

THE IGOR DANCHENKO INDICTMENT: STRUCTURE

I'm going to do a series of posts on John Durham's indictment of Igor Danchenko. Because the indictment is an organizational shit-show and because the order Durham adopts obscures real problems with the indictment, I'm going to do the posts out of order. But I want to start by laying out the organization he uses, which will serve as a means to link the series I will do and explain the import. (I'll do running updates on this post.)

Here's the organization; I've bolded the parts of the indictment that pertain to actually charged crimes, I've italicized those that don't relate to the charges, and underlined one that includes other dodgy claims:

I. Introduction and Overview

A. Igor Danchenko

B. Orbis and Its Role in the 2016
Presidential Election Campaign

C. Charles Dolan

D. Danchenko's Relationship with Dolan

E. Olga Galkina

F. Danchenko Introduces Galkina to Dolan

G. Sergei Millian

H. Danchenko's US Election Reporting

II. Danchenko's False Statements Involving Dolan

A. Dolan Provides Information Regarding
Paul Manafort

B. Danchenko's Statements to the FBI
Regarding Dolan

III. The Materiality of Danchenko's [Alleged]

Lies Regarding Dolan

A. Danchenko's Allegations Regarding Salacious Sexual Activity

- 1. Dolan and Organizer-1 Receive a Tour of the Ritz Presidential Suite*
- 2. Danchenko's Statements to the FBI Regarding the Ritz*

B. Danchenko's Allegations Regarding Russian Diplomat-1

- 1. Danchenko's Statements to the FBI Regarding Russian Diplomat-1*

C. Danchenko's Allegation Regarding Russian Chief of Staff-1

- 1. Danchenko's Statements to the FBI Regarding Chief of Staff-1*

IV. Danchenko's False Statement Regarding Disclosure of His Relationship with Steele and Orbis

V. Danchenko's False Statements Regarding Allegations Sourced to Sergei Millian

A. Danchenko's Alleged Phone Call with Millian

B. Danchenko's False Statement Regarding His Alleged Phone Call with Millian

VI. The Materiality of Danchenko's [Alleged] Lies Regarding Millian

Charges

- On or about June 15, 2017,

Danchenko denied to agents of the FBI that he had spoken with Dolan about any material contained in the Company Reports, when in truth and in fact, Dolan was the source for an allegation contained in a Company Report dated August 22, 2016 and was otherwise involved in the events and information described in the reports. [my emphasis]

- On or about March 16, 2017, Danchenko stated to agents of the FBI that he received a late July 2016 telephone call from an individual who DANCHENKO believed was “probably” Chamber President-1, when in truth and in fact, and as the defendant well knew. Chamber President-1 never called DANCHENKO.
- On or about May 18, 2017, Danchenko stated to agents of the FBI that he “was under the impression” that a late July 2016 telephone call that he received was from Chamber President-1, when in truth and in fact, and as the defendant well knew. Chamber President-1 never called DANCHENKO.
- On or about October 24,

2017, Danchenko stated to agents of the FBI that he believed that he spoke to Chamber President-1 on the telephone on more than one occasion, when in truth and in fact, and as the defendant well knew, DANCHENKO never spoke to Chamber President-1.

- On or about November 16, 2017, Danchenko stated to agents of the FBI that he believed that he had spoken to Chamber President-1 on the telephone, when in truth and in fact, DANCHENKO never spoke to Chamber President-I.

The reason I'm starting by laying out this structure is to show that two entire sections of this indictment (both italicized), Section III (Materiality of Danchenko's alleged lies regarding Dolan) and Section IV (Danchenko's False Statement regarding disclosure of his relationship with Steele and Orbis), are not charged at all. When Durham did something analogous in the Michael Sussmann indictment, Sussmann accused him of improperly including 404b information in the indictment.

In this case, however, it's even worse. Section III insinuates that Dolan is the source for dossier allegations that Durham doesn't even try to prove. He introduces them by making a provably bullshit materiality claim. Worse still, the evidence Durham presents totally undermines those allegations. Nevertheless, having included those insinuations,

propagandists like Kim Strassel and purportedly serious reporters like Jonathan Swan have treated those allegations as if they've actually been charged. So this section was a very successful way that Durham used credulous hacks to repeat claims he's not even trying to prove are true.

Section IV, as I will argue, is an outright misrepresentation, a claim that Danchenko lied about a topic when in fact Durham misrepresented the public record (which may be why it's not charged). On paper, this section mostly attempts to corroborate Charge 1, that Danchenko lied about what Dolan said. But it's more cynical both for the materiality claim Durham invents (that FBI couldn't have known that Russia was feeding disinformation to Danchenko and Steele) and because Durham treats Hillary Clinton, not Russia, as the hostile adversary to the US.

Finally, in the underlined section on Olga Galkina, Durham attempts to insinuate that Galkina and Dolan had some conspiracy going. This section is another uncharged allegation. It's made all the worse because all the available evidence (including that Galkina is credibly alleged to be the source for the most discredited claims in the dossier, that Michael Cohen was in Prague) suggests something more nefarious was going on. In this section, then, Durham runs interference for Russian intelligence.

The point of this structure is that Durham has used both the two italicized sections and the underlined one to make wild (and in some cases, provably false) insinuations without even intending to prove them.

Danchenko posts

The Igor Danchenko Indictment: Structure

John Durham May Have Made Igor Danchenko
"Aggrieved" Under FISA

"Yes and No:" John Durham Confuses Networking

with Intelligence Collection

Daisy-Chain: The FBI Appears to Have Asked
Danchenko Whether Dolan Was a Source for Steele,
Not Danchenko

Source 6A: John Durham's Twitter Charges

John Durham: Destroying the Purported Victims to
Save Them

John Durham's Cut-and-Paste Failures – and Other
Indices of Unreliability

Aleksej Gubarev Drops Lawsuit after DOJ Confirms
Steele Dossier Report Naming Gubarev's Company
Came from His Employee

In Story Purporting to "Reckon" with Steele's
Baseless Insinuations, CNN Spreads Durham's
Unsubstantiated Insinuations

On CIPA and Sequestration: Durham's Discovery
Deadends

The Disinformation that Got Told: Michael Cohen
Was, in Fact, Hiding Secret Communications with
the Kremlin