



## David H. Laufman

PARTNER

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David is a member of the firm's White Collar Defense, Investigations and Corporate Compliance Practice Group; a member of the International Trade Compliance Practice Group; and Co-Chair of the National Security Practice Group. David's defense and compliance practice at Wiggin and Dana draws heavily on his extensive experience in government enforcement and national security affairs, most recently as Chief of the Counterintelligence and Export Control Section (CES) in the National Security Division at the Department of Justice (DOJ).

David represents companies and individuals in federal white-collar criminal investigations and regulatory enforcement actions, as well as in congressional investigations, Inspector General investigations, and national security matters, including transactions subject to review by the Committee on Foreign Investment in the United States (CFIUS). He also counsels companies and individuals regarding compliance with the Foreign Agents Registration Act (FARA), U.S. export control and sanctions laws, the Foreign Corrupt Practices Act (FCPA), and government ethics laws.

Over the course of his career, David has represented clients in a range of significant matters. A sample includes:

- Successfully defending at trial an Iranian-American engineer employed at a nuclear power plant in Arizona, who had been charged with unlawfully exporting computer software from the plant to Iran without a license from the Department of the Treasury's Office of Foreign Assets Control (OFAC).
- Representing a scientist at a National Laboratory under criminal investigation for economic espionage and violations of U.S. export control laws.
- Representing an employee of the Central Intelligence Agency (CIA) in a federal criminal investigation regarding the leak of classified information.

- Counseling strategic communications firms, law firms, and consulting firms on whether contemplated business activities required registration under FARA.
- Representing an official of the Internal Revenue Service (IRS) in parallel investigations of IRS targeting of political advocacy organizations applying for tax-exempt status by the U.S. Department of Justice, the House Committee on Oversight and Government Reform, the Senate Committee on Finance, and the Department of the Treasury's Office of the Inspector General for Tax Administration.
- Representing a senior official of the Bureau of Alcohol, Tobacco, Firearms, and Tobacco (ATF) in parallel investigations of "Operation Fast and Furious" by the House Committee on Oversight and Government Reform, the Senate Judiciary Committee, the Office of the Inspector General of the U.S. Department of Justice, and the Office of Special Counsel.
- Representing an FBI agent and a U.S. Government contract employee in criminal prosecutions by the U.S. Department of Justice regarding the misuse of government computer systems.
- Conducting an internal investigation of an international shipping company's re-export of U.S. goods to Iran.
- Representing a government contractor in an investigation of criminal violations of the False Claims Act by the Office of Inspector General of a U.S. intelligence agency.
- Representing a company in the investigation of Representative Charles Rangel by the Committee on Ethics of the U.S. House of Representatives.

When serving as Chief of CES, David oversaw the investigation and prosecution of offenses concerning U.S. export control and economic sanctions, foreign agent registration and disclosure, atomic energy and counterproliferation, espionage, the theft of trade secrets and other proprietary intellectual property benefiting a foreign government or instrumentality (economic espionage), cyber intrusions by nation states and their proxies, and the unauthorized retention and disclosure of classified information. Among his accomplishments as Chief of CES, David spearheaded DOJ's increased enforcement of FARA; oversaw the criminal prosecution of ZTE Corporation, a leading Chinese telecommunications equipment manufacturer, for violations concerning U.S. sanctions against Iran; played a major role in negotiating a Non-Prosecution Agreement with Netcracker Technology Corporation, a global software company, resulting in the imposition of enhanced security protocols in software development; and co-authored both DOJ's Strategic Plan for Export Control and Sanctions Enforcement and its Guidance Regarding Voluntary Self-Disclosures, Cooperation, and Remediation in Export Control and Sanctions Investigations Involving Business Organizations.

While Chief of CES, David also played a leadership role in two of the most sensitive investigations in the recent history of the Department of Justice. He oversaw the investigation of Hillary Clinton concerning allegations that classified information was improperly stored or transmitted on a personal email server during her tenure as Secretary of State. Prior to the appointment of Special Counsel Robert S. Mueller,

III, David also oversaw the investigation of Russian government efforts to influence the 2016 U.S. presidential election.

Previously, David served as a federal prosecutor and a senior official at DOJ's highest operational and policy levels. As Chief of Staff to the Deputy Attorney General from 2001 to 2003, he assisted in the day-to-day management of DOJ and helped to coordinate its responses to the terrorist attacks on September 11, 2001. Afterward, he served as Assistant U.S. Attorney in the Eastern District of Virginia, where he prosecuted terrorism, export control, and other national security offenses. David also later served as a Special Trial Attorney to the Fraud Section at DOJ, where, on detail from the Special Inspector General for Iraq Reconstruction ("SIGIR"), he investigated and prosecuted procurement fraud and corruption related to U.S. economic assistance to Iraq.

David has received several awards for his work as a litigator. In 2006, he received the John Marshall Award for Outstanding Legal Achievement, DOJ's highest award for excellence in litigation, for his trial work as lead prosecutor in the terrorism case *United States v. Abu Ali*. In 2007, David received the FBI Director's Award for Outstanding Counterterrorism Investigation for his work in *United States v. Khan* ("the Virginia Jihad case"). In 2011, he received the Award for Excellence in Investigation from the Council of the Inspector Generals for Integrity and Efficiency for his work in the case of *United States v. Ayesha*, which resulted in new judicial precedent regarding the extraterritorial application of federal conflict-of-interest laws.

David also draws on his extensive experience in government ethics and public corruption investigations. From 1992 to 1993, he served as Senior Associate Minority Counsel to the Task Force to Investigate Certain Allegations Concerning the Holding of American Hostages by Iran in 1980 ("October Surprise Task Force"), a special bipartisan panel of the U.S. House of Representatives. Subsequently, he served as Associate Independent Counsel in the Investigation Concerning the Search of William J. Clinton's Passport Files during the 1992 Presidential Election Campaign. From 1996 to 2000, David served as Investigative Counsel to the Ethics Committee of the U.S. House of Representatives, where he conducted ethics investigations of Members of Congress and coordinated the sanctions hearing of then-Speaker of the House Newt Gingrich. Following the Gingrich case, he played a central role in crafting and negotiating changes to the ethics rules of the House of Representatives in his capacity as Assistant to the Special Counsel to the Ethics Reform Task Force. David also conducted professional misconduct investigations for the Office of Professional Responsibility at DOJ before becoming Chief of Staff to the Deputy Attorney General.

David is the author of numerous publications and has provided expert commentary to prominent news organizations and programs, including *The New York Times*, the *Washington Post*, National Public Radio, PBS Newshour, BBC World News America, MSNBC, and CNN. His legal accomplishments also have been featured in the *Wall Street Journal*.

## **Education**

- Georgetown University Law Center (J.D., 1987)
- University of Pennsylvania (B.A., 1979)
  - magna cum laude

## **Bar Admissions**

- District of Columbia

## **Court Admissions**

- US Supreme Court
- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Fourth Circuit
- US District Court (District of Columbia)