *Id.* at 6, ¶ 18; *see also* Government's Reply Concerning the Parties' Motions *in Limine* and Rule 404(b) Objections, *supra* note 10, at 2.

98. Sussmann Indictment, *supra* note 3, at 2–3, 6, ¶¶ 6, 20.

99. *Id.* at 7–8, ¶ 21.

100. *Id.* at 9, ¶ 22(e).

101. *See, e.g., id.* at 6, ¶ 20(a).

102. *Id.* at 8–10, ¶ 22.

103. *Id.* at 9, ¶ 22(g).

104. *Id.* at ¶ 22(f).

105. *Id.* at 9–10, ¶ 22(i).

106. Bruce Golding, *Who Is Rodney Joffe, aka 'Tech Executive-1' in Durham indictment?* N.Y. Post (Sept. 30, 2021), https://nypost.com/2021/09/30/who-is-rodney-joffe-tech-executive-1-in-durham-indictment/.

107. Jerry Dunleavy, *'Tech Exec-1' Says He Pleaded the Fifth to John Durham's Grand Jury*, Wash. Exam. (Mar. 2, 2022), https://www.washingtonexaminer.com/news/justice/tech-exec-1-says-he-pleaded-the-fifth-to-john-durhams-grand-jury.

108. Sussmann Indictment, *supra* note 3, at 10–11, ¶ 23(a)-(e). The Sussmann indictment uses the pseudonyms "Researcher-1" and "Researcher-2" for Antonakakis and Dagon, respectively. *See* Savage and Goldman, *Trump Server Mystery Produces Fresh Conflict*, *supra* note 94.

109. Sussmann Indictment, *supra* note 3, at 11, ¶ 23(g).

110. *Id.* at 13–14, ¶ 23(k) (emphasis added).

111. *Id.* at 13, ¶ 23(j).

112. *Id.* at 12, ¶ 23(h).

113. *Id.* at 14–16, ¶ 24.

114. *Id.* at 14–15, ¶¶ 24(a)–(d).