

MSNBC's *Deadline: White House*

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4:20:00 p.m. [TEASE]

19 seconds

NICOLLE WALLACE: Plus remember Spygate? Well, Trump and his allies never really let it go and they're back this week. Again, alleging hacking and intercepting this time with some new names. None of what they're alleging is true. But that hasn't stopped the story from enduring and taking off again, we'll explain.

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4:33:08 p.m. [TEASE]

20 seconds

WALLACE: The spreading, the dissemination of disinformation by right-wing media is not new and it's not a bug, it's a feature. But they're at it again, and this is important. They are misrepresenting a court filing and running wall to wall coverage about that misrepresented depiction, that dangerous narrative and the effort to reverse it is next.

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4:37:07 p.m.

11 minutes and 54 seconds

[ON-SCREEN HEADLINE: Durham Court Filing Sets Off Conspiracies in Right-Wing Media About Democrats Spying on Trump]

WALLACE: Over the past few days, Donald Trump and his allies and conservative media have been totally consumed by a story, they say, wait for it, is bigger than Watergate. Those of us on earth one may have missed it. So we're going to tell you about it. They insist this that a new court filing from the Bill Barr appointed special counsel, who is yet still at it, John Durham, investigating the origins of the original Russia investigation is conclusive. They say this that Trump was indeed spied upon by the Hillary Clinton presidential campaign. *New York Times* reporter, Charlie Savage, reports this: "When Durham filed a pre-trial motion on Friday night, he slipped in a few extra sentences that set off a furor among right-wing outlets about purported spying on former President Trump. But the entire narrative appeared to be mostly wrong or old news. The latest example of the challenge created by a barrage of similar conspiracy theories from Trump and his allies." Charlie Savage, *New York Times* Washington correspondent, is with us. Frank Figliuzzi is here as well. Charlie, this was so notable for a couple reasons. One, you got right at the disinformation that's being peddled about the still ongoing work of John Durham. And two, I think if you don't tune in to the events on earth two, on right-wing media, you don't know that this is still such a big deal on the right, these conspiracy theories about Trump being spied upon, you debunked it all. Take us through your reporting.

CHARLIE SAVAGE: Well, so this is — the filing on Friday night said that the — involves a case of Michael Sussmann, this lawyer that Durham has indicted for lying supposedly to the FBI about whether he was working for the Clinton campaign. He certainly had ties to the Democrats, he worked for the Democratic Party, and is in Russia's hacking of its server and his law partner was the General Counsel of the — campaign. It's in dispute whether he was actually working for the party and this filing was unrelated to what is — largely unrelated to what has become this uproar, but it slipped in this paragraph that said he had gone to the CIA in February of 2017 and told them about data suggesting that Russian-made smartphones that are rare in the United States had been in proximity to Trump Tower to the White House to other buildings associated with Trump that connected essentially to their networks. This is something that *The New York Times* had reported back in the end of September, early October. And so our initial reaction was, yes, we knew that we have this information in the wild, but it has set off in right-wing media a firestorm, basically saying that this filing had said that Hillary Clinton's campaign had paid technology firm to quote, infiltrate the Trump White House servers. And the problem with all this is the filing itself never says the Clinton campaign paid for this. The filing does not say -- use the word infiltrate, which they keep repeating. And the filing doesn't say when the data associated with the White House network came from. They claim that it was Trump White House data. The people who — the cyber-security specialists who developed this analysis, lawyers for them and have said, no, this was 2016 data, Obama White House data that they were working with. And later on a court filing for this by this lawyer, Michael Sussmann, they also say, the information we presented to the CIA involved Obama White House data. And so, we seem to have two problems. We have these strange Russian made smartphones that are — and internet-related data is showing up, associating them with people surrounding Donald Trump. That's not clear what that means to suggest that someone's got one of these smartphones in their pocket in Trump Tower and several other places. And in the Obama White House, it may not be related to each other based on what these people are saying. But it's a very complicated and different story than the notion of Hillary Clinton paying to infiltrate the Trump White House servers with this narrative that has taken off that seems somewhat disassociated from what's actually being said in this filing.

WALLACE: Because the data happens when Obama was president, so the most honest effort to strain the facts would be that Obama's White House was spied on by Hillary's associates. I mean, I can't follow the thread out the window from where the good faith effort ends, and the outright lie starts.

SAVAGE: Well, I mean, the whole spying on thing is a very, sort of, tort way of putting analysis of this kind of data. This data exists on internet servers, as I understand it around the world. It's kind of like phone books that when your computer or your smartphone is going to look up — go to a website, first, it has to ping one of these servers to say, what is the digital address of the thing that I know of as nytimes.com or msnbc.com, or whatever? And it gets a string of numbers. And then that data, which is called DNS data, is kind of an echo. It's like a looking — some of us looking up this server. It's -- and you can exist in the wild. And in fact, this data that was being analyzed by the cyber-security researchers at Georgia Tech, because DARPA, a military agency that asked these security researchers to look at it for signs of hacking a malicious activity after Russian malware was found in the White House network in 2015 and then Russians hacked, of

course, the Democratic Party servers in 2016. So, they were looking for signs that there was some kind of malware pinging weird Russian websites in networks connected with the government, connected with people associated with the campaign. They found this stuff, and wrote some white papers about it, as I understand it, and this lawyer who's linked to Democrats, but it also has a client who's one of these technology executives involved in the research effort, takes it to the CIA and says, here's some information, you might want to look at. What I don't fully understand either is that the Obama White House era data — there may be two different issues here and this is still a little bit murky to me, I have to say. Maybe someone had one of these weird smartphones in the White House, totally unrelated to Trump, and then someone else has had one of these weird white phones — Russian phones in the Trump area, and that both of these are sort of concerning in their own way and worthy of further investigation, as I understand it, was the asked [sic] the CIA in February of 2017. But these things have been conflated now into a narrative of Hillary paying to spy on the Trump White House, which is a number of leaps that are not in the filing and yet have become the narrative in the right-wing media ecosystem.

WALLACE: You know, Frank, when I read Charlie's story, and I had to read it a couple times to get all the facts straight, I remember Shep Smith's great takedown of the Uranium One conspiracy, basically taking apart every allegation and sort of why that was out there and stitched together in this complicated conspiracy theory that had no basis. In fact, and I want to read this from Charlie's piece to you. "Upon close inspection, these narratives are often based on a misleading presentation of the facts or outright misinformation. They also tend to involve dense and obscure issues, so dissecting them requires asking readers to expend significant mental energy and time, raising the question of whether news outlets should even cover such claims. Yet, Trump allies portray the news media as engaged in a cover up if they don't." What do you make of this effort that Charlie's engaged in to say, here's this filing it's really dense, it's really confusing but it doesn't say what they say it says. Is that important in this age of rampant disinformation on the right?

FRANK FIGLIUZZI: Well, not only is it important, but it's also at risk of peril to yourself. You cited Shep Smith. What happened to Shep Smith, who used to be at Fox News, when he tried to explain the truth too much? He's no longer at Fox News. So, it's really important to take the time to break this down and get the truth out to people. Why? Because as we're learning, there are platforms out there that are all too happy to provide the public the simple explanation to what is otherwise an incredibly complicated story. And when you do that, when you default to that simple, you're essentially allowing yourself to default to disinformation. This is dangerous disinformation. It's pointing a finger at Hillary Clinton, it's lying about her, it's claiming she may be engaged in criminal activity. But, you know, in some ways, there's a — there's another way to take this on, which is Charlie's done the difficult part explaining everything that's actually happened. Let me do something else. Let me say what's not in the John Durham filing because if by chance there's any Fox viewers who are mistakenly just flipping through the channels right now and stop on this and wonder what this is — let — let me do this quickly. There's no spying to speak of in any traditional sense of the word in the John Durham filings. There's nothing in the John Durham filing about Hillary Clinton paying to infiltrate the Trump White House or Trump Tower. There's — there's nothing in there that speaks to wiretapping, right? I keep hearing that on these — on these right-wing, fringe platforms, they have wiretaps going. What are you talking

about? There was no content. Wiretap is when you're intercepting content of a — of a phone call, of an e-mail communication, you've got a microphone in somebody's office, no wiretap in this John Durham filing. What's there? A legit security — cyber-security firm recognized by the U.S. government, contracts with DOD entities, trying to study the problem of Russia cyber and — and — allegations of campaign interference and finding these fascinating things, including this Russia Yoda phone that keeps pinging into this, which by the way, is relatively rare in this ocean of phones that we have across the United States. What do they do with this information? Oh, my, they go to their attorney who presents it to the CIA and/or the FBI. How terrible is that? That's where we are right now. I expect this behavior of Fox News folks. What I'm really kind of continued — continue to be perplexed by is the conduct of John Durham. The guy should have known that this filing was going on just like fire to disinformation echo chambers, yet, he put this out there. He now has a responsibility. If he were a reasonable prosecutor to come in and say, look, I can't comment on the case, but I got to tell you, this has been really misconstrued. I didn't say this, this, and this, and then he just walks away. Will he do that? No. Will — should Merrick Garland come in soon and ask John Durham where in heaven's name he's headed with this, particularly with Friday, a hearing coming where Sussmann is supposed to ask the judge to toss the case against him? Would that be a good time then for Merrick Garland to say to Durham, what are you doing and when are you done? Yes.

WALLACE: We're getting more on what Durham is doing and why this story matters. It's important to show you the absolute finger in the electrical socket that it caused one Laura Ingraham, more on that on the other side of a break. Don't go anywhere.

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4:52:38 p.m.

4 minutes and 16 seconds

PETER STRZOK [on Peacock's *The Choice*]: I think it is hard for me to overstate the lasting damage that Barr did, one, in terms of sort of the operations of the Department of Justice and FBI during the — his tenure as Attorney General and DOJ. And then two sort of the way, in particular, that he managed the rollout of the Mueller report, which was completely disingenuous, absolutely misleading, and yet, took route.

WALLACE: That was former FBI counterintelligence agent, Pete Strzok, on the lasting damage in his view that has been done by former AG, Bill Barr, who of course appointed Mr. Durham, who have been talking about is still hard at work investigating the investigators. We're back with Charlie and Frank. Charlie, what is Durham still have left to investigate?

SAVAGE: Well, he is — he's got two open cases. He's got this false statements case against Michael Sussmann, the lawyer who brought this information to the CIA we've been talking about, and who he has said is lied about not about representing the Clinton campaign or not, when he went to the FBI about a related matter and then he's got an open case against Igor Danchenko, who also for supposedly making false statements to the FBI. In that case, he was the primary source of information or the researcher who gathered the information that went into the

notorious Steele dossier and he's accused of lying to the FBI about several of his sources for that information. Obviously, the Steele dossier is a fairly discredited document at this point, by far, actually, I would say. So both of these are cases not about government officials who were involved in the official investigation into Russia's election interference and whether there were any — or the nature of the ties — any ties to the Trump campaign. These were both outside efforts to also understand that put forward very thin and sometimes subsequently disproven allegations about possible links to Trump and Russia. And so he's got to finish those cases. Both of those cases, although they're narrow in terms of what the charges, have involved very lengthy in narrative indictments and broader chunks of information that he uncovered in his investigation and it appears that he is — has a theory that he hasn't been able to prove or at least hasn't charged yet that there was a conspiracy involving the Hillary Clinton campaign to frame Trump for collusion with Russia, to create an impression that Trump was tied to Russia in some ways that, you know, led to the Steele dossier, led to the cyber-security researchers information coming to the government. What he's not been able to show, at least so far, is that there was -- this was a bad faith that the cyber-security researchers didn't believe what they found, and that Mr. Sussmann eventually took to the government and they — you know, their internal communications suggest they were more enthusiastic about it than the indictment's sort of cherry picked words out of their emails suggested. So that's sort of an insinuation that he isn't backing up at this point with actual charges. And so, I think what we're not sure of is whether he has more, whether — maybe he's not either. He might be attempting to flip these people and he thinks that maybe there is this conspiracy, and he just hasn't been able to prove it, but Michael Sussmann will flip and tell him all about it. Possibly, that's where he thinks he's going and — and isn't sure yet whether he'll succeed. But from the outside looking in, this is how I understand the theory he's pursuing and what he's not actually been able to prove so far, but has insinuated.

WALLACE: I guess I am old enough to remember that Robert Mueller didn't close all of the cases he had open. They went back to main DOJ and were handled there, so that seems like a flimsy reason to remain as a full blown investigative office there, but we'll stay on it. And I know about both those cases because, contrary to Laura Ingraham's conspiracy theory about the New York Times, they were written about in *The New York Times*. Charlie Savage, Frank Figliuzzi, thank you so much for spending time with us on this.