

# This Week's Spycgate Trial Is Bad News For Hillary Clinton

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Subpoenaed Fusion GPS employee Laura Seago is likely to stay mum during questioning at the criminal trial of Michael Sussmann that starts this week. Her silence will be yet further evidence that the Hillary Clinton campaign financed and seeded the Russia collusion hoax to both the press and U.S. intelligence agencies.

Jury selection is scheduled to begin this morning in a D.C. federal court in the criminal case against former Clinton campaign attorney Michael Sussmann. While Sussmann faces a single charge of making a false statement to former FBI General Counsel James Baker, proof of that federal crime requires prosecutors to show Sussmann lied when he shared Alfa Bank data and whitepapers with Baker, telling the FBI lawyer that he was not acting on behalf of a client.

To prove that lie, Durham's team, led by long-time prosecutor Andrew DeFilippis, will present evidence to the jury that Sussmann, in fact, was acting on behalf of two clients—the Clinton campaign and tech executive Rodney Joffe. The special counsel has already previewed much of the evidence it intends to present over the course of the expected two-week trial.

Prosecutors will first seek to establish that the Alfa-Bank hoax—a conspiracy theory that claimed Donald Trump had established a secret communications channel with the Russia-based Alfa Bank—originated with Sussmann's client, Joffe, but was then shared with the Clinton

campaign through its Perkins and Coie attorneys. The testimony of Georgia Tech researcher Dave Dagon, whom the special counsel gave immunity to last summer, will be key in this regard.

In the months leading up to the 2016 presidential election, Dagon worked closely with Joffe and the originator of the Alfa-Bank data, April Lorenzen, reviewing the data and a whitepaper supposedly showing the Russia-Trump connection. According to Durham's indictment, Dagon also collaborated with Joffe and Lorenzen to craft another conspiracy theory related to the Russian-made Yota cell phones. In February 2017, Sussmann provided the CIA data related to the Yota cell phones, claiming that the Russian phones were typically used by top Russian officials and that the data showed the cellphones being in multiple locations near Trump, including in the executive office building of the president.

Dagon's role, however, extended further, with him serving as the go-to expert to push the Alfa Bank story in the media. Emails reveal that the private investigative firm Fusion GPS, which Perkins and Coie hired on behalf of the Clinton campaign, pushed Dagon on reporters skeptical of the Alfa Bank story. Dagon's testimony concerning his assistance to Fusion GPS in these efforts connects the Alfa-Bank hoax to the Clinton campaign because it was Perkins and Coie who hired Fusion GPS and not Joffe.

While Dagon holds some insight on Fusion GPS's role in feeding the Alfa-Bank hoax to the media, prosecutors have also subpoenaed Fusion GPS's "tech maven" Seago to testify. In response, Seago's attorney, Holly Pierson, informed the government that Seago would invoke her Fifth Amendment privilege against self-incrimination absent a court order of immunity compelling her to testify at trial. Last month,

on a motion by the special counsel, presiding judge Christopher Cooper entered an order immunizing Seago and compelling her to testify.

The court's order, however, addressed solely Seago's right not to incriminate herself, and did not address the question of attorney-client privilege. Another ruling last week by the D.C. federal judge addressed Joffe and the Clinton campaign's claims of attorney-client privilege.

In that order, the court held that internal Fusion GPS emails related to "ordinary media-relations work" undertaken on behalf of the Clinton campaign were not protected by attorney-client privilege. Other emails, though, including eight emails with their attachments [exchanged](#) between Sussmann, Joffe, and Fusion GPS's Seago, were protected by attorney-client privilege according to the court.

While the court's order last week addressed only the few dozen emails at issue, the court noted it "will apply the principles set forth above to any assertions of privilege during witness testimony at trial." Consequently, if prosecutors seek to inquire of Seago about communications she had with Joffe about the Alfa-Bank data and whitepapers, Seago is likely to respond that she cannot answer the questions based on attorney-client privilege.

Such a rejoinder, however, during the highly publicized Sussmann trial will force focus on the basis of that claim. And the premise underlying the court's ruling that [communications](#) between Seago, Joffe, and Sussmann were protected by attorney-client privilege was that Joffe shared a "common interest" with the Clinton campaign.

Testimony by Seago that Fusion GPS worked with Joffe to push the

Alfa-Bank conspiracy theory would further the special counsel's goal of establishing that Sussmann represented Joffe and the Clinton campaign when he met with Baker; but her hiding behind attorney-client privilege would as well.

In fact, according to court [filings](#) the special counsel issued trial subpoenas to both the Clinton campaign and the Democratic National Committee "requesting the testimony of witnesses regarding the assertion of attorney-client privilege in front of the jury," illustrating that Durham's team sees value in the jury hearing from witnesses that the Clinton campaign sees itself as the client related to communications relevant to the Alfa Bank data.

Likewise, if Seago refuses to answer questions regarding conversations she had with Joffe and others regarding the Alfa Bank data, prosecutors can still win from that loss, with jurors learning from the assertion of privilege that the Alfa Bank theory arose from communications with Joffe, on behalf of the Clinton campaign.

The real loser, though, will be Hillary Clinton, who risks the spectacle of a court ruling during public proceedings that Seago's communications with Joffe were protected by attorney-client privilege given Fusion GPS's role of assisting the Clinton campaign. And that is but a sliver of the evidence likely to come out during Sussmann's trial connecting Clinton to Spygate.

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