

# U.S. Department of Justice

# Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Lindsey Graham Chairman Committee on the Judiciary United States Senate Washington, DC 20510

The Honorable Dianne Feinstein Ranking Member Committee on the Judiciary United States Senate Washington, DC 20510 The Honorable Richard Burr Chairman Select Committee on Intelligence United States Senate Washington, DC 20510

The Honorable Mark Warner Ranking Member Select Committee on Intelligence United States Senate Washington, DC 20510

Dear Chairmen and Ranking Members:

We write in further regard to matters pertaining to the Foreign Intelligence Surveillance Act (FISA) and other matters contained in the December 9, 2019 report by Department of Justice (Department) Inspector General Michael Horowitz.

As we described in our letter of February 7, 2020, the Attorney General has determined that it is now in the public interest to release to Congress additional documents and information related to these matters to the extent consistent with national security interests and with the January 7, 2020 order of the Foreign Intelligence Surveillance Court (FISC). We began to provide such documents to you on February 7. A sixth production is enclosed herein, Bates numbered SENATE-FISA2020-000448 to SENATE-FISA2020-000459. This submission contains a July 12, 2018 Rule 13(a) letter to the FISC related to Carter Page with minimal redactions. The attached production is unclassified in its current format.

Pursuant to longstanding Department policy, the Department has made redactions relating to certain personally identifiable information or to ongoing investigations, enforcement activities, and certain law enforcement operations, methods, or techniques. In addition, the Department has made limited redactions to preserve classified, sensitive, or certain foreign information, as well as FISA information subject to sequestration.

Today's submission, along with forthcoming productions of additional documents, is based on extraordinary and unique circumstances, and should not be construed as precedent

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setting in any regard. The production of these materials does not waive any applicable privilege.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

/s/ Stephen E. Boyd

Stephen E. Boyd Assistant Attorney General

Enclosure



# U.S. Department of Justice

National Security Division

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# SECKET/NOFORN/FISA

Washington, D.C. 20530

CLERK OF COURT

July 12, 2018

The Honorable Rosemary M. Collyer
United States Foreign Intelligence Surveillance Court
U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

(U) Re: (\$\text{SWNP}\) Rule 13(a) letter regarding applications submitted to the Court targeting Carter W. Page in Docket Numbers 2016-1182, 2017-0052, 2017-0375, and 2017-0679.

Dear Judge Collyer:

(U) Since the filing of the applications in the above-captioned dockets, the National Security Division (NSD) has become aware of additional information relevant to those applications, some of which is subject to Rule 13(a). Although some of the additional information has been publicly discussed, including in recent Congressional memoranda, and some of it does not constitute omissions subject to Rule 13(a), we include it all below out of an abundance of caution to ensure that the Court has our current complete understanding of this additional information. The Government submits that the applications, read in light of this additional information, contain sufficient predication for the Court to have found probable cause that the target was an agent of a foreign power.

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Declassified by C28W34B64 on 3/13/2020

This redacted version only

<sup>&</sup>lt;sup>1</sup> (U) Specifically, on February 2, 2018, the House Permanent Select Committee on Intelligence (HPSCI) publicly released a memorandum, following declassification by the President, prepared by the HPSCI majority (HPSCI majority memorandum) regarding the above-captioned matters. On February 24, 2018, the HPSCI released a separate memorandum prepared by the HPSCI minority (HPSCI minority memorandum). Additionally, on February 5-6, 2018, Senators Grassley and Graham publicly released a memorandum to the Deputy Attorney General and the FBI Director concerning a confidential human source (CHS) cited in these applications.

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# (U) Background to the FBI's Applications

- (U) (SANK) The initial authorization targeting Carter Page was granted in docket number 2016-1182, on October 21, 2016, and set to expire on January 13, 2017. The Government submitted three renewal applications targeting Page, as follows: (i) docket number 2017-0052, which was approved on January 12, 2017 and set to expire on April 7, 2017; (ii) docket number 2017-0375, which was approved on April 7, 2017 and set to expire on June 30, 2017; and (iii) docket number 2017-0679, which was approved on June 29, 2017 and expired on September 22, 2017. In reference to the applications submitted in these docket numbers, the Court found probable cause to believe that Page was an agent of the Government of the Russian Federation (Russia), as defined by 50 U.S.C. § 1801(b)(2)(E).
- (U) (SANK) Page is identified in the applications as a former foreign policy advisor to a Candidate for U.S. President (Candidate #1). In the initial application targeting Page in docket number 2016-1182, Page is described as being the subject of targeted recruitment by the Russian Government for a number of years. The FBI suspected him of acting as an unregistered agent to undermine and influence the outcome of the 2016 U.S. Presidential election in violation of U.S. criminal law. In the renewal applications, each of which was filed after the 2016 U.S. Presidential election, Page is described as a U.S.-based individual whom the FBI suspected the Russian Government continued to attempt to use to covertly influence U.S. foreign policy and to support the Russian Government's perception management activities, in violation of U.S. criminal law.

# (U) (SANK) Information in the Applications Regarding Source #2 and Papadopoulos

(U) (SX/NFX) The applications targeting Page each contain background information regarding the FBI's overall investigation into the Russian Government's efforts to influence the 2016 U.S. Presidential Election. Among other information, the applications all state that:

In or about March 2016, George Papadopoulos and Carter Page (the target of this application) were publicly identified by Candidate #1 as part of his/her foreign policy team. Based on reporting from a friendly foreign government,

the FBI believes that the Russian Government's efforts
are being coordinated with Page and perhaps other individuals associated
with Candidate #1's campaign. In or about July 2016, the above-referenced
friendly foreign government provided information to
regarding efforts made by the Russian
Government to influence the 2016 U.S. Precidential election. Specifically

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according to this information, during a meeting in or about April 2016 between officials of the friendly foreign government and George Papadopoulos,

Papadopoulos suggested that Candidate #1's campaign had received some kind of suggestion from Russia that Russia could assist with the anonymous release of information during the campaign that would be damaging to another candidate for U.S. President (Candidate #2). It was unclear whether Papadopoulos or the Russians were referring to material acquired publicly or through other means. It was also unclear from this reporting how Candidate #1's campaign reacted to the alleged Russian offer. Nevertheless, as discussed below, the FBI believes that election influence efforts are being coordinated between the RIS and Page, and possibly others.

See, e.g., Docket No. 2016-1182 at 8-9 (footnote omitted).2

(U) (\$76.00) On or about May 25, 2018, NSD learned of additional information regarding past statements made by Papadopoulos to an FBI source. Specifically, NSD learned that in or about mid-September 2016, several months after the April 2016 meeting and after there had been significant public attention on possible Russian efforts to interfere in the election, Papadopoulos met with Source #2 (who is described further in the Applications). According to the FBI, during this conversation, which was consensually recorded, Source #2 asked Papadopoulos three times, each time very directly, about Russian/Wikileaks involvement in the release of the Democratic National Committee (DNC) emails. In one of those exchanges, Source #2 observed that help from a third party, like Wikileaks or the Russians, "could be incredibly helpful" and "might make all the difference" to Candidate #1. Papadopoulos responded by saying:

Well as a campaign, of course, we don't advocate for this type of activity because at the end of the day it's, ah, illegal. First and foremost it compromises the US national security and third it sets a very bad precedence. So the campaign does not advocate for this, does not support what is happening. The indirect consequences are out of our hands. That's how, that's the best way I can . . . our campaign is not engage [sic] or

<sup>(</sup>U) <sup>2</sup> (§) In the Applications this paragraph contained a footnote stating that "Papadopoulos is a current subject of an FBI investigation." As an update, Papadopoulos subsequently pled guilty on or about October 5, 2017, to making false statements to the FBI in his January 2017 interview in violation of 18 US.C. § 1001, and is currently awaiting sentencing.

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reaching out to wiki leaks or to the whoever it is to tell them please work with us, collaborate because we don't, no one does that. Unless there's something going on that I don't know which I don't because I don't think anybody would risk their, their life, ah, potentially going to prison over doing something like that. . . . [B]ecause at the end of the day . . . it's an illegal activity. Espionage is, ah, treason. This is a form of treason.<sup>3</sup>

# Papadopoulos continued by further stating:

I mean that's why . . . it became a very big issue when [Candidate #1] said, 'Russia if you're listening . . . .' [w]e had to retract it because, of course, he didn't mean for them to actively engage in espionage but the media then took and ran with it.

- (U) (SWNW) On or about October 29, 2016, Papadopoulos also made a similar statement to an FBI CHS, who was not referenced in the applications, when the CHS asked if Candidate #1's campaign was involved with the DNC hack. After noting that Source #2 had asked the same question, Papadopoulos indicated that the campaign was not involved and it would have been illegal to have done so. During this same meeting with the CHS, Papadopoulos also stated that he did not think that Russia was playing with the election and that Russia was not interested in Candidate #1 because no one knows how a President is going to govern. Papadopoulos also told the CHS that he thought at the time Source #2 would "tell the CIA or something" if Papadopoulos told Source #2 something else, indicating that Papadopoulos believed Source #2 was working for the U.S. Government.4
- (U) (SMNR) Although this additional information was not contained in any of the applications, by the time of the third and fourth applications, Papadopoulos had been interviewed by the FBI and those applications did state:

As of March 2017, the FBI has conducted several interviews with Papadopoulos. During these interviews, Papadopoulos confirmed that he met with officials from the above-referenced friendly foreign government,

<sup>(</sup>U)3 (CMNE) Papadopoulos made similar statements to Source #2 later during this same meeting and during a late January 2017 interview with the FBI; namely that no one in the campaign as far as he knew was collaborating with outside groups (like Wikileaks) or Russian officials or doing anything illegal.

<sup>(</sup>U) (SYNK) Subsequently, in a post-arrest interview conducted by the FBI, Papadopoulos indicated that he thought Source #2's questions about the DNC hack were odd and he was concerned Source #2 was trying to "set him up."

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but he denied that he discussed anything related to the Russian Government during these meetings. Based on the FBI's investigative efforts and some of the comments made by Papadopoulos, the FBI believes that Papadopoulos provided misleading or incomplete information to the FBI during the interviews.

See, e.g., Docket No. 2017-679 at 11 fn.4.5

(U) (S)/NF) The above-described additional background information concerning Papadopoulos' September 2016 meeting with Source #2 and October 2016 discussion with a separate CHS would have been included in the applications had it been known to NSD at the time, as Papadopoulos' statements relate to the question of whether Papadopoulos was aware of or involved in coordination of election influence efforts between the RIS and members of Candidate #1's campaign. Even had this information been included, the totality of information submitted in these applications concerning Page's activities was sufficient to support the Court's finding of probable cause that Page was acting as an agent of a foreign power.<sup>6</sup>

# (U) (SYNY) Information in the Applications Regarding Source #1

(U) (SYAMF) To support the probable cause findings, the applications include, in addition to other sources of information, information provided by an FBI CHS identified

<sup>(</sup>U) <sup>5</sup> (SANK) However, during his interviews with the FBI in January/February 2017, Papadopoulos stated that, in February 2016, which was before he joined Campaign #1, a named individual, who Papadopoulos identified as the "director of the London School of Academy" (Named Individual #1) told Papadopoulos that the Russians had Candidate #2's e-mails and had "dirt" on Candidate #2. Papadopoulos stated in his January/February 2017 interviews that he never passed the information he learned from Named Individual #1 to Campaign #1 because Papadopoulos did not believe Named Individual #1.

<sup>&</sup>lt;sup>6</sup> (U) As noted above, Papadopoulos was subsequently charged with and pleaded guilty to making false statements or omissions, which included false statements about the significance and timing of his relationship with Named Individual #1, that "impeded the FBI's ongoing investigation into the existence of any links or coordination between individuals associated with [Candidate #1's] Campaign and the Russian government's efforts to interfere with the 2016 presidential election." <u>United States v. Papadopoulos</u>, 17-cr-182 (RDM), Statement of the Offense ¶ 3 (filed Oct. 5, 2017).

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in the applications as Source #1.7 The applications provided to the Court detailed information about Source #1's background, past history of reliable reporting, and potential bias. In the initial Application targeting Page in docket number 2016-1182, for example, Source #1's employer and motivation are described as follows:

Source #1 is a and has been an FBI source since in or about October 2013. Source #1's reporting has been corroborated and used in criminal proceedings and the FBI assesses Source #1 to be reliable. Source #1 has been compensated approximately \$95,000 by the FBI and the FBI is unaware of any derogatory information pertaining to Source #1.

Source #1, who now owns a foreign business/financial intelligence firm, was approached by an identified U.S. person, who indicated to Source #1 that a U.S.-based law firm had hired the identified U.S. person to conduct research regarding Candidate #1's ties to Russia (the identified U.S. person and Source #1 have a long-standing business relationship).\* The identified U.S. person hired Source #1 to conduct this research. The identified U.S. person never advised Source #1 as to the motivation behind the research into Candidate #1's ties to Russia. The FBI speculates that the identified U.S. person was likely looking for information that could be used to discredit Candidate #1's campaign.

The applications further state that:

Notwithstanding Source #1's reason for conducting the research into Candidate #1's ties to Russia, based on Source #1's previous reporting

<sup>7 (</sup>U) Source #1 has now been publicly identified by the HPSCI majority memorandum as Christopher Steele. For consistency with language used in the applications he is referred to as Source #1 herein. As the Court is aware, in order to protect the privacy and safety of Americans, as well as the integrity of its investigations, it is common in FISA applications for the Government not to identify by name human sources or other non-targets.

<sup>8 (</sup>U) The HPSCI majority memorandum has now publicly identified the identified U.S. Person, who also was referred to as a business associate, as Glenn Simpson of Fusion GPS, and the U.S.-based law firm as Perkins Coie. For consistency with language used in the applications the Government will continue to refer to the terms "identified U.S. person" or "business associate" and "U.S.-based law firm" herein as that is how this person and entity were described in the applications.

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history with the FBI, whereby Source #1 provided reliable information to the FBI, the FBI believes Source #1's reporting herein to be credible. Moreover, because of outside corroborating circumstances discussed herein, such as the reporting from a friendly foreign government that a member of Candidate #1's team received a suggestion from Russia that Russia could assist with the release of information damaging to Candidate #2 and Russia's believed hack and subsequent leak of the DNC e-mails, the FBI assesses that Source #1's reporting contained herein is credible.

See, e.g., Docket No. 2016-1182 at 15-16, fn.8.

(U) (S/NX) The applications also discussed Source #1's interactions, or potential interactions, with the news media. As described in the applications, information about Page's alleged meetings with senior Russian Government officials was cited in an article published by an identified news organization on September 23, 2016 (September 23rd News Article). The applications did not rely on the September 23rd News Article to support a probable cause finding or to further corroborate Source #1. Rather, the discussion of the September 23rd News Article was included out of a duty of candor to apprise the Court that: 1) Page had publicly made exculpatory statements denying he was a Russian agent; and 2) that it was possible that either Source #1 or his employer had spoken to the press. For example, discussion of the September 23rd News Article appears in a Section of the applications entitled, "Page's Denial of Cooperation with the Russian Government." See, e.g., Docket No. 2016-1182 at 22 (emphasis in original). The September 23rd News Article stated that the source of the information in the Article was provided by a "well-placed Western intelligence source." The applications addressed why the FBI at the time believed that Source #1 was not himself directly the source of the information for the September 23rd News Article:

As discussed above, Source #1 was hired by a business associate to conduct research into Candidate #1's ties to Russia. Source #1 provided the results of his research to the business associate, and the FBI assesses that the business associate likely provided this information to the law firm that hired the business associate in the first place. Source #1 told the FBI that he/she only provided this information to the business associate and the FBI. Given that the information contained in the September 23rd News Article generally matches the information about Page that Source #1 discovered during his/her research, the FBI assesses that Source #1's business associate or the law firm that hired the business associate likely provided this information to the press. The FBI also assesses that whoever gave the information to the press stated that the information was

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provided by a "well-placed Western intelligence source." The FBI does not believe that Source #1 directly provided this information to the press.

See, e.g., Docket No. 2016-1182 at 23, fn.18.

(U) (EXAMP) Although the FBI continued to assess that Source #1 was not the direct source of the September 23rd News Article, the first renewal application that was submitted in docket number 2017-0052 included information about the FBI suspending its relationship with Source #1 due to a subsequent October 2016 unauthorized engagement with the press contrary to an FBI admonishment. Specifically, the Application stated the following:

In or about late October 2016, however, after the Director of the FBI sent a letter to the U.S. Congress, which stated that the FBI had learned of new information that might be pertinent to an investigation that the FBI was conducting of Candidate #2, Source #1 told the FBI that he/she was frustrated with this action and believed it would likely influence the 2016 U.S. Presidential election. In response to Source #1's concerns, Source #1 independently, and against the prior admonishment from the FBI to speak only with the FBI on this matter, released the reporting discussed herein to an identified news organization. Although the FBI continues to assess Source #1's reporting is reliable, as noted above, the FBI has suspended its relationship with Source #1 because of this disclosure.9

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<sup>&</sup>lt;sup>9</sup> (U) Subsequent renewal applications in April and June 2017 further disclosed that the FBI eventually closed Source #1 as an active source.

<sup>(</sup>U) 10 (S/NXX) The third and fourth applications described the FBI's interviews with the subsource. In the applications the FBI stated that it "had no control over" the subsource,

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- (U) (SMNEX Additional Information Regarding Source #1's and Motivations and Reliability
- (U) (SNNEX As discussed below, after the filing of the first application targeting Page in October 2016, the FBI obtained information that provided additional context regarding Source #1's employer and motivations. Specifically, on November 22, 2016, the FBI interviewed Bruce Ohr, an Associate Deputy Attorney General who worked in the Office of the Deputy Attorney General but who had no involvement in the FISA process generally, and as far as the Department is aware, no role in or visibility into the drafting, review, or approval of the applications targeting Page. 11 According to Ohr, he had a preexisting long-standing professional relationship with Source #1. During the November 22nd FBI interview, Ohr informed the FBI that Source #1 contacted him in late July 2016 to discuss information Source #1 had collected, including about Carter Page's contacts with the Russians. Source #1 also told Ohr that he had already given some of this information to his FBI handling agent, and planned to give him the rest. Ohr informed the FBI that he was familiar with the identified U.S. person who had hired Source #1, and was aware that this person "was hired by a lawyer who does opposition research," and that Source #1's reporting was also "going to" Candidate #2's campaign.12 In addition, Ohr stated that Source #1 "was desperate" that Candidate #1 "not get elected and was passionate about" Candidate #1 not being the U.S. President.
- (U) (SWNX) Additionally, during an interview with the FBI on December 5, 2016 (December 5th Interview), Ohr provided information concerning Source #1's contact with an "identified news organization" in October 2016. Ohr informed the FBI that the identified U.S. person who hired Source #1 directed Source #1 to speak to the press as that was what the U.S. person was paying Source #1 to do, although Ohr did not know if speaking to the "identified news organization" in October 2016 was the identified person's idea or not. In a subsequent interview on December 12, 2016 (December 12th Interview), Ohr further told the FBI that the identified U.S. person who hired Source #1 had asked

<sup>(</sup>U) 13 (SANE) As discussed herein, the FBI also interviewed Ohr concerning Source #1 on December 5 and 12, 2016. NSD was not aware at the time any of the applications were submitted of the FBI's interviews of Ohr.

<sup>(</sup>U) 12 (SWN) Ohr also informed the FBI at this time that his spouse was a Russian translator and had been hired to conduct open source research by the same person who hired Source #1. According to Ohr, his spouse did not know the goal of the project, but surmised the purpose as the individuals she was researching were close to Candidate #1.

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Source #1 to speak to the above-referenced "identified news organization" in October 2016 as it was the identified U.S. person's "Hail Mary attempt."

(SYNEX Some of this information goes beyond what was included in the applications. In particular, the Ohr information states specifically that the source's work was "going to" Candidate #2's campaign. This information is consistent with, although goes somewhat further than the applications, which informed the Court, that "the FBI speculates that the identified U.S. person [who hired Source #1] was likely looking for information that could be used to discredit Candidate #1's campaign." With respect to Ohr's statements concerning the strength of the Source's desire to see Candidate #1 lose and the Source's October 2016 media engagement, this information is additional to but consistent with the applications, already informing the Court that Source #1 spoke with the press in October 2016, in violation of the FBI's admonishment, and was motivated to do so because he was "frustrated" that the FBI Director's actions "would likely influence the 2016 U.S. Presidential election." The applications further stated that the FBI had suspended, and then closed, its relationship with Source #1, and then closed him as a source, due to these actions. Moreover, during the November 22nd interview Ohr also stated that in his dealings with Source #1 he "never believed [Source #1] was making up information or shading it." Ultimately, none of the additional information altered the FBI's assessment of Source #1's reliability.

# (U) (SMNX) Additional Information Regarding Source #1 and the September 23rd News Article

- (U) (SANT) As discussed below, after the filing of the first application targeting Page, the FBI obtained additional information regarding interactions, or potential interactions, Source #1 had with the news media in September 2016. Specifically, during the November 22nd Interview, Ohr informed the FBI that he met with Source #1 in Washington, DC in late September 2016, possibly close to the time when the September 23rd News Article was published. According to Ohr, Source #1 "could have met" with the identified news organization that published the September 23rd News Article, but Ohr "d[id] not know if they did [meet]."
- (U) (SMNK) Separately, and unrelated to the interviews of Ohr, in May 2017 (between the third and fourth applications) there was open-source reporting of statements that Source #1 made in conjunction with a litigation to which Source #1 is a defendant in the United Kingdom. In the sworn statement made on April 3, 2017, Source #1 admitted giving off-the-record briefings to a small number of journalists about the pre-election memoranda in late summer/autumn 2016. Subsequently, on May 18, 2017, Source #1 provided another sworn statement that the journalists initially briefed at the end of

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September 2016 by Source #1 included journalists from the identified news organization that published the September 23rd News Article. Although there had been press reporting in May 2017 about this litigation, the FBI did not obtain the actual sworn statements until January 2018.

(U) (SANK) As described above, the applications stated that Source #1 told the FBI that he spoke only to them and to his business associate, and that the FBI thus assessed he did not directly speak to the press in connection with the September 23rd News Article.<sup>13</sup> The FBI should have updated its assessment in the renewal application filed in June. Nonetheless, as noted above, the applications already informed the Court that regardless of whether Source #1 spoke to the press directly, the FBI assessed that Source #1's business associate or the law firm that hired the business associate likely provided this information for the September 23rd News Article. Additionally, irrespective of whether Source #1 directly spoke with the press in connection with the September 23rd News Article, or was forthright with the FBI regarding his contacts with the press in September 2016, for all of the reasons discussed above and in the applications, including their long experience with Source #1, the FBI continued to assess that his prior reporting was reliable.

## (U) Conclusion

(U) (SAME) As described above, even considering the additional information regarding Papadopoulos' conversations with Source #2 and others, and regarding Source #1, the

effort to ensure it reached the proper elements of the U.S. Government.

Additionally, in a January 23, 2017 interview with the FBI Ohr stated that Source #1 had told him that he spoke with a staff member of an identified U.S. Senator's office sometime prior to October 2016. This additional information, however, did not impact the above-described prior FBI assessment that Source #1 did not personally provide the information to the news organization that published the September 23rd News Article.

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<sup>(</sup>U) <sup>13</sup> (SANN) During the process of preparing this submission the Government determined that the statement in the applications that "Source #1 told the FBI that he/she only provided this information to the business associate and the FBI," bears correction. A review of the underlying material indicates that in an October 3, 2016 meeting, Source #1 told the FBI that he had also provided information about Candidate #1's campaign

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applications contained sufficient predication for the Court to have found probable cause that Page was acting as an agent of the Government of Russia.

(U) The FBI has reviewed this letter and confirmed its factual accuracy.

Sincerely,

John C. Demers

Assistant Attorney General

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