

FBI APPROVED IGOR DANCHENKO AS A SOURCE BEFORE IT STOPPED DOING BACK-DOOR FISA SEARCHES TO VET INFORMANTS

Last Thursday, Judge Anthony Trenga denied Igor Danchenko's motion to dismiss, while making it clear the government's case was really shoddy.

Judge Anthony J. Trenga ruled that Danchenko's case must be weighed by a jury, clearing the way for his trial next month. But it was "an extremely close call," Trenga said from the bench.

(This AP piece has more detail but it also makes really obvious errors.) While there's no ruling on the docket, Trenga must have approved any remaining CIPA issues.

The frothers, of course, remain obsessed with the news that the FBI formally made Danchenko a confidential human source in 2017. Most prominently, for example, Chuck Grassley and Ron Johnson wrote a pissy letter to Merrick Garland and Christopher Wray demanding information about why he was made an informant by October 22.

In December 2016, the FBI's Crossfire Hurricane team identified Danchenko as Steele's primary sub-source and, according to the FBI, "became familiar with the 2009 investigation." [8] The FBI, even in light of the extensive derogatory information attached to Danchenko, proceeded to pay him as a confidential human source three months later from March 2017 to October 2020 as part of Crossfire Hurricane. Therefore, while we were investigating the Justice

Department's and FBI's misconduct with respect to Crossfire Hurricane, you maintained him on the government's payroll.

This extraordinary fact pattern requires additional information from the Justice Department and FBI relating to why Danchenko was placed on the payroll and paid by the taxpayer to assist in the federal government's flawed investigation into President Trump.

I hope to finish a post explaining why all the frothers are painfully stupid in their response to this news before Danchenko's trial starts next week.

I'm not surprised that Grassley and Johnson are just as clueless on this point as the rest of the frothers.

But I am somewhat surprised that Grassley, the Ranking Member of the Senate Judiciary Committee, doesn't know something about how FBI vetted informants until 2018, after they formalized Danchenko as one: They queried the person against all the FBI's databases, including their FISA databases.

For example, we were told disputes occurred related to queries conducted for vetting purposes.⁵² Specifically, according to the FBI, it was concerned that as a result of the change to the query standard it could no longer perform vetting queries on raw FISA information before developing a confidential human source (CHS). FBI officials told us that it was important for agents to be able to query all of its databases, including FISA data, to determine whether the FBI has any derogatory or nefarious information about a potential CHS. However, because of the implementation of the 2018 standard, the FBI is no longer able to

conduct these queries because they would violate the standard (unless the FBI has a basis to believe the subject has criminal intent or is a threat to national security). According to the FBI, because its goal is to uncover any derogatory information about a potential CHS prior to establishing a relationship, many agents continue to believe that it is irresponsible to engage in a CHS relationship without conducting a complete query of the FBI's records as "smoking gun" information on a potential CHS could exist only in FISA systems. Nevertheless, these FBI officials told us that they recognize that they have been unsuccessful when presenting these arguments to NSD and the FISC and, as noted below, they follow NSD's latest revision of query standard guidance.

Particularly given the past investigation into Danchenko and concerns about his past ties to Russian spooks, it is highly likely the FBI would have done such a back door search with Danchenko. They would have done it for precisely the concern Grassley and Johnson raised: to chase down some of the derogatory information on Danchenko from the earlier investigation. They would have done it to see the content of conversations he had with anyone of particular interest. Indeed, for a variety of reasons, the FBI likely could have done a backdoor search on Danchenko even after the querying standard changed in 2018.

The FBI likely made Danchenko a CHS not only for very good reasons, but for reasons that the frothers, if endless saturation inside a disinformation bubble hadn't rotted their brains, might even approve of.

And before they did so, they likely did some very thorough vetting of him first.