

JOHN DURHAM'S RE-VIRGINED BIRTH OF THE CARTER PAGE AND SERGEI MILLIAN INVESTIGATIONS

The Igor Danchenko trial kicked off yesterday to contentious start, with prosecutor Michael Keilty accusing Danchenko of lying while making some, um, expansive claims about the public record, and Danchenko attorney Danny Onorato accusing Keilty of lying about the extent of the immunity Danchenko was granted for his January 2017 interviews, after which Judge Anthony Trenga admonished Onorato for overstating the extent to which Keilty overstated Danchenko's immunization.

And then John Durham – in the flesh!! – after naming some more FBI employees so the former President could include them in another frivolous lawsuit, settled in for some rather painful direct examination of Supervisory Analyst Brian Auten.

Most of it—because it focused on events that preceded the first FBI interviews of Danchenko (and because during his interview he could not have known how much of his reports or in what form were used in the Carter Page FISA)—was irrelevant to the charges against Danchenko.

The country wasn't served by any of this.

But along the way, we learned that Sergei Millian was once a source for the FBI, and that the investigation into Millian was closed without charges. By the end of the day yesterday, prosecutors hadn't been permitted to raise details of the investigation into Danchenko.

About two key details, however, Durham deliberately obscured the record.

First, as the Durham team did during the Michael Sussmann trial, Durham made a big deal about the fact that Crossfire Hurricane investigation was opened as a full investigation from the start.

Q. And the FBI opened that up to say full investigation?

A. That is correct.

Q. From day one?

He did this without mentioning the hack-and-leak by a hostile intelligence service targeting Hillary Clinton, making it sound, instead, as if Australia shared the George Papadopoulos tip out of the blue, rather than in response to the seeming corroboration of the tip by the WikiLeaks publication.

John Durham never tires of minimizing Russian attacks on democracy, it seems.

As his team did during the Sussmann trial, Durham made a big deal about the fact that only at a Full Investigation could DOJ get a FISA warrant targeting Page (Durham also incorrectly suggested the primary goal of a FISA warrant is to find criminal information).

Q. Explain to the jurors, then, what tools, investigative tools, the FBI had available at that time as a result of opening a full investigation as opposed to some lesser level of –

A. With a full investigation, you are able to use the Foreign Intelligence Surveillance Act, or FISA.

Q. And are court authorized FISAs, essentially, the most powerful tool that the FBI has available and –

A. I would say one of.

The problem with this entire premise – and the problem with his attack on the Horowitz Report is that *there was already an investigation into*

Carter Page. What FBI did, with Carter Page, was take an existing counterintelligence investigation arising out of Page's fondness for being recruited by Russian intelligence officers, and open it as part of an UNSUB (see this post for an explanation of what that means) tied to apparent advance knowledge of an attack on democracy.

Similarly, with Millian, Durham tried to get Auten to suggest that the first investigative focus the FBI developed on Millian in 2016 was from Steele.

Q. Let me ask you this: With respect to your meeting with Mr. Steele in early October of 2016, do you recall whether or not the name Sergei Millian came up?

A. Yes.

Q. And how did that come up?

A. Sergei Millian's name came up as –

MR. ONORATO: Your Honor, I'm going to object.

THE COURT: Overruled. Go ahead.

BY MR. DURHAM: Q. With respect to Sergei Millian, whatever you learned from Mr. Steele in October of 2016, what, if anything, did you and your colleagues do regarding Sergei Millian?

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Q. Based on what you knew. Let's not worry about hearsay from Steele.

A. No, no. I mean –

Q. What did you learn?

A. Millian's name came up in the course and scope of the investigation prior to us talking to Mr. Steele.

Q. Okay. So – and this just calls for a yes or no. Did you have a – in your meetings with Steele, did Sergei Millian's name come up?

A. Yes.

As the DOJ IG Report revealed, by that point, Millian was already a focus of other FBI agents.

According to a document circulated among Crossfire Hurricane team members and supervisors in early October 2016, Person 1 had *historical contact with persons and entities suspected of being linked to RIS*. The document described reporting [redacted] that Person 1 “*was rumored to be a former KGB/SVR officer.*”

Again, Durham tried to create a virgin rebirth to create original harm from the dossier where it did not exist.

Unsurprisingly, Durham also didn't elicit from Auten that Steele had called Millian a “boaster” and said he “may engage in embellishment” in that meeting, or that as described in that meeting, Steele had claimed that the Carter Page information came from his research during the period when Oleg Deripaska, not Hillary, was paying for his research.

I assume Danchenko's team will lay all this out in cross-examination today.

It's just rather pathetic that, in his first outing, Durham is still obscuring the public record to create harm against Trump rather than an attack against the US by Russia.