

# **ANDREW DEFILIPPIS HAD A ROLE IN THE PROSECUTION OF GAL LUFT'S CO- CONSPIRATOR-1**

James Comer plans to rely on Gal Luft's testimony in his efforts to gin up conspiracy theories against Joe Biden, even in spite of the indictment against Luft DOJ obtained before James Comer started pursuing his conspiracy theories.

## **Andrew DeFilippis handled the classified evidence in the Patrick Ho case**

Because of that, I want to flag a detail about the Patrick Ho case, the case out of which this one arose.

Ho is the person described as Co-Conspirator-1 in the Luft indictment.

Ho was sentenced on March 25, 2019 for bribing Chadian and Ugandan officials; the former scheme started in a suite in Trump Tower in 2014.

Through a connection, HO was introduced to Cheikh Gadio, the former Minister of Foreign Affairs of Senegal, who had a personal relationship with President Déby. HO and Gadio met at CEFC China's suite at Trump World Tower in midtown Manhattan, where HO enlisted Gadio to assist CEFC China in obtaining access to President Déby.

Days after Ho was sentenced, the two lead prosecutors on that case, Catherine Ghosh and

Daniel Richenthal, flew to Brussels to meet with Luft. As alleged in the indictment, Luft lied to those prosecutors and four FBI agents about both the arms deals and Chinese influence peddling for which he has since been charged.

64. On or about March 28, 2019, in the Southern District of New York, Belgium, and elsewhere outside of the jurisdiction of any particular State or district of the United States, GAL LUFT, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, to wit, LUFT falsely stated during an interview at the United States Embassy in Brussels, Belgium with federal law enforcement officers and prosecutors, in connection with an investigation being conducted in the Southern District of New York, that LUFT had not sought to engage in or profit from arms deals, and instead merely had been asked by an Israeli friend who dealt in arms to check arms prices so that the friend could use this information in bidding on deals, a request that LUFT said he fulfilled by having CC-1 check prices with CC-2 and then relay this information to LUFT—when in fact LUFT had actively worked to broker numerous illegal arms deals for profit involving multiple different countries, both in concert with CC-1 and directly himself, including as described in paragraphs Forty-Four through Fifty-Three above.

[snip]

84. On or about March 29, 2019, in the Southern District of New York, Belgium, and elsewhere outside of the

jurisdiction of any particular State or district of the United States, GAL LUFT, defendant, who is expected to be first brought to and arrested in the Southern District of New York, in a matter within the jurisdiction of the executive branch the Government of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, to wit, LUFT falsely stated during an interview at the United States Embassy in Brussels, Belgium with federal law enforcement officers and prosecutors, in connection with an investigation being conducted in the Southern District of New York, that LUFT had tried to prevent CEFC China from doing an oil deal with Iran, that LUFT had been excluded from CEFC China meetings with Iranians, and that LUFT did not know of any CEFC China dealings with Iran while he was affiliated with the company—when in fact, including as described above in paragraphs Sixty-Six through Eighty, LUFT personally attended at least one meeting between CEFC China and Iranians and assisted in setting up additional such meetings for the purpose of arranging deals for Iranian oil, and also worked to find a buyer of Iranian oil while concealing its origin.

Starting in early 2018, DeFilippis handled the classified evidence on the Ho case – both CIPA and a FISA order. He would have spent a great deal of time reviewing what the spooks had obtained on Ho and his associates, undoubtedly including Luft.

**Andrew DeFilippis  
investigated John Kerry**

# for a year

DeFilippis' efforts on the Ho case took place in parallel with his efforts to gin up a criminal investigation against John Kerry. Here's how Geoffrey Berman described being ordered to do that by Main Justice.

On May 9, the day after the second Trump tweet, the co-chiefs of SDNY's national security unit, Ferrara and Graff, had a meeting at Main Justice with the head of the unit that oversees counterintelligence cases at DOJ, which is under the National Security Division.

He said that Main Justice was referring an investigation to us that concerned Kerry's Iran-related conduct. The conduct that had annoyed the president was now a priority of the Department of Justice. The focus was to be on potential violations of the Logan Act.

[snip]

From the outset, I was skeptical that there was a case to be made. I knew enough about the Logan Act to have strong doubts. Politicians from both sides of the aisle have talked about it from time to time, suggesting that some opponent is in violation of it. It never goes anywhere.

But I figured if they bring us a possible case, we'll do our best. We'll look into it. We brought a prosecutor from the national security unit, Andrew DeFilippis, into the investigation.

Trump, meanwhile, kept on tweeting. "John Kerry had illegal meetings with the very hostile Iranian Regime, which can only serve to undercut our great work to the detriment of the American people," he wrote that September. "He told them to wait out the Trump

Administration! Was he registered under the Foreign Agents Registration Act? BAD!"

DeFilippis' efforts extended into 2019, overlapping with the trial of Ho and the interview with Luft. National Security prosecutors at Main Justice kept pressuring SDNY to advance the investigation into Kerry, but first, Berman had DeFilippis research whether the Logan Act would be chargeable even if Kerry had committed it.

The next step would have been to conduct an inquiry into Kerry's electronic communications, what's known as a 2703(d) order. That would have produced the header information—the to, from, date, and subject fields—but not the contents. I decided that before moving forward, it made sense to evaluate whether we would ever have a viable, appropriate charge that matched up with Kerry's alleged conduct.

At the risk of stating the obvious, under our system of law, pissing off the president is not a chargeable offense. I asked DeFilippis to conduct additional legal research into the Logan Act and other potentially applicable theories. "Look, we're talking about going to the next step here," I said.

"But before we do any further investigation, I want to know what the law is on the Logan Act. Let's say we gather additional documents—I want to know, how is that helping us?"

I wanted to answer the question, even if these things happened, was it a crime? Let's cut to the chase and find that out, because we've got plenty of other work to do and I don't want us to just be spinning our wheels on this.

For the next several months, DeFilippis

conducted extensive research into the Logan Act as well as statutes relating to possible criminal ethics violations by former senior government employees.

On April 22, 2019, Trump tweeted, “Iran is being given VERY BAD advice by @JohnKerry and people who helped him lead the U.S. into the very bad Iran Nuclear Deal. Big violation of Logan Act?”

The tweet was in the morning. That afternoon, Ferrara got a call from Main Justice. He was told that David Burns, the principal deputy assistant attorney general for national security, wanted to know why we were delaying. Why had we not proceeded with a 2703(d) order—the look into Kerry’s electronic communications?

The next day, Burns spoke to Ferrara, Graff, and DeFilippis and repeatedly pressed them about why they had not submitted the 2703(d) order. The team responded that additional analysis needed to be done before pursuing the order.

SDNY decided not to pursue the case against Kerry in fall of 2019.

We spent roughly a year exploring whether there was any basis to further investigate Kerry. Memos were written, revised, and thoroughly discussed.

Our deep dive into the Logan Act confirmed why no one has ever been successfully prosecuted under it in the more than 220 years it has been on the books: the law is not useful. It definitely does not prohibit a former US secretary of state from talking to a foreign official. We did not find that Kerry violated any ethics statutes or any laws having to do with the improper

handling of classified material.

In September 2019, DeFilippis advised the National Security Division at Main Justice that we would not be pursuing the case further. He had earlier attempted to tell the specific NSD attorney assigned to the case of our decision, but he couldn't connect because that attorney was engaged in another matter: the Craig trial.

Sometime after that, DeFilippis became the lead prosecutor on the Durham team, leading the prosecution of Michael Sussmann.

## **Andrew DeFilippis oversaw the most abusive parts of the John Durham prosecution**

Over the course of the Michael Sussmann prosecution, DeFilippis and his prosecution team:

- Invented conspiracy theories in an attempt to introduce inadmissible evidence, even while criminalizing the research of private citizens that proved to be true
- In the wake of discovering the data in the Alfa Bank allegations was real, asked one of the FBI Agents who utterly botched the review of the Alfa Bank allegations to serve as an expert witness
- Took investigative steps

that always worked in perfect concert with Alfa Bank's efforts to undermine American ability to conduct DNS research

- Reportedly scolded a Georgia Tech researcher for trying to identify Guccifer 2.0
- Coached witness testimony so as to suppress evidence that multiple people at FBI believed the Alfa Bank tip came from the DNC
- Submitted a misleading filing that elicited death threats from Donald Trump
- Used an investigation into what the Durham Report showed involved Georgia Tech researchers to keep Rodney Joffe off the stand
- Tried to perjury tap a Fusion GPS witness based off evidence she couldn't see
- Routinely ignored Judge Christopher Cooper's orders, including to introduce part of a Hillary Clinton text that had been ruled inadmissible and elicit a non-expert opinion from the non-expert he had tried to make his expert

As noted above, Geoffrey Berman boasted that the investigation into Kerry didn't leak. Even ignoring the inexplicably perfect concert between Alfa Bank's efforts and Durham's, it's



not clear the same can be said about the Durham investigation.



**Chamber President - 1** @Ser... Oct 29

Looks like three of my enemies are going to jail very soon, folks !! - ❤️🇺🇸

💬 18 ↻ 53 ❤️ 275 ⋮



**Chamber President - 1**

@SergeiMillian

I learnt that several top level investigators are working on their cases as we speak. 👍

2:00pm · 29 Oct 2021 · Twitter for iPhone

And it's not just that DeFilippis routinely tried to introduce evidence that served his narrative rather than matched the facts. It's that DeFilippis repeatedly – most notably in the alleged complaint that researchers working on a DARPA project would attempt to identify which Russians were interfering in the US election – proved more sympathetic of Russian efforts to help get Trump elected than to conduct an ethical prosecution.

Last August, shortly before Durham confessed the utter humiliation of his team at the hand of Sergei Millian, DeFilippis withdrew from the Durham team with almost no notice, left DOJ, and returned – in a Special Counsel role, not as Partner – to Sullivan & Cromwell.

These are just data points. There is no reason, yet, to believe that DeFilippis continues to unethically gin up conspiracy theories against Democrats.

But they are data points I thought worth collecting in one place.