

USEFUL, BUT WILLFUL, IDIOT: “PAGE OR” “OR JD GORDON” [UPDATED]

Update: After years, BuzzFeed has gotten this name released. It is not about Page. It is about JD Gordon.

I wanted to draw attention to this passage in the Mueller Report:

The investigation did not, however, yield evidence sufficient to sustain any charge that any individual affiliated with the Trump Campaign acted as an agent of a foreign principal within the meaning of FARA or, in terms of Section 951, subject to the direction or control of the government of Russia, or any official thereof. In particular, the Office did not find evidence likely to prove beyond a reasonable doubt that Campaign officials such as Paul Manafort, George Papadopoulos, and Carter Page acted as agents of the Russian government—or at its direction, control, or request—during the relevant time period.¹²⁸² Personal Privacy

As a result, the Office did not charge FP any other Trump Campaign official with violating FARA or Section 951, or attempting or conspiring to do so, based on contacts with the Russian government or a Russian principal.

¹²⁸² On four occasions, the Foreign Intelligence Surveillance Court (FISC) issued warrants based on a finding of probable cause to believe that Page was an agent of a foreign power. 50 U.S.C. §§ 1801(b), 1805(a)(2)(A). The FISC’s probable-cause finding was based on a different (and lower) standard than the one governing the Office’s decision whether to bring charges against Page, which is whether admissible evidence would likely be sufficient to prove beyond a reasonable doubt that Page acted as an agent of the Russian Federation during the period at issue. *Cf. United States v. Cardoza*, 713 F.3d 656, 660 (D.C. Cir. 2013) (explaining that probable cause requires only “a fair probability,” and not “certainty, or proof beyond a reasonable doubt, or proof by a preponderance of the evidence”).

In the section concerning whether any of Trump’s flunkies were agents of a foreign power (Flynn: Yes, but for Turkey; Manafort and Gates: Yes, for Ukraine, Manafort Maybe for Russia; Papadopoulos: Maybe for Russia and Israel) it describes the three people it considered charging as agents of Russia: along with Papadopoulos and Manafort, Page.

It then redacts, for personal privacy reasons, a sentence, that explains why – “as a result, the office did not charge [redacted] any other Trump Campaign official with violating FARA or Section 951.

The redaction – which must include a name and “or” – has to be of Page’s name, because of length. That suggests one of two things: either that, of the three people who embraced outreach from Russia, Page was the one against whom there was most evidence. Or, that because of all the publicity surrounding this question, Mueller

thought it worthwhile to include one more sentence explaining what happened to Page. Though I would expect if it were the latter, the footnote describing the difference between the standard to get a FISA order and to charge someone criminally is different.

It's not actually surprising that the office would have found the most evidence against Page. The section on Page (from 96 to 103 and 166-67) provides a lot of evidence, some of which hadn't previously been in the public record:

- An earlier period where Page drew down his savings to forge ties with Gazprom
- Ties to Russian intelligence in 2008, as well as the known ties in 2013
- The incident where, after he showed up in Evgeny Buryakov's prosecution documents, Page sought out a Russian official to tell him he "didn't do anything," presumably with the FBI
- Page's description that his sole goal for working on the campaign was to improve ties to Russia
- An attempt to get a position in the Administration
- A second meeting with Deputy Prime Minister Arkady Dvorkovich
- Page's quote that, "the more immaterial non-public information I give [Russian intelligence officers], the better for this country"

In addition to all those details (and a description of how the campaign responded to the September 23, 2016 Michael Isikoff story that was itself based partly on the Steele dossier), the report revealed that “Page’s activities in Russia—as described in his emails with the Campaign—were not fully explained.”

Admittedly, much of this (particularly the details from Page’s December 2016 trip) is likely in the follow-up applications for Page’s FISA order. Still, it shows that there’s far more implicating Page than has made it into the debate about his FISA application – which may be the point (and which may be why, in spite of Trump’s claims that he’s going to declassify the FISA applications targeting his flunkies, DOJ hasn’t heard anything about that). Which is what a select few members of Congress (Sheldon Whitehouse and Trey Gowdy, among others) have said, but those reports have never broken through the propaganda surrounding this FISA order.

One more point: there’s a redacted discussion on page 194 for why someone considered for – given the redactions protect grand jury information – perjury was not charged (or if the person has been, it has been settled in some way). For a variety of reasons – name length and apparent timing, among other things – Page is a likely candidate for that redaction as well.

As I disclosed last July, 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.