

DEVIN NUNES' PROMISE OF SHOCK!! SHOCK!! IN THE EVOLVING STEELE CLAIMS IN THE FOURTH CARTER PAGE FISA APPLICATION

As I laid out a few weeks ago, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.

Devin Nunes and the right wing press corps (Catherine Herridge, Byron York, Chuck Ross) have now made it clear where Nunes' games to discredit the Mueller investigation goes next: to claiming that a portion of the Carter Page FISA application say "shocking" things about Christopher Steele and the FBI. That's based on a letter the House Intelligence Republicans signed inviting President Trump to "declassify and release publicly, and in unredacted form, pages 10-12 and 17-34, along with all associated footnotes, of the third renewal of the FISA application on Mr. Page. That renewal was filed in June 2017 and signed by Deputy Attorney General Rod Rosenstein."

They're playing a bit of a game with this, permitting right wing scribes to compare the first and the fourth application as if nothing (including applications signed by people not named Rod Rosenstein) came between.

So what is on pages 10-12 and 17-34? That is certainly a tantalizing clue dropped by the House Intel members, but it's not clear what it means. Comparing the relevant sections from the initial

FISA application, in October 2016, and the third renewal, in June 2017, much appears the same, but in pages 10-12 of the third renewal there is a slightly different headline – “The Russian Government’s Coordinated Efforts to Influence the 2016 U.S. Presidential Election” – plus a footnote, seven lines long, that was not in the original application.

As for pages 17-34, there appear to be, in the third renewal, new text and footnotes throughout the section headlined “Page’s Coordination with Russian Government Officials on 2016 U.S. Presidential Election Influence Activities.” (That is the same headline as the original application.) The Republican lawmakers ask that it be unredacted in its entirety, suggesting they don’t believe revealing it would compromise any FBI sources or methods.

Clearly, the GOP lawmakers believe pages 10-12 and 17-34 contain critical information, so it seems likely that the release of those pages would affect the current public debate over the FISA application

I guess, in this, they’re working a bit harder than Jim Jordan and Mark Meadows did in their Rosenstein impeachment effort.

As it happens, I’ve done a ridiculously anal 20 page analysis of the application (for the near future, I’m not going to be releasing any of my surveillance analysis publicly; for those interested, let me know separately), so I’ve tracked what changes in each application. So, for example, whereas York suggests that the title in the first section the Republicans want declassified changed in the fourth application, it actually changed in the second, submitted in early January 2017. Here’s how that title looks in each of the four applications, in order (see

PDF 8, 93, 191, and 301 for the start of this section in each application).

(U) ~~(S//NF)~~ The Russian Government's Attempts to Influence the 2016 U.S. Presidential Election.

(U) ~~(S//NF)~~ i. The Russian Government's Coordinated Efforts to Influence the 2016 U.S. Presidential Election.

(U) B. ~~(S//NF)~~ The Russian Government's Coordinated Efforts to Influence the 2016 U.S. Presidential Election.

(U) B. ~~(S//NF)~~ The Russian Government's Coordinated Efforts to Influence the 2016 U.S. Presidential Election.

It's pretty clear the changes in this section stem in part from a shift to the past tense and an understanding of the extent of Russian interference.

Similarly, while York points to a footnote in the fourth application he claims doesn't appear in the first, a footnote of similar length, though not the same shape (suggesting slightly different wording) appears in the third application. Here's how footnote 4 looks in those two applications.

⁴ ~~(S//NF)~~ [REDACTED] b1-1
[REDACTED] b3-1
[REDACTED] b7A-1
[REDACTED] b7D-1
[REDACTED] b7E-1, 2

⁴ ~~(S//NF)~~ [REDACTED] b1-1
[REDACTED] b3-1
[REDACTED] b7A-1
[REDACTED] b7D-1
[REDACTED] b7E-1, 2

Otherwise, the discussion in applications three and four in this section appears the same. Which is to say that Republicans are trying to suggest this "shocking!!!" content derives from Rosenstein, when in fact much of it was probably approved by Dana Boente. It turns out Nunes' efforts to discredit Rosenstein are barely more rigorous than Meadows'.

The second section Republicans want selectively declassified pertains to Steele. And there, there *are* significant changes to the application over the course of the four applications, second only to section where the most changes get made over the course of the four applications, the entirely redacted Section VI (it grows from 3 pages in the first application to 23 in the fourth). The Steele section grows from 7 pages in the first application to 11 in the last, with changes in each application and substantial changes in the last two. Here are all the sections that are new in the fourth, the one the Republicans want declassified:

(S//NF) [REDACTED]

b1-1
b3-1
b6-2
b7A-1
b7C-2
b7E-1, 2

13 (S//NF) [REDACTED]

b1-1
b3-1
b7A-1
b7E-1, 2

(S//NF) [REDACTED]

b1-1
b3-1
b7A-1
b7E-1, 2

TOP SECRET//NOFORN/FISA

-20-

17-cv-597(FBI)-311

TOP SECRET//NOFORN/FISA

[REDACTED]

b1-1
b3-1
b6-2
b7A-1
b7C-2
b7E-1, 2

(S//NF) [REDACTED] according to Source #1, [REDACTED]

[REDACTED]

b1-1
b3-1
b7A-1
b7D-1
b7E-1, 2

[REDACTED] Divyekin [who is assessed to be Igor Nikolayevich Divyekin], [REDACTED]

(S//NF) [REDACTED]

b1-1
b3-1
b7A-1
b7E-1, 2

As a measure of how inattentive the right wing story line is, Byron claims in follow-up reporting that DOJ never told FISC about Steele's reaction to Jim Comey's reopening of the Hillary investigation, in spite of unclassified language in footnote 22 (as numbered in the fourth application, though it was added in the second) revealing that,

In or about late October 2016, however, after the FBI Director 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 closed Source #1 as an active source. (PDF 320)

Byron appears not to understand that Steele's response to Comey's actions on October 28 could not have added bias to his reporting from prior to that date, which is when all of his reports shared formally with the FBI date to (the one other report, dated December 13, was only shared informally).

Whatever the additional caveats on Steele that Nunes is so sure will shock! shock!! the press when all his past predictions of shock have fallen flat, the Minority apparently disagrees. That's because the Schiff Memo cites precisely the passage that Nunes is so sure will shock us for the following claims:

In subsequent FISA renewals, DOJ provided additional information obtained through multiple independent sources that corroborated Steele's reporting.

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The Court-approved surveillance of Page allowed FBI to collect valuable intelligence. The FISA renewals demonstrate that the FBI collected important investigative information and leads by conducting Court-approved surveillance. For instance,

¹⁴ [REDACTED] the FBI and broader Intelligence Community's high confidence assessment that the Russian government was engaged in a covert interference campaign to influence the 2016 election, including that Russian intelligence actors "compromised the DNC" and WikiLeaks subsequently leaked in July 2016 "a trove" of DNC emails. Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, pp. 6-7. Repeated and updated with new information in subsequent renewal applications. Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, pp. 20-21.

How odd that the Majority didn't fight to have these passages, which derive from the passage they claim is so critical to have declassified, declassified in the Schiff Memo (not that I totally buy the Schiff memo on this point either: he claims that Page's meeting with other key Russians, not the ones Steele described him meeting with, corroborate Steele's reporting when it doesn't). Similarly, the Majority also doesn't want the passages of the fourth application that support this claim to be declassified.

DOJ also documented evidence that Page [REDACTED], anticipated [REDACTED] and repeatedly contacted [REDACTED] in an effort to present himself as [REDACTED] ¹⁵ [REDACTED] ¹⁶ [REDACTED] Page's efforts to [REDACTED] also contradict his sworn testimony to our Committee.

For what it's worth, a Republican who has reviewed these things told me last week that there was abundant evidence to support the surveillance on Page. So mostly this is just an attempt to beat up the Democrats for the Steele dossier; honest Republicans agree that Page was a legitimate surveillance target.

This is something the right wing press corps is struggling with (the cognitive dissonance among people like Ross would be palpable if logic were a requirement in his work) as much as the left wing, however. It appears increasingly likely that Steele was fed disinformation as a way to confuse the Democrats and ensure any investigation would look at marginal dolts like Page rather than centrally important dolts like Don Jr. I'll even present a new factoid about how that may have happened in a follow-up.

That doesn't mean that when the FBI relied on Steele, using the same measure they use for all consultants (past track record), they had reason to know it was disinformation. Rather, it's yet another indication that Russia was really really

intent on making sure it could get Trump elected, via whatever deceit.

But that doesn't help the GOP claim that Trump isn't thereby implicated.

Update: Fixed Dana Boente, not Sally Yates, as approving the third application h/t jr.