

ORAL ARGUMENT NOT YET SCHEDULED  
No. 23-5038

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**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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CARTER PAGE,

*Plaintiff-Appellant,*

v.

JAMES B. COMEY; ANDREW McCABE; KEVIN CLINESMITH;  
PETER STRZOK; LISA PAGE; JOE PIENKA, III; STEPHEN SOMMA;  
BRIAN J. AUTEN; UNITED STATES DEPARTMENT OF JUSTICE;  
FEDERAL BUREAU OF INVESTIGATION; UNITED STATES OF AMERICA;  
JOHN DOE 1-10; JANE DOE 1-10,

*Defendants-Appellees.*

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Appeal from the U.S. District Court for the District of Columbia  
Civil Case No. 1:20-cv-03460-DLF; Hon. Dabney L. Friedrich

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**BRIEF OF APPELLANT CARTER PAGE**

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OCTOBER 31, 2023

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**CERTIFICATE AS TO PARTIES, RULINGS,  
AND RELATED CASES**

Pursuant to Circuit Rule 28(a)(1) the undersigned counsel of record for Plaintiff-Appellant, Carter W. Page, hereby provides the following information:

**I. Parties, Intervenors, and *Amici* Appearing Below**

The parties who appeared before the U.S. District Court for the District of Columbia were:

1. Carter W. Page, *Plaintiff*; and
2. James Comey, Andrew McCabe, Kevin Clinesmith, Peter Strzok, Lisa Page, Joe Pientka III, Stephen Somma, Brian J. Auten, United States Department of Justice, Federal Bureau of Investigation, United States of America, John Does 1-10, and Jane Does 1-10, *Defendants*.

There were no intervenors in the district court. No *amici* appeared in the district court.

**II. Parties, Intervenors, and *Amici* Appearing in this Court in the Matter**

The parties who have appeared before the U.S. Court of Appeals for the District of Columbia Circuit in this matter are:

1. Carter W. Page, *Plaintiff-Appellant*; and
2. James Comey, Andrew McCabe, Kevin Clinesmith, Peter Strzok, Lisa Page, Joe Pientka III, Stephen Somma, Brian J. Auten, United States Department of Justice, Federal Bureau of Investigation, United States of America, John Does 1-10, and Jane Does 1-10, *Defendants-Appellees*.

There are no intervenors or *amici* appearing in this matter.

### **III. Ruling Under Review**

The ruling under review is the September 1, 2022 Final Order of the Honorable Dabney L. Friedrich of the U.S. District Court for the District of Columbia granting Defendants' motions to dismiss. The Final Order is unpublished and can be found at *Page v. Comey*, No. 1:20-cv-03460-DLF, (D.D.C. Sept. 1, 2022), Dkt. 114. The Memorandum Opinion, Dkt. 115, accompanying the Final Order can be found at *Page v. Comey*, 628 F. Supp. 3d 103 (D.D.C. 2022). The Order and Memorandum Opinion ("Op.") will be reprinted in the Deferred Joint Appendix ("JA") due to be filed February 28, 2024.

#### IV. Related Cases

There are no other cases related to the case on review. The case on review has not previously been before this Court or any other court.

/s/ Gene C. Schaerr

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## **GLOSSARY**

CIA	Central Intelligence Agency
DOJ	United States Department of Justice
FBI	Federal Bureau of Investigation
FISA	Foreign Intelligence Surveillance Act
FISC	Foreign Intelligence Surveillance Court
FTCA	Federal Tort Claims Act

## INTRODUCTION

This case is about holding government actors accountable for their plainly illegal conduct of using fraud and deceit to obtain secret search warrants against an innocent citizen. Worse still, such tactics were used against an innocent foreign policy advisor to a disliked presidential campaign in a transparently political effort to derail that campaign. If there is no realistic mechanism to hold government actors legally accountable for their illegal conduct, future government actors—of whatever political stripe—will be able to act with impunity against their political opponents. And both our political process and the public’s trust in our Nation’s intelligence system will be severely compromised.

Plaintiff-Appellant Dr. Carter Page found himself in the crosshairs of Operation Crossfire Hurricane—a seriously flawed Federal Bureau of Investigation (“FBI”) probe into unsubstantiated accusations of ties between the 2016 presidential campaign of Donald Trump and Russia. Second Am. Compl. ¶211, Dkt. 73 (“Compl.”). Through their bad-faith misstatements, misrepresentations, and omissions, the Crossfire Hurricane team willfully deceived the Foreign Intelligence Surveillance Court (“FISC”) into believing Page was a Russian agent and into granting

not one, but four warrants to surveil him. And, when the existence and certain contents of this surveillance were illegally leaked to the media, Page was falsely maligned as a traitor.

The FISC has already held this very surveillance to be “unlawful.” Order at 1, *In re Carter W. Page*, Nos. 16-1182, 17-52, 17-375, 17-679, (FISA Ct. June 25, 2020), Dkt. 88-18 (“FISA Ct. 6/25/20 Order”). And the FBI has admitted that its agents are responsible for the damage inflicted on Page. *See* Compl. ¶¶215-17.

In this lawsuit, Dr. Page sued eight federal officers who played a direct and significant role in causing the illegal surveillance of him—Defendants-Appellees James Comey, Andrew McCabe, Kevin Clinesmith, Peter Strzok, Lisa Page, Joe Pientka III, Stephen Somma, and Brian J. Auten (collectively, “Individual Defendants”). The Foreign Intelligence Surveillance Act (“FISA”) creates a private right of action that allows an “aggrieved person ... who has been subjected to [unlawful] electronic surveillance or about whom information obtained by electronic surveillance of such person has been disclosed or used in violation of [FISA]” to sue for damages against “any person who committed such violation.” 50 U.S.C. § 1810. Page also sued several governmental

entities, including (as relevant here) the United States, for their agents' illegal use of FISA-acquired information for the unlawful purpose of deceiving the FISC. 50 U.S.C. § 1806. Such suits arise under the PATRIOT Act's private cause of action for "[a]ny person who is aggrieved by any willful violation of" certain parts of FISA. 18 U.S.C. § 2712.

Although the district court recognized that the allegations were "troubling," Memorandum Opinion 28 ("Op."), Dkt. 115, it nonetheless dismissed each of Page's claims without any discovery—much less a trial—under the incorrect legal understanding that the express causes of action provided by Congress do not reach the "clearly demonstrate[d] wrongdoing" alleged in the Complaint. Op. 32.

But FISA's private right of action, 50 U.S.C. § 1810, expressly provides a remedy for the violations allegedly committed by the defendants in this case. First, an aggrieved party may base his claim on a violation of 50 U.S.C. § 1809(a)(1), which makes it a crime to "engage[] in electronic surveillance under color of law except as authorized" by statute, as did each of the individual government agents that directed or otherwise played a substantial role in causing the illegal surveillance alleged here. Second, a Section 1810 claim can be based on a violation of

50 U.S.C. § 1809(a)(2), which makes it unlawful to use or disclose “information obtained under color of law by electronic surveillance, knowing or having reason to know that the information was obtained through electronic surveillance not authorized” by statute. Third, a claim against the United States, under the PATRIOT Act’s § 2712, may be based on a willful violation of 50 U.S.C. § 1806, which addresses “[i]nformation acquired from an electronic surveillance conducted pursuant to” FISA and makes it unlawful for “Federal officers or employees” to “use[] or disclose[]” such information “except for lawful purposes.” *Id.* § 1806(a).

As explained below, the facts alleged in Page’s Second Amended Complaint were more than sufficient to plead each type of claim, and the district court thus erred in dismissing the complaint. Reversal of that erroneous decision is necessary to restore accountability for the kinds of unlawful surveillance in which the defendants engaged, and thereby to at least begin to reverse the loss of public trust in the Nation’s intelligence-gathering system engendered by their illegal behavior.



## JURISDICTION

Jurisdiction in the district court arose under 28 U.S.C. § 1331, based on the complaint's federal claims under 5 U.S.C. § 552a(d)(3), 18 U.S.C. § 2712(a), 28 U.S.C. § 1346(b), 50 U.S.C. § 1810, and the Fourth Amendment to the U.S. Constitution. *See* Compl. ¶¶256-311. Appellate jurisdiction arises under 28 U.S.C. § 1291 based on the district court's September 1, 2022 final decision granting defendants' Motion to Dismiss and entering judgment in their favor and on its January 18, 2023 denial of plaintiff's Motion to Alter or Amend the Judgment and Motion for Relief from the Judgment.

Plaintiff filed a timely notice of appeal on February 17, 2023. Fed. R. App. P. 4(a).

## ISSUES

This appeal presents three issues that are central to preserving proper accountability for violations of FISA, and which this Court reviews *de novo*:

1. Whether the Second Amended Complaint adequately pleaded that the Individual Defendants “engage[d] in” unauthorized electronic surveillance prohibited by 50 U.S.C. § 1809(a)(1) and thus are subject to private suit under 50 U.S.C. § 1810.

2. Whether the Second Amended Complaint adequately pleaded that the Individual Defendants knowingly used and disclosed “information obtained ... by” unlawful electronic surveillance in violation of 50 U.S.C. § 1809(a)(2), and thus are subject to private suit under 50 U.S.C. § 1810.

3. Whether the Second Amended Complaint adequately pleaded that the Individual Defendants used FISA-acquired information for the unlawful purpose of deceiving the FISC, in violation of 50 U.S.C. § 1806(a), thus subjecting the United States to private suit under the PATRIOT Act, 18 U.S.C. § 2712.

## **STATUTORY AND REGULATORY PROVISIONS**

Pertinent authorities appear in an addendum to this brief.

### **STATEMENT**

#### **A. Plaintiff-Appellant Dr. Carter Page**

Dr. Carter Page is an American citizen who has spent his career contributing to American national security in numerous capacities. After graduating from the U.S. Naval Academy, he served as an active-duty intelligence officer in the U.S. Navy between 1993 and 1998, and then in the Navy Reserve until 2004, when he was honorably discharged at the rank of Lieutenant. An expert on international relations, he has

collaborated often with the U.S. intelligence community, serving as an operational contact to the CIA between 2008 and 2013, and assisting the FBI in a similar capacity. Compl. ¶11.

Notwithstanding his unassailable background and prior assistance to the intelligence community, Page was targeted for surveillance in 2016 as part of Operation Crossfire Hurricane—the FBI’s unfounded investigation into rumored ties between Russia and the Trump presidential campaign.

Dr. Page’s limited association with the Trump campaign was as a volunteer on an “informal foreign policy advisory committee” to the campaign, and he had never “met or spoke to then-candidate Trump. *Id.* ¶21. Page did not have “any involvement with Russia on behalf of the Trump campaign before, during, and after his affiliation with the Trump campaign” *Id.* ¶86. And he has *never* engaged in any “unlawful communications [or] activities” with Russian operatives or anyone else. *Id.* ¶15.

## **B. Operation Crossfire Hurricane**

On July 31, 2016, the FBI commenced Operation Crossfire Hurricane, an investigation into rumors insinuating that individuals

“associated with the Trump campaign” were clandestinely working as foreign agents of Russia. Compl. ¶5 (quoting Off. of Inspector Gen., U.S. Dep’t of Just., *Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation* 56 (Dec. 2019) [hereinafter *Horowitz Report*], available at <https://tinyurl.com/mr4danfe>). The investigation was conducted at FBI Headquarters in Washington, D.C., under the direct purview of FBI Director James Comey and Deputy Director Andrew McCabe, and supervised by FBI Deputy Assistant Director for Counterintelligence Peter Strzok. *See id.* ¶¶6, 26-27.

Shortly after the investigation began, Operation Crossfire Hurricane set its sights on several affiliates of the Trump campaign, including Dr. Page. *Id.* ¶5. By August 17, however, the Crossfire Hurricane team had learned from the CIA that Page had long served as a friendly source and that he had a positive reputation for truthfulness at that Agency. *Id.* ¶11. The investigation into Page should have ended there. But it did not.

The investigation into Dr. Page was largely based on the so-called “Steele Dossier”—two unverified and unsubstantiated reports volunteered to the FBI by Christopher Steele, a known political-

opposition researcher with ties to the political party opposing Trump. *Id.*

¶9. On September 19, 2016, Steele sent the FBI those reports, which “falsely alleged unlawful communications and activities involving Dr. Page” and Russian operatives. *Id.* ¶14.

From the outset, the FBI ignored the barrage of red flags signaling the unreliability of the Steele Dossier. Less than two weeks before the reports fell on their desks, defendants Comey and Strzok received an “investigative referral warning” from the CIA describing a “disinformation plan” from the opposing presidential campaign “involving a falsely alleged connection between the Trump campaign and Russia.” *Id.*

The convenient appearance of the Steele Dossier was wholly “consistent with the CIA’s express warning ... about receiving a false report containing this specific claim.” *Id.* The Crossfire Hurricane team knew Steele was being paid to perform “political opposition research” in support of the competing presidential campaign, and “it was ‘obvious’ Steele’s work was ‘politically motivated.’” *Id.* ¶¶9, 74 (quoting *Horowitz Report, supra*, at 4). And, by October 2016, the Crossfire Hurricane team

knew that a key source for the Dossier had strong ties to Russian intelligence operatives. *Id.* ¶88.

Notwithstanding such red flags, Crossfire Hurricane “did not conduct any meaningful investigation of Steele’s facially implausible allegation” that Dr. Page was somehow secretly working in the shadows as the middleman between “[Donald] Trump and Vladimir Putin.” *Id.* ¶75. Rather, the FBI falsely cited as “independent corroboration” of the Dossier a September 23, 2016 *Yahoo! News* article that merely regurgitated the Steele Dossier’s allegations. *Id.* ¶¶76-78 (citing Michael Isikoff, *U.S. intel officials prove ties between Trump adviser and Kremlin*, *Yahoo! News* (Sept. 23, 2016), <https://tinyurl.com/43ytfvhk>). But this information was anything but independent, and the FBI knew that Steele himself was the “source of the information” in that article. *Id.* ¶79.

Rightly shocked by the disparaging and baseless claims in the article, Dr. Page quickly sent James Comey a letter on September 25, 2016, unequivocally “denying he had had communications with any sanctioned Russian officials” and reminding the FBI of his “decades’ long record” of assistance to U.S. intelligence. *Id.* ¶81. This information was

shared with the Crossfire Hurricane team and was corroborated by multiple interviews the team conducted. *See id.* ¶¶81, 85.

And yet, despite having no proof of the absurd and implausible allegations made against Dr. Page in the Steele Dossier—and having knowledge of substantial evidence undermining those claims—the Crossfire Hurricane team nonetheless applied for a FISA warrant to begin clandestine electronic surveillance of him.

### **C. The FISA Warrants**

FISA requires that surveillance of American citizens for foreign-intelligence purposes be conducted pursuant to valid authorization by the FISC. FISA authorization may be granted only upon a showing by the applicant that there is probable cause to believe the target is actively acting “on behalf of a foreign power” against the interests of the United States. 50 U.S.C. § 1801(b)(2). Through their work in directing and preparing the faulty FISA applications, each Individual Defendant took a key role in effectuating unlawful electronic surveillance on Dr. Page.

#### **1. The Initial FISA Application**

By October 2016, the Crossfire Hurricane team had begun to prepare their first application to surveil Dr. Page. *See Verified Application, In re Carter W. Page*, No. 16-1182 (FISA Ct. Oct. 21, 2016),

available at <https://perma.cc/EX7A-S2XL> [hereinafter Initial Application].<sup>1</sup> Addendum (“Add.”) 22-106. Relying on the unverified Steele Dossier, FBI counterintelligence agent Stephen Somma spearheaded the drafting of the Initial Application. Compl. ¶201. To bolster the illusion of probable cause, Somma deliberately withheld from DOJ attorneys substantial information on Page’s positive relationship with the CIA and Steele’s adverse political agenda. *Id.* ¶¶205-07.

The Initial Application was thus marred with material misstatements and deliberate omissions of exculpatory evidence, including omitting that Dr. Page worked as a CIA source, *id.* ¶84, that

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<sup>1</sup> Each of the four applications for FISA authorization, though not attached as exhibits to the Complaint, are referenced at length throughout it. *See, e.g.*, Compl. ¶¶95-100 (Initial Application); *id.* ¶¶111-18 (First Renewal); *id.* ¶¶122-26 (Second Renewal); *id.* ¶¶133-39 (Third Renewal); *see also id.* ¶231 (citing to each application’s FISA docket). Because these documents are “specifically reference[d]” in the Complaint and are “integral” to Dr. Page’s claim that defendants used FISA-acquired information in them in violation of 50 U.S.C. §§ 1806(a) and 1809(a)(2), they can be considered in reviewing a motion to dismiss. *Banneker Ventures, LLC v. Graham*, 798 F.3d 1119, 1133 (D.C. Cir. 2015) (quoting *Kaempe v. Myers*, 367 F.3d 958, 965 (D.C. Cir. 2004)). Each declassified application was shared by the DOJ with the Senate Committee on the Judiciary and is a matter of public record of which this Court may take judicial notice. *Cannon v. Dist. of Columbia*, 717 F.3d 200, 205 n.2 (D.C. Cir. 2013) (judicial notice of information publicly shared by agency); *Slate v. Pub. Defender Serv. for D.C.*, 31 F. Supp. 3d 277, 288-89 (D.D.C. 2014) (judicial notice of warrant).



foreign source-monitored communications with him produced no evidence of involvement with Russia, *id.* ¶86, that the Steele Dossier was “political opposition research,” *id.* ¶¶93-94, that the CIA had specifically warned the FBI of the unreliability of such allegations, *id.* ¶95, that at least one of Steele’s sources was likely a Russian agent, *id.* ¶88, and that the FBI failed to verify the information in the Steele Dossier, *id.*

Additionally, the Initial Application included a “misleading footnote” downplaying Steele’s known ties to the opposing political party and presidential campaign, *id.* ¶¶92-93, and the knowingly false statement that the Steele Dossier was “corroborated and used in criminal proceedings,” *id.* ¶179. Both statements were drafted by defendant Brian J. Auten, the FBI supervisory intelligence analyst responsible for reviewing the statements of probable cause. *Id.* ¶175. Despite the FBI’s failure “to verify the accuracy of information included in the warrant applications,” defendant Joe Pientka III falsely certified that the information contained in them was truthful and accurate pursuant to the FBI’s Woods Procedures. *Id.* ¶¶42, 198.

Knowing of these material errors and omissions in the application and that probable cause did not exist to spy on Dr. Page, *see, e.g., id.*

¶¶81, 91, 146-50, 157-59, the Complaint alleged that defendants Comey and McCabe nonetheless gave the “green light” to submit the application after intense lobbying by Defendants Strzok and Lisa Page. *Id.* ¶91. Despite Lisa Page’s duty to provide candid legal guidance as Special Counsel to McCabe, she failed to apprise the Crossfire Hurricane team of the illegality of the knowing misrepresentations and omissions in the application. Instead, she pushed heavily for the surveillance. *See id.* ¶¶94-98.

Although Comey was aware of the material omissions, misstatements, and unverified allegations against Dr. Page in the Initial Application, *id.* ¶¶146-51, he signed it anyway, falsely certifying that the surveillance was “necessary to[] the ability of the United States to protect against” clandestine intelligence by a foreign government. 50 U.S.C. § 1801(e)(1); *see id.* § 1804(a)(6) (outlining requirements for this certification). On October 21, 2016, the Initial Application was submitted to the FISC. Compl. ¶150.

Misled by the application’s false statements and omissions, the FISC granted the warrant—and electronic surveillance on Dr. Page commenced soon thereafter.

## 2. The First Renewal Application

Events following the Initial Application compounded its flaws and made subsequent renewal applications even more illegal. For example, on October 31, 2016, Steele leaked new, unsubstantiated accusations of Trump-Russia collusion to *Mother Jones*. *Id.* ¶101. His handler, FBI Agent Michael Gaeta, described those allegations as “one of the craziest” concoctions of a conspiracy theory he had seen in his twenty years at the Bureau. *Id.* ¶102 Despite a deliberate effort by Somma to “hide from DOJ attorneys the political bias that made Steele’s reports about Dr. Page suspect,” *id.* ¶207, the FBI terminated its relationship with Steele on November 17, 2016, *id.* ¶104, and began to look into Steele’s biases more closely.

This belated inquiry only confirmed for the Crossfire Hurricane team what they already knew. For instance, on a November 2016 trip to London to assess Steele’s credibility, the Complaint alleged that Strzok was told of Steele’s “lack of judgment” and tendency of “pursuing people [with] political risk but no intel value.” *Id.* ¶105. Defendants Strzok, Pientka, and Lisa Page were told again in a November 21, 2016, briefing that Steele was hired by “a lawyer who does opposition research” and

“was desperate that Donald Trump not get elected.” *Id.* ¶106. And, in December of 2016, the Crossfire Hurricane team received additional evidence substantiating that one of Steele’s key sources had “been the subject of an investigation by the FBI in 2009-2010 as a ‘National Security Threat’ and possible Russian spy.” *Id.* ¶110.

Because such information would have seriously undermined the FBI’s claim of probable cause to surveil Dr. Page, the Crossfire Hurricane team simply omitted it from the renewal application. *Id.* ¶¶111-13; see Verified Application, *In re Carter W. Page*, No. 17-52 (FISA Ct. Jan. 12, 2017), available at <https://perma.cc/BH9Z-RG7F> [hereinafter First Renewal Application] (Add. 107).

Indeed, the First Renewal Application corrected no errors made in the Initial Application and continued to rely upon Pientka’s false certification of accuracy. It also obscured the fact that Steele had been terminated by the FBI and reiterated Auten’s previous lie that the reported information was still reliable because it had “been verified and used in criminal proceedings.” *Id.* ¶111.

The First Renewal Application also described the results of surveillance under the Initial FISA Warrant and included the misleading

statement that electronic surveillance information would “continue to produce foreign intelligence information,” despite nothing being uncovered to substantiate the baseless claim that Dr. Page was secretly a Russian spy. *Id.* ¶¶114-15. Although they knew of the First Renewal Application’s material misstatements and omissions, according to the Complaint, McCabe approved the application and Comey once again signed it on January 12, 2017, *Id.* ¶¶152, 162. The FISC, none the wiser, granted the application.

### **3. The Second Renewal Application**

Subsequent events continued to compound the illegality of the surveillance of Dr. Page. Two weeks after the renewal application was granted, members of the Crossfire Hurricane team, including Defendants Auten and Somma, interviewed Igor Danchenko, one of Steele’s sources.

Danchenko made clear that Steele “had no proof to support the statements from [his] sub-sources” and that the Dossier was “misstated or exaggerated,” and based on “rumor and speculation.” *Id.* ¶120. Comey learned of Danchenko’s statements and contemporaneously informed the President that the Steele Dossier was “unverified.” *Id.* ¶152. But no one informed the FISC of this.

Instead, the Second Renewal Application misleadingly stated that the FBI found Danchenko “truthful and cooperative” in the interview—but failed to report the damning substance of his statements, thus falsely implying support for the credibility of the Steele Dossier. *Id.* ¶121; *see* Verified Application at 31-35, 39-44, *In re Carter W. Page*, No. 17-375 (FISA Ct. Apr. 1, 2017), available at <https://perma.cc/KC6A-D9L2> [hereinafter Second Renewal Application] (Add. 207).

Before submitting the Second Renewal Application, Somma conducted five interviews with Dr. Page, in which he voluntarily participated without counsel. And, although Page’s answers “undermined any contention that he was acting as an agent of a foreign power,” the results of the interviews were never reported to the FISC. *Id.* ¶122. On the contrary, the Second Renewal Application failed to disclose any known exculpatory information and failed to correct any known misstatements in the prior applications—it simply continued to rely on the now-irrefutably worthless Steele Dossier and Pientka’s false certification of factual accuracy. The Second Renewal Application also discussed the results of the surveillance on Dr. Page to date and falsely

reasserted that further surveillance would “continue to produce foreign intelligence information.” *Id.* ¶123.

Comey signed the Second Renewal Application, thus falsely swearing to its veracity, and submitted it to the FISC on April 7, 2017. *Id.* ¶153. Once again deceived, the FISC granted the application.

#### **4. The Third Renewal Application**

As its previous misstatements and omissions became more and more untenable, the Crossfire Hurricane team moved on to the final act of its charade—the cover-up.

In preparing to file the Third Renewal Application, the (undisclosed) prospective affiant for that application asked Clinesmith whether Dr. Page had worked as an operational contact for the CIA. Although the FBI had known from the investigation’s outset of Page’s service to the CIA, Clinesmith sent a “disingenuous” email to his CIA liaison on June 15, 2017, “inquiring” whether Dr. Page had worked with the CIA. *Id.* ¶130. Clinesmith was told—as he already knew—that Dr. Page *had* been a source for the CIA.

But even the ruse of pretending prior ignorance of such exculpatory information was not enough to save face. To avoid having to write a

“terrible footnote” to the FISC revealing Dr. Page’s previously undisclosed CIA affiliation, Clinesmith doctored the email to falsely read that Dr. Page “was *not* a source” and shared that misinformation with the Third Renewal Application’s affiant. *Id.* ¶¶193-94.<sup>2</sup>

The Third Renewal Application, like its predecessors, omitted this and all other known exculpatory evidence, continued to rely on the Steele Dossier and misleadingly tout Danchenko’s credibility, and made no correction to Pientka’s false certification of veracity. *See id.* ¶135; Verified Application, *In re Carter W. Page*, No. 17-679 (FISA Ct. June 1, 2017), available at <https://perma.cc/5TNF-SSUD> [hereinafter Third Renewal Application]. And again, the Third Renewal Application discussed the results of all prior surveillance of Dr. Page to falsely support the assertion that renewal would “continue to produce foreign intelligence information.” *Id.* ¶136.

Having been involved in Crossfire Hurricane from the start—and having continually received briefings on and discussed the progress of the

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<sup>2</sup> For this wrongful conduct, Defendant-Appellee Clinesmith later pleaded guilty to making a false statement in violation of 18 U.S.C. § 1001. *See United States v. Clinesmith*, No. 20-165-JEB, 2021 WL 184316, at \*1 (D.D.C. Jan. 19, 2021).



surveillance—McCabe was well-aware of the Third Renewal Application’s unlawful disregard for the truth. *See id.* ¶161. Even so, McCabe signed the application, which he knew contained “numerous factual errors [and] failed to include information that should have been brought to the court.” *Id.* ¶215. So the FISC, once again, unwittingly granted the renewal despite the absence of probable cause.

#### **D. The Media Leaks**

As ongoing surveillance failed to deliver any evidence establishing probable cause that Dr. Page was a Russian asset, some members of Crossfire Hurricane desperately turned to their “insurance policy” of maligning Page to the media. *Id.* ¶71. On April 10, 2017—soon after the FISC approved the Second Renewal Application—Strzok texted Lisa Page to discuss their “media leak strategy with DOJ.” *Id.* ¶220.

The next day, the *Washington Post* ran a story reporting that the FBI had authorization to conduct electronic surveillance on Dr. Page “after convincing [the FISC] that there was probable cause to believe Page was acting as an agent of ... Russia.” *Id.* ¶221. The story explicitly confirmed that Dr. Page “had his communications directly targeted with a FISA warrant,” *id.*, information that was only available to the Crossfire

Hurricane team. *See Id.* ¶6; 50 U.S.C. § 1806(a) (limiting access to information “only in accordance with the minimization procedures required” by law).

Immediately after, Strzok informed Lisa Page that two more similar articles were forthcoming. *See Compl.* ¶222. On April 22, the *New York Times* released an article parroting the FBI’s supposed basis for surveilling Dr. Page. *Id.* ¶224. Upon its publication, Strzok excitedly texted Lisa Page that the “article is out!” and congratulated her on a job “[w]ell done” as a source for the article. *Id.* ¶223. With these well-orchestrated leaks of FISA information, Defendants Strzok and Lisa Page unilaterally marked Dr. Page as a traitor in the eyes of the public, all the while knowing the baselessness of this accusation.

### **E. The *Horowitz Report***

In March 2018, the DOJ’s Office of the Inspector General began investigating the legality of the electronic surveillance on Dr. Page. Over a year later, the *Horowitz Report* brought to light the egregious and unlawful actions of each Individual Defendant taken to deceive the FISC into granting improper FISA warrants. The *Horowitz Report* found seventeen distinct, material errors and omissions in the FISA warrant

applications, leading it to conclude that the surveillance of Dr. Page was unlawful for lack of probable cause. *Id.* ¶42.

The FISC agreed. Because the applications’ consistent misrepresentations, false statements, and material omissions destroyed probable cause, *In re Accuracy Concerns Regarding FBI Matters Submitted to FISC*, 411 F. Supp. 3d 333, 337 (FISA Ct. 2019), the FISC court ruled the surveillance on Dr. Page to be “unlawful.” FISA Ct. 6/25/20 Order at 1. The government later acknowledged this with respect to surveillance pursuant to the Second and Third Renewal Applications, and “declined to argue” that surveillance pursuant to *any* warrant was lawful. *See id.* at 4.

#### **F. District Court Proceedings**

To hold the various government actors accountable for their illegal conduct and the damage it caused, Dr. Page filed suit against the Individual and Institutional Defendants in the U.S. District Court for the District of Columbia on November 27, 2020.

Dr. Page brought four claims—one for each invalid FISA warrant—against the Individual Defendants in their individual capacities under 50 U.S.C. § 1810, which grants any “person ... subjected to [unlawful]

electronic surveillance” or “about whom information obtained by electronic surveillance ... has been [unlawfully] disclosed or used” a “cause of action against any person who committed such violation.” 50 U.S.C. § 1810.

On June 8, 2021—after exhausting his administrative remedies under the PATRIOT Act—Dr. Page filed his Second Amended Complaint, adding one claim against the United States based on the PATRIOT Act. Dkt. 73. That law allows “[a]ny person who is aggrieved by any willful violation of [50 U.S.C. § 1806(a)]” to “commence an action ... against the United States to recover money damages.” 18 U.S.C. § 2712(a). Section 1806(a), in turn, addresses “[i]nformation acquired from an electronic surveillance conducted pursuant to” FISA and makes it illegal for “Federal officers or employees” to “use[] or disclose[]” such information “except for lawful purposes.”

All Defendants moved to dismiss the various claims against them on September 17, 2021. Dkts. 80-88.

The district court granted each Defendant’s motion to dismiss on all claims. *See* Dkt. 114. The court held that the claims based on alleged violations of § 1809(a)(1) failed because that section’s prohibition against

“engag[ing] in electronic surveillance” without authorization only covers “those who *conduct* unauthorized surveillance, and not those who at the application stage mislead the FISC to approve that surveillance.” Op. 27 (emphasis added). The district court further held that the claims based on alleged unlawful use and disclosure of FISA-acquired information in violation of § 1809(a)(2) were deficient “without providing [more] details about [defendants’] individual actions.” Op. 33.

And, despite characterizing Dr. Page’s allegation that Defendants “misled the FISC to obtain surveillance warrants without probable cause” as his “core claim,” *id.* at 53, the district court nonetheless dismissed the PATRIOT Act claim. It did so for failing to allege that “FISA information was used or disclosed ... *for an unlawful* purpose,” as is required “[t]o plead a violation of the PATRIOT Act [based] on § 1806(a),” *id.* at 44—as though obtaining a surveillance warrant without probable cause is *not* “an unlawful purpose.”

Dr. Page timely moved for reconsideration in the district court under Fed. R. Civ. P. 59(e), in part based on newly discovered evidence suggesting the Individual Defendants “deliberately put one of the fabricators of the Steele Dossier on FBI payroll in order to ... cover up

[their] misdeeds.” Pl.’s Br. in Supp. of Mot. to Alter or Amend J. at 17, Dkt. 119-1. The district court denied this motion on January 18, 2023. Dkt. 126. On February 17, 2023, Dr. Page appealed. Dkt. 128.

### SUMMARY OF ARGUMENT

To preserve Americans’ civil liberties and public trust in the Nation’s intelligence-gathering system, FISA mandates that electronic surveillance be conducted only pursuant to a valid FISC order supported by a truthful showing of probable cause that “the target of the electronic surveillance is ... an agent of a foreign power.” 50 U.S.C. § 1804(a)(3)(A). In direct contravention of this requirement, Individual Defendants engaged in unlawful electronic surveillance of Dr. Page based on “false statements ... in the absence of probable cause.” Op. 39 (quoting Compl. ¶16). The FISC has recognized—and the government has not contested—that surveillance pursuant to each of the four FISA authorizations was unlawful because the applications contained “material errors and omissions,” the inclusion of which would have defeated “probable cause to believe that Page was an agent of a foreign power.” FISA Ct. 6/25/20 Order, at 1.

As alleged and described in the Complaint, the Individual Defendants' conduct is unlawful under each of three distinct provisions of FISA, 50 U.S.C. §§ 1806, 1809(a)(1), and 1809(a)(2). Defendants' conduct falls squarely within the proscriptions of those sections, thus subjecting the Individual Defendants to suit under FISA's private cause of action, Section 1810, and the United States to suit under the PATRIOT Act's private cause of action, 18 U.S.C. § 2712. In holding otherwise, the district court made multiple errors of statutory interpretation, each of which (if left uncorrected) will undermine civil liberties and public trust in the Nation's intelligence community.

I. The district court erred in interpreting § 1809(a)(1), which makes it unlawful to “intentionally ... engage[] in [unauthorized] electronic surveillance under color of law,” to impose liability only on agents who personally “conduct” the surveillance, Op. 23, or who perform “the act of obtaining communications by using a device” or “the specific act of collecting information by listening to or watching someone,” *id.* 22-23, and excluding those who engage in surveillance through others, *id.* 25. The district court's narrow reading contravenes both the ordinary

legal meaning of “engage” and the broader legislative purpose of the statute.

As used across legal texts, “engages in” traditionally takes a broad meaning to cover the conduct of not only those who physically conduct an act, but also anyone who meaningfully directs or participates in realizing that act. *See, e.g., Brown v. Torrence*, 88 Pa. 186, 186 (1878); *Shaw v. Williams*, 87 Ind. 158, 160-62 (1882). Additionally, even without directing the conduct, a person may “engage[] in” proscribed conduct by taking a prerequisite act that is “directly related” to realizing that conduct’s outcome. *See, e.g., Wis. Dep’t of Revenue v. Sterling Custom Homes Corp.*, 283 N.W.2d 573, 575-76 (Wis. 1979); *Sw. Airlines v. Saxon*, 142 S. Ct. 1783, 1790 (2022) (loading cargo a “direct and ‘necessary role in” commerce). And, as understood by common law courts, that person may be held principally liable for the proscribed conduct *either* by having physically executed the result *or* through meaningful involvement in bringing it about. *See, e.g., Masters v. Stone*, 367 A.2d 686, 688 (Vt. 1976), *superseded by statute*, Vt. Stat. Ann. tit. 13, § 3606 (2010).

This more inclusive definition also finds support throughout FISA’s text. For example, an analogous provision of FISA regulating physical



searches makes liable any person who “*executes* a physical search.” 50 U.S.C. § 1827(a) (emphasis added). This shows that, had Congress intended to limit § 1809(a)(2) only to those who execute—that is, carry out, electronic surveillance—it could have done so. But Congress used the broader phrase “engages in,” the ordinary meaning of which covers a broader class of actors who direct or otherwise meaningfully participate in bringing about the surveillance.

II. The district court also erred in holding that Dr. Page did not adequately plead that Defendants “intentionally ... disclose[d] or use[d] information obtained under color of law by [unauthorized] electronic surveillance” in violation of § 1809(a)(2). Op. 33. As explained above, the Defendants clearly “used” information obtained as a result of each warrant or warrant renewal in support of at least one *subsequent* renewal application.

The district court also wrongly concluded that the complaint failed to allege that any Individual Defendant unlawfully “disclosed” FISA-acquired information to the media because the referenced articles only reported on “the fact of the surveillance,” rather than “information ‘obtained’ by the electronic surveillance.” Op. 34 (quoting 50 U.S.C.

§ 1809(a)). But that misconstrues the term “information” in the statute: As defined in FISA, the “contents” of electronic surveillance “includes *any* information concerning the identity of the parties to such communication or the existence ... of that communication.” 50 U.S.C. § 1801(n) (emphasis added). Here, the referenced *Washington Post* article reported that Dr. Page “had his communications directly targeted with a FISA warrant,” Compl. ¶221, thus identifying Dr. Page as a party to intercepted communications. This information falls squarely within the statute’s definition of FISA-acquired information—it revealed Page’s “identity” as well as “the existence ... of [his] communications.” Thus, Dr. Page pleaded a viable claim under § 1810’s private cause of action based on Defendants’ unlawful “disclos[ure]” in violation of § 1809(a)(2).

Given the plethora of factual pleadings regarding each Individual Defendant’s participation in the FISA application process, *see, e.g.*, Compl. ¶¶144-210, and the contents of the FISA applications themselves, *see, e.g.*, Compl. ¶¶92-97, 111-14, 123, 134-36. the district court was well-equipped to “draw the reasonable inference,” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), that Defendants violated § 1809(a)(2), by both “us[ing]” and “disclos[ing]” FISA-acquired information obtained pursuant to the

invalid Warrants to “obtain the subsequent FISA Warrants, unlawfully pursue investigative ends, and for unlawful leaks to the media and others.” Compl. ¶142.

In dismissing Dr. Page’s well-pleaded allegations, the district court also claimed he had not provided sufficient “details about [each defendant’s] individual actions.” Op. 33. But this Court does not require a complaint to identify specific violations, *see Krieger v. Fadely*, 211 F.3d 134, 136 (D.C. Cir. 2000), so long as the allegations are supported by “some circumstantial facts that support an inference” of defendant’s liability. *City of Moundridge v. Exxon Mobil Corp.*, 250 F.R.D. 1, 7 (D.D.C. 2008). The Complaint far exceeds that lenient standard, and sufficiently supports Page’s § 1810 claim based on Defendants’ unlawful use of FISA-acquired information—especially given this Court’s instruction that a district court must give the “plaintiff the benefit of all inferences that can be derived from the facts alleged,” *Thomas v. Principi*, 394 F.3d 970, 972 (D.C. Cir. 2005) (quoting *Barr v. Clinton*, 370 F.3d 1196, 1199 (D.C. Cir. 2004)); *accord Am. Nat’l Ins. Co. v. FDIC*, 642 F.3d 1137, 1139 (D.C. Cir. 2011) (requiring a district court to “assume the truth of all material

factual allegations in the complaint and construe the complaint liberally” (internal quotations omitted)).

III. Finally, the district court erred in holding that Dr. Page failed to sufficiently plead a violation of § 1806(a) to support his claim against the United States under the PATRIOT Act’s private cause of action. 18 U.S.C. § 2712. Section 2712(a) allows an aggrieved party to sue the United States based on any “willful violation of” 50 U.S.C. § 1806(a), which in turn proscribes the use or disclosure of FISA-acquired information obtained from unauthorized surveillance for an unlawful purpose. 50 U.S.C. § 1806(a).

Here, Dr. Page based his PATRIOT Act claim against the United States on the Individual Defendants’ use of unlawfully acquired FISA information, not in the Initial Application, but in the Renewal Applications—for the unlawful purpose of deceiving the FISC into believing probable cause to exist. In dismissing this claim, the district court twice erred.

Initially, the district court erroneously held that Dr. Page did not adequately plead that FISA-acquired information was used in the Renewal Applications, even though the complaint expressly alleged that

“Defendants used the information obtained from the issued FISA warrants to obtain each of the subsequent warrants.” Compl. ¶230. And, despite its obligation to “construe [all] reasonable inferences” in the plaintiff’s favor, *Doe v. Rumsfeld*, 683 F.3d 390, 391 (D.C. Cir. 2012) (citing *Iqbal*, 556 U.S. at 678-79), the district court failed to reach the logical conclusion that the redacted FISA-acquired information referenced in the Renewal Applications plausibly came from the FISA surveillance of Dr. Page.

Additionally, the district court erred in concluding that Dr. Page did not adequately allege this information was used for an unlawful purpose. On the contrary, the complaint states that Individual Defendants “used information obtained by electronic surveillance ... in violation of the FISA Act,” Compl. ¶¶307-09, for the unlawful purpose of “mislead[ing] the FISC ... to obtain surveillance despite the absence of probable cause,” *id.* ¶16. Essentially, Individual Defendants included in the Renewal Applications whatever FISA information on Dr. Page they could cobble together to make it seem like probable cause and that a need for further surveillance existed, even though full disclosure of the facts

would have shown it did not. *See In re Accuracy Concerns*, 411 F. Supp. 3d at 335-37.

The unlawfulness of such conduct is well-supported by a body of caselaw consistently holding that government officials undertake “impermissible ... conduct” where a warrant application selectively includes and omits information to deliberately “mislead the judge” into finding probable cause where none exists. *United States v. Matthews*, 172 F. Supp. 3d 1, 5-6 (D.D.C. 2012), *aff’d*, 753 F.3d 1321 (D.C. Cir. 2014); *see United States v. Spencer*, 530 F.3d 1003, 1007 (D.C. Cir. 2008); *United States v. Colkley*, 899 F.2d 297, 301 (4th Cir. 1990). Here, the invalid Renewal Applications used illegally acquired FISA information to mask or distract from their glaring omissions and misstatements—giving the illusion of probable cause—and thus misled the FISC into granting the warrants. This is obviously an “unlawful use” of surveillance, in violation of § 1806(a).

## STANDARD OF REVIEW

The district court's decision to grant Defendants' motion to dismiss is reviewed *de novo*. See *Gross v. United States*, 771 F.3d 10, 12 (D.C. Cir. 2014). This Court "accept[s] the well-pleaded factual allegations set forth in [the] complaint as true ... and construe[s] reasonable inferences from those allegations in [a plaintiff's] favor." *Rumsfeld*, 683 F.3d at 391 (citing *Iqbal*, 556 U.S. at 678-79). Where "the necessary information lies within defendants' control," a plaintiff's pleadings on information and belief are assumed as true, *Kowal v. MCI Commc'ns Corp.*, 16 F.3d 1217, 1279 n.3 (D.C. Cir. 1994) (quoting *In re Craftmatic Sec. Litig.*, 890 F.2d 628, 646 (3d Cir. 1989)), so long as they are supported by "some circumstantial facts that support an inference" of defendant's liability, *City of Moundridge*, 250 F.R.D. at 7.

## ARGUMENT

Dr. Page has sufficiently alleged that Individual Defendants are liable under 50 U.S.C. § 1810, and the United States is liable under 18 U.S.C. § 2712(a), for several violations of FISA. The district court's contrary view was based largely on misinterpretations of critical provisions in (i) Section 1809(a)(1), (ii) Section 1809(a)(2), and (iii) Section 2712. If allowed to stand, each of these misinterpretations will undermine accountability for violations of FISA and, correlatively, public trust in the whole FISA system.

### **I. Dr. Page Sufficiently Alleged that All Individual Defendants “Engage[d] in” Unauthorized Electronic Surveillance in Violation of Section 1809(a)(1).**

FISA provides a private cause of action to “[a]n aggrieved person ... who has been subjected to an electronic surveillance ... in violation of section 1809,” including against “any person” who “intentionally ... engages in electronic surveillance under color of law except as authorized[.]” 50 U.S.C. §§ 1810, 1809(a)(1). The district court acknowledged—and Defendants cannot dispute—that Dr. Page is an “aggrieved person” who was “subjected to” illegal electronic surveillance. Op. 19; *see also* 50 U.S.C. § 1801(k) (defining this as any person “whose



communications or activities were subject to electronic surveillance”). Rather, the disagreement here is whether their conduct amounts to “engag[ing] in [unauthorized] electronic surveillance,” as prohibited by § 1809(a)(1). To the district court, only those who personally “conduct the search” are “engage[d] in” electronic surveillance, Op. 28-29 not those who direct and/or contribute to the actual search or acquire the information resulting from that search. But, as explained below, this interpretation is not even remotely a correct reading of § 1809(a)(1).

**A. The phrase “engages in” as used in § 1809(a)(1) easily includes the Individual Defendants’ meaningful participation in procuring FISA authorization and in receiving the information obtained thereby.**

“Engag[ing] in electronic surveillance” covers far more than the operative acts of planting a bug or conducting a search. It also includes directing others to do so, meaningfully participating in the prerequisite steps for such operative conduct, and receiving— or “acqui[ring]”—the information produced thereby.

**1. Limiting liability to those who physically conducted the surveillance ignores the ordinary and legal meaning of “engages in.”**

FISA does not expressly define what it means to “engage[] in” unauthorized surveillance. *Cf.* 50 U.S.C. § 1801. Relying on a dictionary,

the district court observed that to “engage” means “to take part” or “participate.” Op. 21 (quoting *Engage, Merriam-Webster’s New Collegiate Dictionary* 378 (1977)). But this definition in isolation does not identify what type of “participation” is required to satisfy § 1809(a)(1). And, despite the district court’s conflation of the two terms, *see* Op. 26-27, to “engage in” does not necessarily mean to personally “conduct.” *Compare Engage, Oxford Thesaurus of English* 280 (3d ed. 2009), *with Conduct, id.* at 158. Instead, in its ordinary meaning, “engage” denotes a broader scope of behavior, including not only when a person carries out some act but also when she directs or otherwise meaningfully “involve[s]” herself in effectuating its occurrence. *See Engage, American Heritage Dictionary of the English Language* 592 (4th ed. 2000).

The same conclusion holds when one examines the term’s common-law meaning—as one should do when interpreting legal language used in a statute. *See* Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 320 (2012); *see Neder v. United States*, 527 U.S. 1, 23 (1999) (applying this canon in the criminal-law context). And here, the ordinary legal use of “engage[d] in” demonstrates two key insights for understanding § 1809(a)(1).

*First*—and foremost—a person can “engage in” an activity without physically conducting particular operative physical steps herself. Under the common law, “engages in” was a familiar “expansive and encompassing term connoting many forms of participation in” the relevant conduct. William Baude & Michael Stokes Paulsen, *The Sweep and Force of Section Three*, 172 U. Pa. L. Rev. (forthcoming 2024) (manuscript at 7), available at <https://tinyurl.com/SweepAndForce>. Thus, numerous courts and legislatures have traditionally understood that a person can *engage in* an activity without physically *performing* it. *See, e.g., Brown*, 88 Pa. at 186 (proprietor of coal plant is “engaged in the manufacture of coke”); *Shaw*, 87 Ind. at 160-62 (newspaper publisher unlawfully “engages in his ordinary vocation” on Sunday if the paper is delivered by others on that day); *Grand Lodge A.O.U.W. v. Haddock*, 82 P. 583, 583-84 (Kan. 1905) (individual business owner is “engage[d] in the sale of intoxicating drinks,” even if he does not personally sell the drinks); *McClain v. West*, 87 So. 49, 49 (Fla. 1920) (fishing boat’s “owner, manager, [and] employee” “engage in ... taking fish”).

Moreover, this more encompassing meaning of “engages in” continued into the years surrounding FISA’s adoption in 1978. *See, e.g.,*

*Masters*, 367 A.2d at 688 (observing that operations personnel can be held principally liable for “engag[ing] in [proscribed] logging activity ... even though he may not have personally felled a tree”); *Bechtel Power Corp. v. Sec’y of Lab.*, 548 F.2d 248, 249 (8th Cir. 1977) (per curiam) (construction foreman was “engaged in construction work” because he “worked in a managerial or supervisory capacity” notwithstanding that he “did not perform the actual work of construction”); *Capra v. Smith*, 372 So.2d 317, 320 (Ala. Civ. App. 1978) (realtor who hires another to build a house is “engaged in building houses” even though “she did not personally perform the work or ... personally supervise the work”), *rev’d on other grounds*, 372 So.2d 321 (Ala. 1979); *Sterling Custom Homes*, 283 N.W.2d at 575 (off-site manufacturer of component parts was “engaged in ‘real property construction activities’” since it “dictated the assembly sequence ... in which the houses were [later] erected” on-site). More recent legislation also adopts this understanding. *See, e.g.*, Immigration Act of 1990 § 601, Pub. L. 101-649, 104 Stat. 4978 (person can be liable for “engag[ing] in a terrorist activity” even if that person did not personally “commit ... an act of terrorist activity”).

Thus, § 1809(a)(1) is best read in the legal context to apply not only, as the district court put it, to “the agents who conduct the” physical actions of activating a wiretap or clicking a keyboard to access a target’s email account, Op. 28, but also to any officer who directs or otherwise meaningfully participates in making those actions happen or in receiving the results. That is particularly true for senior officials who instruct their subordinates to conduct unlawful surveillance. Under principles of vicarious liability present throughout our legal system, for example, employers are held liable for the tortious acts of their employees performed within the scope of their employment. *E.g., Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742, 756 (1998). That backdrop tenet of holding principals liable for the actions of their agents reinforces the conclusion that senior officials cannot, as the district court’s logic suggests, evade § 1809(a) liability simply by ordering someone else to perform unlawful surveillance.

Holding otherwise would erroneously read into the text a limitation that simply is not there. Just as a store proprietor can “engage” in the sale of liquor without standing behind a bar, *see Haddock*, 82 P. 583 at 583-84, or a foreman can “engage” in construction without ever holding a

hammer, *Bechtel Power*, 548 F.2d at 249, so too can an FBI officer or agent—especially those in senior positions—*engage* in electronic surveillance without personally *conducting* discrete acts of intercepting communications.

*Second*, and independently, a person can “engage” in proscribed conduct by taking a *prerequisite* act that is “directly related” to realizing its occurrence. *Sterling Custom Homes*, 283 N.W.2d at 575. For example, the Wisconsin Supreme Court held in *Sterling Custom Homes* that an off-site manufacturer of building materials was “engaged in real property construction activities,” despite its work being done long before a home was erected. *Id.* at 574-76. That the materials it prepared were “directed exclusively” for, and “directly related to,” the construction of homes was sufficient for it to *engage* in the “act” of constructing—even though the manufacturer never actually *performed* an act of constructing. *Id.* at 575.

Also instructive are cases interpreting the phrase “engaged in interstate commerce.” Time and again, the Supreme Court has found that workers who “load[] ... an interstate shipment” are engaged in interstate commerce. *Baltimore & Ohio Sw. R.R. Co. v. Burtch*, 263 U.S. 540, 544 (1924); *see Saxon*, 142 S. Ct. at 1790. While recognizing that

“engaged in” is not as broad as “affecting’ or ‘involving” commerce, the Court has nonetheless reached beyond personal transport to include behavior by others who are “intimately involved with the [act of transporting] ... that cargo.” *Saxon*, 142 S. Ct. at 1789-90 (quoting *Circuit City Stores, Inc. v. Adams*, 532 U.S. 105, 115-16 (2001)) It is irrelevant that these workers never “physically move goods ... across foreign ... boundaries,” as this understanding “too narrowly” limits what it means to be “engaged” in something. *Id.* at 1791.

Here, the district court erroneously downplayed cases addressing commerce as having a different statutory history. *See* Op. 23 n.11. The Court in *Saxon*, for example defined “engaged in” *before* considering its commerce context. *See Saxon*, 142 S. Ct. at 1789. And, even after giving “engaged” a “narrower” meaning than that provided by *Black’s Law Dictionary*, the Supreme Court *still* found that workers who took “necessary” prerequisite acts for cross-border shipping were “engaged” in interstate commerce. *Saxon*, 142 S. Ct. at 1790.

In this case, the Complaint alleges that Individual Defendants took steps that were intimately involved in the preparation, direction, and receipt of conduct and products of electronic surveillance. *See, e.g.,*

Compl. ¶¶144–210. Like a stevedore who loads cargo in preparation for an interstate voyage, their work in directing, preparing, and procuring the warrants was essential for the subsequent physical and electronic acts of conducting surveillance, and for Defendants themselves to personally acquire the information produced by such conduct.

In holding otherwise, the district court rested on its observation that “[t]he application for an order approving electronic surveillance and the actual surveillance are not one and the same.” Op. 23. But, as these cases consistently show, this is a distinction without a difference given that “engag[ing] in” surveillance encompasses more than the functional act of starting the wiretap, gaining access to email accounts, or any other part of *executing* a FISA warrant. *See Sterling Custom Homes*, 283 N.W.2d at 574-76 (prerequisite off-site activity part of engaging in construction of a home); *see also Saxon*, 142 S. Ct. at 1789-91 (loading a ship distinct from act of transporting good yet dockworkers still “engage in” foreign transportation). The Defendants’ involvement here was “part of a continuous chain” of conduct, “controlled” and “coordinated” by the supervising Defendants, that was an “integral part of a single, unbroken” effort to effectuate the acquisition of FISA information and that



meaningfully contributed to that acquisition. *See Davarci v. Uber Techs., Inc.*, No. 20-cv-9224, 2021 WL 3721374, at \*13 (S.D.N.Y. Aug. 20, 2021) (interstate commerce case). Defendants thus “engaged” in electronic surveillance within the meaning of § 1809(a)(1).<sup>3</sup>

**2. The district court misapplied the presumption of meaningful variation by ignoring differences in language supporting a broad application of § 1809(a)(1)**

Rather than looking to the “familiar legal [use]” of “engage” to contextualize its meaning in § 1809(a)(1), *see* Felix Frankfurter, *Some Reflections on the Reading of Statutes*, 47 Colum. L. Rev. 527, 537 (1947), the district court latched onto what it thought to be significant variations in the use of that phrase in another provision of FISA to ostensibly

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<sup>3</sup> Moreover, one who engages in proscribed conduct—either by physical execution or meaningful involvement—is a principal performer, not merely an aider and abettor, of such conduct. Accordingly, the district court’s rejection of secondary aiding and abetting liability under FISA, Op. 19-21, deals with a separate issue than the primary scope of “engages in.” Although the Individual Defendants would certainly be liable as aiders and abettors if they are not principally liable, this Court need not reach that open question here because, under the proper meaning of § 1809(a)(1), Defendants are *principally* liable for engaging in unauthorized surveillance. *Cf. Masters*, 367 A.2d at 531 (worker who actively participates in preparing for the cutting job sufficiently “engage[d] in ... logging activity” to be “liable as a principal” for the offense of “cutting down trees belonging to another person,” “even though he may not have personally felled a tree”) (citation omitted).

“confirm” the court’s unduly narrow interpretation. *See* Op. 22-25. Looking to FISA’s definition of an “agent of a foreign power”—which includes any person who “engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor”—the district court reasoned that “‘engaging in’ an activity,” without more, must not include any preparatory acts. Op. 23 (quoting 50 U.S.C. § 1801(b)).

But, as that court has held in other cases, this “argument reads too much into too little.” *Repub. of Gam. v. Meta Platforms, Inc.*, 588 F. Supp. 3d 1, 5 (D.D.C. 2022). Although it is “generally presumed that Congress acts intentionally ... [in] disparate inclusion or exclusion” of language, *Russello v. United States*, 464 U.S. 16, 23 (1983) (quoting *United States v. Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)), that heuristic is not absolute and should be applied only with “careful regard to context.” Scalia & Garner, *supra*, at 176; *see Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 385 (2013).

Here, the dissimilar statutory context of each provision undermines the district court’s application of the presumption of reliability. *See Port Auth. Trans-Hudson Corp. v. Sec’y*, 776 F.3d 157, 165 (3d Cir. 2016). The

supplementary language in § 1801(b) appears in FISA’s definition section. In articulating statutory definitions, Congress often employs “redundant drafting” out of an “abundance of caution” to “reinforce the meaning of a term” and avoid misinterpretation. Ethan J. Leib & James J. Brudney, *The Belt-And-Suspenders Canon*, 105 Iowa L. Rev. 741-43 (2020); see Jeanne Frazier Price, *Wagging, Not Barking: Statutory Definitions*, 60 Clev. St. L. Rev. 999, 1021-22 (2013). It is common for Congress to “draft redundantly in more expansive contexts within a single statute”—like a definition section, Leib & Brudney, *supra*, at 742—to “allow[] the statute’s normative provisions to be more efficiently articulated,” Price, *supra*, at 1024. See *Cook Inlet Tribal Council, Inc. v. Dotomain*, 10 F.4th 892, 896 (D.C. Cir. 2021) (describing “belt-and-suspenders” legislative drafting).

This “lamentably common” drafting technique is ubiquitous in FISA’s definition section. Scalia & Garner, *supra*, at 177. For example, FISA’s definition of “agent of a foreign power”—the same provision cited by the district court—includes both one who unqualifiedly “engages in the international proliferation of weapons of mass destruction” and one who specifically does so “for or on behalf of a foreign power.” 50 U.S.C. §

1801(b)(1)(D)-(E). Other provisions are likewise redundant or overlapping. See *e.g.*, *id.* § 1801(e)(2)(a) (defining “foreign intelligence information” as information necessary to both “the national defense” and “the security of the United States”); *id.* § 1801(p) (including both “explosive” and “incendiary” devices, and “biological agent” and “toxin”, in the definition of “weapon of mass destruction”). Such redundancy significantly undercuts the “hypothesis of careful draftsmanship” on which the district court’s reasoning rests. *Kapral v. United States*, 166 F.3d 565, 579 (3d Cir. 1999) (Alito, J., concurring). In light of this legislative reality, the textual exhaustiveness of § 1801(b)’s definition provides little justification for narrowing the ordinary legal meaning of “engages in” elsewhere in the statute.

And, while the district court fixated on this expectedly meaningless variation, it ignored several other textual variations that cut against its narrow reading of “engages.”

For example, § 1809(a)(1) itself makes liable anyone who “engages in electronic surveillance ... except as authorized by this chapter,” that provision allows surveillance pursuant to “any express statutory authorization that is an additional exclusive means for *conducting*

electronic surveillance [under 50 U.S.C. § 1812].” 50 U.S.C. § 1809(a)(1) (emphasis added). In the same sentence, Congress enjoined “engaging” in unauthorized electronic surveillance while authorizing surveillance “conduct[ed]” under specific statutory exceptions. By using different words in this provision, Congress presumptively “intended a difference in meaning.” *Loughrin v. United States*, 573 U.S. 351, 358 (2014).

That “conducting” takes a more limited meaning here is shown by the fact that § 1812 specifically covers the discrete “interception” of communications. 50 U.S.C. § 1812. Had Congress intended liability under § 1809(a)(2) to cover only the agents that “conduct” the surveillance, it knew how to do it—and even used that language elsewhere in the same sentence. But, because § 1809(a)(2) instead creates an offense for anyone who “engages” in electronic surveillance, this phrase must be interpreted to cover a broader class of actions than merely conducting the surveillance.

The disparate language of FISA’s provision governing physical searches also supports the broader reading of “engages in.” That section creates liability for any person who “*executes* a physical search within the United States except as authorized by statute.” 50 U.S.C. § 1827(a)

(emphasis added). By the district court’s own account, to “execute” means to “carry out.” Op. 25 (citing *Execute*, *Oxford English Dictionary* (2d ed. 1989)). It appears reasonable—and the district court agreed—that Congress’s specific use of “executes” here reasonably suggests that liability under § 1827(a) is limited to the agents who carry out the search. See Op. 25; see also *Execute*, *Black’s Law Dictionary* (2d ed. 1910) (“finish,” “perform,” or “carry out”).

But § 1809(a) does not limit liability to those who merely “execute” electronic surveillance. It is puzzling then that the district court viewed § 1827(a) as a “helpful parallel” supporting its *narrow* reading of § 1809(a)(1) when use of the more capacious “engages”—instead of “executes”—suggests a *broader* scope to § 1809(a)(1). See *Loughrin*, 573 U.S. at 357. Cf. *Alderman v. United States*, 394 U.S. 165, 205 (1969) (Fortas, J., concurring) (“[T]he Government will not *engage* in unreasonable searches ....” (emphasis added)); *United States v. Tackett*, 193 F.3d 880, 883 (6th Cir. 1999) (“[S]everal agents had been required to ... *execute* the *electronic surveillance* of [a conspirator].” (emphasis added)).

Rather than considering the significance of *this* variation, the district court attempted to “graft” the language of § 1827(a) onto § 1809(a). Op. 44-45. In doing so, it read § 1809(a) to imply that “civil liability under 50 U.S.C. § 1810 attaches only to those who *conduct or perform* electronic surveillance.” Op. 53 (emphasis added); *see also id.* at 26 n.15 (quoting *United States v. Koyomejian*, 946 F.2d 1450, 1459 n.16 (9th Cir. 1991)) (crediting the Ninth Circuit’s passing observation that § 1809(a)(1) is “best understood as subjecting to criminal liability anyone who performs electronic surveillance”). But § 1809(a) does not use such narrow language, and courts should “resist reading words or elements into a statute that do not appear on its face,” Op. 44-45 (quoting *Bates v. United States*, 522 U.S. 23, 29 (1997)), it was an error for the district court to have done so here.<sup>4</sup>

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<sup>4</sup> The same can be said for the district court’s treatment of the Wiretap Act, which creates liability for one who, without valid authorization, “intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication.” Op. 26 (quoting 18 U.S.C. § 2511(1)(a)). Because FISA, “unlike the Wiretap Act ... does not include [language regarding the] procurement phrase,” the district court reasoned that FISA must be read to cover only the physical act of acquiring communications, and not to include “procuring” another to do so. *Id.* But § 1809(a)(1) does not employ so active and limiting a verb as “intercept.” Instead, that section extends liability to anyone who “*engages in*” the act of acquiring information.

The ordinary legal meaning of the text *as written*, not as grafted by the district court, brings the conduct of each Individual Defendant in procuring the FISA surveillance on Dr. Page under the purview of § 1809(a)(1)—just as Congress intended.

**B. Even under the district court’s erroneously narrow interpretation of “engage[],” each Defendant is also liable under Section 1809(a)(1) by virtue of having personally “acqui[red]” FISA information.**

Even under an improperly narrow reading of “engage[d] in” Defendants still engaged in “electronic surveillance” because they “obtained communications pursuant to” unauthorized electronic surveillance, Compl. ¶142, and hence directly “acquired” such information. “Electronic surveillance” is defined in FISA as “the acquisition by an electronic, mechanical, or other surveillance device of the contents” of a communication. 50 U.S.C. § 1801(f)(1). One can

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Moreover, given that FISA was crafted a decade after the Wiretap Act, Congress could have drafted § 1809(a)(1) to apply only to those who “intercept” electronic communications and just omitted the “procurement” portion of the provision if FISA liability was to extend only to those who only physically collect the information. *See* Op. 26. Because of § 1809(a)(1)’s broader verb choice, no “procurement phrase” was needed to extend FISA liability beyond those who personally intercepted the communications—any such language would have been a surplusage. *See, e.g.,* Scalia & Garner, *supra*, at 174.



knowingly and personally “acquire” information even after the act of unlawful collection, apart from whether one directed or otherwise meaningfully participated in the prerequisites to such active collection activities.

1. In narrowing the definition of electronic surveillance, the district court relied on one possible definition of “acquisition” as merely “the *act* of acquiring.” Op. 22 (quoting *Merriam-Webster’s New Collegiate Dictionary* 11 (1977)). But that active form of the definition does not fit the context of this statute.

“Acquisition” is a nominalization—a noun derived from the verb “to acquire.” “Nominalizations derived with suffixes such as [-]ation are systematically ambiguous” between two potential readings—an “event reading” and a “result reading.” Rochelle Lieber, *The Ecology of Nominalization* 5 (2016). The ambiguity can be resolved only by recognizing the textual context, not merely by abstracting the word and picking a favored reading.

The district court’s interpretation—the physical “act of acquiring”—is the “event reading” of “acquisition,” as it refers to the

discrete event where information is *first* acquired.<sup>5</sup> But the statutory context of § 1801(f)(1) clearly supports the “result reading”—that the acquisition of information also covers the act of resultantly coming into possession or knowledge of that information. *See Acquisition, Oxford English Dictionary* (2d ed. 1989).

In fact, the “result reading” of “acquisition” is pervasive throughout FISA. For instance, § 1813 requires minimization procedures for “any intelligence collection activity ... that is reasonably anticipated to result in the acquisition of a covered communication to or from a United States person ....” 50 U.S.C. § 1813(b)(3)(A). Here, “acquisition” clearly refers to the broader phenomenon of receiving *and* coming into knowledge of a covered communication, as distinguished from the bare physical or electronic collection activity. *See also*, 50 U.S.C. § 1806(a) (“Information *acquired* from an electronic surveillance *conducted* pursuant to this subchapter ... may be used and disclosed ... only in accordance with the

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<sup>5</sup> Even under an event reading, there are multiple events involved in surveillance activity, not merely the first event of collection. Here Defendants were able to “learn or develop,” that is, “acquire,” information collected by electronic means. *Acquire, Oxford English Dictionary, supra*. Learning information—by requesting and reading it—is an acquisitive event no less than the initial collection of such information from its primary source.

minimization procedures required by this subchapter.”) (emphasis added); *id.* § 1802(a)(2) (“An electronic surveillance authorized by this subsection may be *conducted* only in accordance with the Attorney General’s certification and the minimization procedures adopted by him.”)

2. Despite straightforward examples of “acquisition” taking the results reading in FISA, the district court concluded that “‘acquisition’ is a specific, narrow event in the FISA process ... refer[ring] to the actual gathering of information.” Op. 24-25. But this is not how the statute is drafted, nor is it how the intelligence community uses this term in practice. For example, the *United States Signals Intelligence Directive*, the blueprint for the Nation’s surveillance operations, provides that “[i]nformation ... acquired incidentally *as a result of collection* directed against appropriate foreign intelligence targets may be retained and processed.” Nat’l Sec. Agency, SP0018, *United States Signals Intelligence Directive* § 4.3 (2011) (emphasis added). Information is first “collect[ed]” and then only subsequently “acquire[d]” by agents. *See also id.* § 4.1(b)(3) (“[T]he purpose of the collection is to *acquire* significant foreign intelligence information.” (emphasis added)). That the acquisition here

occurred “as a result of collection” further supports the reading that § 1809(a)(1) covers more than just the “actual collection of the communications”—but includes the resultant possession or learning of that information by those engaging in surveillance.

3. Under a proper reading of “acquisition,” Defendants each actually and individually “acquired” information from Page’s electronic communications within the terms of § 1809(a)(1). Without the electronic surveillance on Dr. Page, Defendants would not have been in possession of—that is, acquired—private information about him. Through their roles in the Crossfire Hurricane investigation, it is more than merely plausible that each obtained “information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.” 50 U.S.C. § 1801(n); *see Horowitz Report* at 7 (access to electronic surveillance information on Dr. Page was limited to “individuals assigned to the Crossfire Hurricane investigation (and their supervisors)”). Thus, each Defendant “acquired” information collected through electronic surveillance of Dr. Page when they came into possession of it, and in doing so directly “engage[d] in” the “acquisition”

of such information, which is the definition of “electronic surveillance.”  
50 U.S.C. § 1801(f)(1).

Accordingly, even under the district court’s limited construction of “engage,” Defendants are still liable under § 1809(a) because they obtained investigative information on Dr. Page by using an electronic surveillance device in direct violation of the statute’s plain text.

**C. Limiting FISA’s private cause of action to agents who physically conduct unauthorized electronic surveillance would vitiate FISA’s purpose of curbing abuses of civil liberties by the executive branch.**

The district court’s excessively narrow reading of who engages in electronic surveillance for purposes of § 1809(a)(1) makes it impossible, as a practical matter, for an aggrieved party to obtain a remedy for the harms from illegal surveillance, thereby undermining accountability for violations of the underlying law. Although the district court *claimed* that Page “can sue the agents who conduct[ed] the search,” it is almost invariably impossible to identify the unfortunate individuals who actually did the grunt work and, indeed, the court dismissed Page’s claims against such John Doe agents given his predictable inability, at

the pleading stage, to detail the particular conduct of nameless agents “unknowable to him.” Op. 27-28, 32 n.18.<sup>6</sup>

Absent disclosures by the rare whistleblower, the FBI controls access to this vital information and has many reasons—some valid some not—to keep that information secret. *See, e.g.,* Alan Butler, *Standing Up to Clapper: How to Increase Transparency and Oversight of FISA Surveillance*, 48 New Eng. L. Rev. 55, 66-71 (2013). If only the field agents can be sued for illegal surveillance and if that information is “concealed from its victims,” as it almost always will be, the FBI and its brass can easily circumvent any meaningful “opportunity [for a victim] to challenge the actions taken against him.” S. Rep. 94-755, bk. II, at 2-3 (1976).

To diminish the significance of this absurd result, the district court suggested that FISA had only the exceedingly narrow purpose of “counter[ing] the abuses of *warrantless* surveillance.” Op. 28. But Congress had broader concerns, reflected in numerous provisions of FISA

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<sup>6</sup> While the FBI knows the identify of its agents who executed the FISA warrants, *Horowitz Report* at 354 (noting that the “Crossfire Hurricane teams and supervisors” coordinated the “surveillance teams”), they remain unknown to the public notwithstanding the extensive media coverage, investigations, and litigation regarding such matters.

itself addressing the procedures and substance of what is needed for obtaining a warrant, not merely the need for a warrant per se, regardless of how flimsy or fraudulent its basis.

Before FISA, agency heads would simply provide “a general authorization for” a surveillance “arrangement without understanding what it entailed or considering its propriety.” S. Rep. 94-755, bk. I, at 408 (1976). FISA was thus passed in part to “establish a regularized procedure” for seeking legal authorization for surveillance, *United States v. Belfield*, 692 F.2d 141, 145 (D.C. Cir. 1982), and that is why it “details numerous steps that must be followed to get an order.” Op. 28 (citing *Belfield*, 692 F.2d at 145-46); 50 U.S.C. § 1804(a)(3) (the applicant must “justify his belief that the target of the electronic surveillance is ... an agent of a foreign power.”). The legitimacy of the application process—and not simply the court order itself—was intended to serve as the substantive “safeguard” against surveillance abuse. S. Rep. 94-755, bk. I, at 575 (1976). Congress was well aware that FISA would be largely meaningless if “the whole procedure of the act [could be] just ignored ....” *Foreign Intelligence Surveillance Act of 1978: Hearing on S. 1566 Before the Subcomm. on Intel. & the Rts. of Ams. of the S. Select Comm. on Intel.*,

95th Cong. 147 (1978) (comment of George M. Hasen, Chairman). It is absurd to imagine that Congress intended to exclude from liability the intentional disregard or abuse of such safeguards and to penalize only the field agents for the wrongdoing of their superiors.

Further, the district court's attempt to separate "warrantless surveillance" from surveillance pursuant to an *invalid* warrant is a distinction without a meaningful difference. See *Truelove v. Hunt*, 67 F. Supp. 2d 569, 577 (D.S.C. 1999) (search "based upon an invalid warrant is the same as a warrantless search." (citing *United States v. Leon*, 468 U.S. 897 (1984)); see Corrected Op. & Order, *In re Accuracy Concerns Regarding FBI Matters Submitted to the FISC*, No. Misc. 19-02 (FISA Ct. Mar. 5, 2020), Dkt. 88-19 (search pursuant to warrant obtained by fraud is unauthorized surveillance). And FISA's requirement that surveillance occur only pursuant to a valid warrant was designed to serve as an "external control on arbitrary executive action ... [and] assure[] written accountability within the Executive branch for the decision made to engage in such surveillance." S. Rep. 95-604(I) at 32 (1977).

Under the ordinary legal meaning of the text, that is exactly what the statute does: It fosters accountability of all who direct, decide, secure,



or otherwise meaningfully participate in the entire process of unlawful electronic surveillance, not merely to low-level field officers who merely execute an unlawful warrant. The district court's misinterpretations of Section 1809(a)(1) compromise that accountability and thereby threaten the public's trust in the FISA regime.

**II. Dr. Page Adequately Pleaded that Defendants Disclosed and Used Information Obtained from Unauthorized Electronic Surveillance in Violation of Section 1809(a)(2).**

The district court committed similar errors of statutory interpretation—with likely similar consequences—in dismissing Dr. Page's claim for improper disclosure and use of information obtained from unauthorized surveillance. FISA firmly forbids the government from making any use of information obtained from unlawful surveillance. *See* 50 U.S.C. § 1809(a)(2). In turn, FISA provides a private cause of action for an “aggrieved person ... about whom information obtained by electronic surveillance ... has been disclosed or used in violation of section 1809” against the offending party. *Id.* § 1810.

Here, under a proper interpretation of “use,” the Complaint adequately alleges that the Individual Defendants knowingly “used” information obtained from unlawful electronic surveillance in violation

of FISA. And under a proper interpretation of “disclosed,” the facts alleged support the inference that Defendants Stzrok and Lisa Page unlawfully “disclosed” FISA-acquired information to media sources.

**A. The Complaint amply alleges that all Individual Defendants “used” FISA-acquired information on Dr. Page in violation of § 1809(a)(2), either in procuring surveillance reauthorization or in strategic investigative communications.**

To state a claim under § 1809(a)(2), Dr. Page must plausibly allege that Defendants: (1) “disclose[d] or use[d]” information obtained by electronic surveillance; (2) intentionally; and (3) with “reason to know” such surveillance was unlawful. *See* Op. 33.

Here, the district court committed two errors in applying this standard. First, the court failed to recognize that the FISA applications for surveillance on Dr. Page referenced in the Complaint expressly invoke FISA-acquired information, contradicting the district court’s assertion that the Complaint was “merely speculating that the applications included FISA-acquired information.” Op. 45. Second, the court wrongly dismissed these claims for supposedly “providing no factual basis to distinguish [defendants’] conduct,” *see* Op. 33 (quoting *Toumazou v. Turkish Repub. of N. Cyprus*, 71 F. Supp. 3d 7, 21 (D.D.C. 2014)), despite

the Complaint's extensive descriptions of each Individual Defendant's participation in the FISA application process and surveillance of Dr. Page. *See, e.g.*, Compl. ¶¶144-210. And, in any event, this Court's precedent does not require Dr. Page to identify specific violations at the pleading stage.

- 1. The facts alleged in the Complaint and the materials cited there support a reasonable inference that information obtained from unlawful electronic surveillance on Dr. Page was used in subsequent FISA applications.**

On a motion to dismiss, the district court was obliged to give the “plaintiff the benefit of all inferences that can be derived from the facts alleged.” *Thomas*, 394 F.3d at 972 (quoting *Barr*, 370 F.3d at 1199). Such inferences easily support Dr. Page's allegation that Defendants used information obtained from unlawful surveillance in “obtaining each subsequent renewal warrant.” Compl. ¶229.

Despite several paragraphs in the Complaint devoted to outlining the process of procuring each FISA renewal, *see, e.g., id.* ¶¶101-18, 119-26, 127-142, the district court concluded that Dr. Page is “merely speculating that the applications included FISA-acquired information,”

and claimed that the Complaint did not “reference any filings before the FISC.” *See* Op. 45. But that is not true.

The Complaint, in fact, references each of the four FISC dockets pertaining to surveillance on Dr. Page, Compl. ¶231, discusses each FISA application at length, *id.* ¶¶18-31, 95-100; *id.* ¶111-118; *id.* ¶¶122-126 (Second Renewal); *id.* ¶¶133-139, and specifically cites to three letters the Department of Justice filed with the FISC admitting “there were material omissions and misstatements in the FISA warrants applications,” *id.* ¶45. Because these documents are “referred to in the complaint and are integral” to Plaintiff’s § 1809(a)(2) claim, the district court should have given them due consideration in reviewing the motion to dismiss. *Kaempe v. Myers*, 367 F.3d 958, 965 (D.C. Cir. 2004); *see supra*, n.1. Those references and documents amply supported a plausible inference that Defendants “used the information [about Dr. Page] obtained from the issued FISA warrants to obtain each of the subsequent warrants.” Compl. ¶230.

Swaths of pages in the declassified versions of each renewal application—in sections describing Dr. Page’s actions and “Recent Investigative Results,” no less—are redacted as “FISA-acquired

information subject to sequestration.” *See, e.g.,* First Renewal Application at 30-33, 36-38 (Add. 138-41, 144-46); Second Renewal Application at 31-35, 39-44 (Add. 237-41, 245-50); Third Renewal Application at 34-38, 45-49 (Add. 350-54, 361-65). Each renewal application also noted that surveillance would “continue to produce” information on Dr. Page, suggesting that at least some material was obtained from the surveillance, even if it did not work to establish probable cause.<sup>7</sup> Compl. ¶114 (quoting First Renewal Application at 5; Second Renewal Application at 5; Third Renewal Application at 5). FISA specifically requires that renewal applications contain “a statement of

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<sup>7</sup> Appellant also asks the Court to take judicial notice of the Department of Justice’s acknowledgement of being in possession of information acquired from the “Page FISAs” in a Letter from Melissa MacTough, Dep’y Asst. Att’y Gen., U.S. Dep’t of Just., to Hon. Anthony J. Trenga, U.S. F.I.S.C. (June 29, 2023), *available at* <https://perma.cc/XV9B-VTNQ>. *See* Fed. R. Evid. 201(b); *see also* *Stewart v. Nat’l Educ. Ass’n*, 471 F.3d 169, 173 (D.C. Cir. 2006) (“In determining whether a complaint states a claim, the court may consider . . . matters of which it may take judicial notice.”). A federal court may take judicial notice of a fact if it “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” *Hurd v. Dist. of Columbia*, 864 F.3d 671, 686 (D.C. Cir. 2017) (quoting Fed. R. Evid. 201(b)). Here, this document is a court filing with the FISC by a government agency, attesting to the reliability of the source. *See, e.g., id.*; *Kareem v. Haspel*, 986 F.3d 859, 866 n.7 (D.C. Cir.), *cert denied sub nom. Kareem v. Burns*, 142 S. Ct. 486 (2021) (mem.).

the facts concerning all previous applications ... and the action taken on each previous application,” suggesting that the renewal applications would discuss information learned from prior surveillance. 50 U.S.C. § 1804(a)(8). It is therefore reasonable to infer that at least some of the (undisclosed) FISA-acquired information included in a section discussing developments in the surveillance of Dr. Page *came from* the surveillance of Dr. Page.

Other materials referenced in the Complaint support this inference. According to the *Horowitz Report*, which the Complaint extensively employs to support the allegation that the FISA applications were unlawful, *see, e.g.*, Compl. ¶¶42-43, 60, 233, “the three renewal applications submitted to the FISC ... include[ed] new information the FBI intercepted and collected during surveillance of Page.” *Horowitz Report* at 197. In each instance where the *Report* describes updates on the investigation’s results in each subsequent application, those findings are redacted in the declassified version, further suggesting that FISA-acquired information obtained on Dr. Page was used to prepare these applications. *See id.* at 201, 210, 213, 221-22.

In refusing to recognize the plausibility of this allegation, the district court constructed a purported paradox—that the Complaint is based on “internally contradictory allegations” that: (1) the applications used FISA-acquired information; and (2) that the surveillance found “no evidence at all” Page was a foreign agent. Op. 45 (quoting Compl. ¶114). But this observation confuses FISA’s standard for liability.

FISA proscribes the use of *any* information obtained by unauthorized surveillance—not just information that would prejudice the target of surveillance. *See* 50 U.S.C. § 1809(a)(2); *see also id.* § 1801(n) (defining the “contents” of electronic surveillance as “any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication”). Thus, it was not contradictory for Dr. Page to both allege that the later applications employed fruits of surveillance on him and that this information was still insufficient to establish probable cause that he was a foreign agent. Indeed, given Defendants’ pattern of misrepresentation and omission in the Applications, it is a natural, and certainly “plausible,” inference that the description of the FISA-acquired

information in the Renewal Applications was similarly incomplete and misleading.

Given the classified nature of the FISA process, Dr. Page could not have possibly shown at the pleading stage what specific FISA-acquired information on him was used in subsequent warrant applications. But proving a claim is not required at this stage of litigation. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Where, as here, “the necessary information lies within defendants’ control,” pleadings on information and belief must be assumed as true so long as they are supported by a sufficient factual basis. *Kowal*, 16 F.3d at 1279 n.3 (quoting *Craftmatic*, 890 F.2d at 646). That each renewal application acknowledged that it contained redacted FISA-acquired information supports a reasonable inference that such information specifically pertained to Page—an inference that must be resolved in his favor. *See Barr*, 370 F.3d at 1199. Thus, the district court erred in refusing to “assume the truth,” *Am. Nat’l Ins.*, 642 F.3d at 1139, of Dr. Page’s well-supported allegation that “information obtained from the issued FISA warrants [was used] to obtain each of the subsequent warrants.” Compl. ¶230.



**2. The district court improperly required Page to identify individualized conduct at the pleading stage.**

The district court also demanded unnecessary individualized detail for Dr. Page's Complaint to survive a motion to dismiss. But, a plaintiff need only plead "some circumstantial facts that support an inference" of defendant's liability. *City of Moundridge*, 250 F.R.D. at 7.

In demanding allegations that each "*particular* defendant" performed specific illegal acts in order to "show ... intent[]," Op. 33 (emphasis added), the district court required more specificity than necessary at the pleading stage. Indeed, it did so notwithstanding its later recognition that, although a "plaintiff must eventually show [intent], which may require knowing who [used] the information ... he does not have to 'allege the full details'" to survive a motion to dismiss. Op. 51-52 (citing *Convertino v. U.S. Dep't of Just.*, 684 F.3d 93, 99 (D.C. Cir. 2012)); quoting *Feldman*, 797 F. Supp. 2d at 41).

But, "a plaintiff can hardly be expected to know the full details behind an improper [use of sensitive information] prior to discovery," especially where the necessary information lies solely within the defendant's control. *Feldman v. CIA*, 797 F. Supp. 2d 29, 41 (D.D.C.

2011); see *Krieger*, 211 F.3d at 136. Nor must a plaintiff “match facts to every element of a legal theory” to state a viable claim. *Kingman Park Civic Ass’n v. Williams*, 348 F.3d 1033, 1040 (D.C. Cir. 2003) (quoting *Krieger*, 211 F.3d at 136). Rather, a plaintiff need only plead “enough facts to ... nudge[] [the] claims across the line from conceivable to plausible.” *Twombly*, 550 U.S. at 570.

Pleading individualized violations is not necessary to meet this bar, so long as the facts alleged permit the court to reasonably infer some defendant’s liability. See *United States ex rel. Head v. Kane Co.*, 798 F. Supp. 2d 186, 196 (D.D.C. 2011) (citing *Krieger*, 211 F.3d at 136); *U.S. ex rel. Westrick v. Second Chance Body Armor, Inc.*, 685 F. Supp. 2d 129, 133 (D.D.C. 2010). For example, the court in *Feldman* refused to dismiss plaintiff’s claim for illegal disclosure—despite the Complaint’s not identifying the individual tortfeasor—because the “totality of the plaintiff’s allegations ... adequately allege[d] intentional or willful conduct.” 797 F. Supp. 2d at 42.

So too here, the Complaint offers sufficient allegations for a plausible inference that each Individual Defendant unlawfully used FISA-acquired information as part of the Crossfire Hurricane

investigation. For example, Plaintiff alleges that FISA-acquired information was used in “obtaining each subsequent renewal warrant,” Compl. ¶229. Each Individual Defendant’s role in the FISA-application process, as detailed in the Complaint, makes it more than “facially plausible” that *each* participated in generating the faulty warrants. *See, e.g.,* Compl. ¶¶33, 120-21, 151, 175-82 (Auten); *id.* ¶¶28, 186, 193-94 (Clinesmith); *id.* ¶¶26, 91, 150, 152-54 (Comey); *id.* ¶¶27, 91, 155-63, 215 (McCabe); *id.* ¶¶30, 91, 106, 147, 158, 195-96 (Lisa Page); *id.* ¶¶31, 60, 97, 106, 109-14, 128, 198-200 (Pientka); *id.* ¶¶32, 201-10 (Somma<sup>8</sup>); *id.* ¶¶29, 70-71, 81, 91, 105-06, 151, 158-59, 164, 168, 170 (Strzok); *see also* Op. 30 (acknowledging that Defendants Pientka, Auten, Somma, and Clinesmith “did contribute to the material errors in the applications” ).

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<sup>8</sup> The Complaint also notes that Somma is referred to a “Case Agent 1” throughout the *Horowitz Report*. Compl. ¶201; *see also* Charlie Savage & Adam Goldman, *National Security Wiretap System Was Long Plagued by Risk of Errors and Omissions*, N.Y. Times (Sept. 20, 2021), <https://perma.cc/HA73-HCL6> (identifying Somma as “Case Agent 1”). As referenced in the Complaint, *see, e.g.,* Compl. ¶¶32, 201-11, the *Horowitz Report* details that Somma participated in the drafting of the Initial Application and First Renewal Application, *see Horowitz Report* at 161, 243, and reviewed the First and Second Renewal Applications, *id.* at 207, 217.

Indeed, the Complaint explains that McCabe *himself* has acknowledged that, by holding “a leadership position with oversight” of the FISA process, “Director Comey and [McCabe] and [their] subordinate leaders are all responsible for the failures” of submitting the faulty applications. Compl. ¶¶215-17 (quoting *Oversight of the Crossfire Hurricane Investigation: Hearing Before the S. Comm. on the Judiciary*, 111th Cong., at 0:34:56, 2:42:11 (2010) (statement of Andrew McCabe, Former Deputy Dir., FBI). Individual Defendants’ roles in Crossfire Hurricane thus provide a reasonable basis to infer that each used the FISA-acquired information in “drafting or substantively reviewing” the invalid applications. Op. 30.

The Complaint also sets forth sufficient facts to reasonably conclude that each Defendant “used” such information in briefings or other strategic communications throughout Crossfire Hurricane in taking “investigative measures” against Dr. Page. Compl. ¶230; *see, e.g., id.* ¶151 (Auten); *id.* ¶¶185-94 (Clinesmith); *id.* ¶¶6, 151, 161 (Comey); *id.* ¶151, 161, 215 (McCabe); *id.* ¶¶106, 219-20, 226 (Lisa Page); *id.* ¶106, 109, 198 (Pientka); *id.* ¶¶201, 209-10 (Somma); *id.* ¶¶29, 151, 164 (Strzok). The government also has conceded to FISC that, because it is

the fruit of unlawful surveillance, “the Page FISA information may not be used for ... *further* investigation,” suggesting that it had already been used for this purpose. FISA Ct. 6/25/20 Order at 7 (emphasis added) (internal quotations omitted); *see also* Compl. ¶50 (citing this order). And the *Horowitz Report* explains that access to FISA-acquired information on Page was granted to “those individuals assigned to the Crossfire Hurricane investigation (and their supervisors) ... includ[ing] Department attorneys and officials assisting in and overseeing the investigation.” *Horowitz Report* at 7; *see also* Compl. ¶252 (noting “the subject of the report is the unlawful surveillance of Dr. Page by Defendants”). By virtue of their participation in Crossfire Hurricane, it is far more than merely “plausible on its face,” *Twombly*, 550 U.S. at 570, that all Individual Defendants “used information and records regarding Dr. Page” that was received from the unlawful FISA surveillance during the investigation. Compl. ¶229; *see id.* ¶219.

But even if one imagined a lack of sufficient individual allegations, *collective* references to the Defendants’ using unauthorized FISA information would still have been sufficient. “Nothing in [Federal] Rule [of Civil Procedure] 8 prohibits collectively referring to multiple

defendants where the complaint alerts defendants that identical claims are asserted against each defendant.” *N.Y. Am. Water Co. v. Dow Chem. Co.*, No. 19-cv-2150, 2020 WL 9427226, at \*4 (E.D.N.Y. Dec. 11, 2020) (citation and quotation marks omitted). Here, Dr. Page has alleged that each Individual Defendant, through conduct taken during Crossfire Hurricane, violated his rights under § 1809(a)(2). The Complaint makes “clear that identical claims are asserted against each defendant even though each defendant is differently situated.” *Id.* That all Individual Defendants are alleged to have used the invalid FISA-acquired information throughout the investigation establishes a reasonable “factual basis for” the Complaint to collectively assert its claims under § 1809(a)(2). Page has sufficiently provided “the defendants fair notice of what the claim is and the grounds upon which it rests”—and Rule 8 requires nothing more. *Jones v. Kirchner*, 835 F.3d 74, 79 (D.C. Cir. 2016) (quoting *Twombly*, 550 U.S. at 555); see *Iqbal*, 556 U.S. at 678.

For all these reasons, dismissal of this claim was improper. Whether Dr. Page will prevail on this claim against any one Defendant “requires an evaluation of the evidence [that] can be resolved only on summary judgment or at trial.” *Locust Valley Water Dist. v. Dow Chem.*

Co., 465 F. Supp. 3d 235, 241 (E.D.N.Y. 2020). Whether or not discovery will uncover such evidence, a district court may not dismiss a claim because it believes that “actual proof of ... facts [supporting relief] is improbable,” *Twombly*, 550 U.S. at 556 (quoting *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974), *overruled on other grounds by Davis v. Scherer*, 468 U.S. 183 (1984)), so long as the alleged facts “accepted as true,” support this inference. *Iqbal*, 556 U.S. at 678. Considering Defendants’ individual and collective involvement in Crossfire Hurricane, the facts alleged in this portion of the Complaint give rise to a “plausible inference” that all used information received from the unlawful surveillance of Dr. Page, rendering dismissal improper. *See Kareem*, 986 F.3d at 866.

**B. Dr. Page has stated a plausible claim that Defendants Strzok and Lisa Page knowingly disclosed information obtained from electronic surveillance in violation of FISA.**

The Complaint also adequately supports the allegation that Defendants Strzok and Lisa Page illegally disclosed such information to the media in violation of 50 U.S.C. § 1809(a)(2). *See* Compl. ¶¶195-96. In fact, the Complaint outlined ample evidence to infer that both Defendants disclosed information about the investigation to the media. *See* Op. 34 (“Page’s media leak allegations are stated with particularity

...”). Even so, the district court dismissed this claim on the belief that none of the media reports cited in the Complaint contained FISA-acquired information. *See id.* This is incorrect.

The Complaint alleges that, on April 10, 2017, Defendants Strzok and Lisa Page concocted a “media leak strategy” for information they acquired from the ongoing surveillance of Dr. Page. Compl. ¶220. The next day, the *Washington Post* reported that “[Carter] Page is the only American to have had *his communications directly targeted* with a FISA warrant in 2016 as part of the Russia probe, officials said.” *Id.* ¶221 (quoting Ellen Nakashima et al., *FBI Obtained FISA Warrant to Monitor Former Trump Adviser Carter Page*, Wash. Post (Apr. 11, 2017) (emphasis added)). The fair inference from these facts is that, at a minimum, Strzok and Lisa Page gave Dr. Page’s identity to the *Post*, along with the necessary suggestion that, because he was being surveilled, he was suspected of being a Russian agent.

Information about Dr. Page’s identity clearly falls within the statutory prohibition: As defined by FISA, the “contents” of information obtained by electronic surveillance, “when used with respect to a communication, includes *any* information concerning the *identity* of the



parties to such communication or the existence ... of that communication.” 50 U.S.C. § 1801(n) (emphasis added). Dr. Page is identified in the *Washington Post* story as a “party” to FISA-targeted communications, information that was necessarily “obtained ... by electronic surveillance” on him. *Id.* § 1809(a)(2). Because this statement in the *Washington Post* story reports on the “results” of the surveillance—“sensitive information possessed only by law enforcement and intelligence agencies,” Op. 52—the Complaint supports its allegation that this protected information was leaked to the media in violation of FISA’s prohibitions on disclosures.

In turn, the conversations between Strzok and Lisa Page regarding media leaks in the days surrounding this story, *see* Compl. ¶¶220-26, “allow[]the court to draw the reasonable inference that the defendant[s] [are] liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. The district court committed reversible error in failing to make this inference, and this claim too should not have been dismissed.

### **III. The District Court Erred in Dismissing Page's Claims under the PATRIOT Act for "Unlawful Use" and "Disclosure" of Information Acquired from Electronic Surveillance.**

Dr. Page has also adequately pleaded his claim for damages against the United States under the PATRIOT Act. That law creates a civil cause of action for "[a]ny person who is aggrieved by any willful violation of" certain provisions of FISA, 18 U.S.C. § 2712, and has been interpreted to waive sovereign immunity for claims against the federal government "for the 'use[ ] and disclos[ure]' of information 'by Federal officers and employees' in an unlawful manner." *Al-Haramain Islamic Found., Inc. v. Obama*, 705 F.3d 845, 852-53 (9th Cir. 2012) (quoting 50 U.S.C. § 1806(a) and citing 18 U.S.C. § 2712). Here, the Complaint alleges that the United States is liable to Dr. Page under § 2712 because Individual Defendants knowingly used "information obtained by electronic surveillance" "in violation of ... FISA." Compl. ¶307. By knowingly incorporating unauthorized surveillance information on Dr. Page into subsequent warrant applications to deceive the FISC into allowing further surveillance, the FBI used this information for an "unlawful purpose" in violation of § 1806. Here again, the district court's dismissal rests on a

misinterpretation of the statute that, if it stands, will simultaneously undermine accountability and reduce public trust in the FISA system.

**A. Using FISA-acquired information to deliberately mislead a court into granting surveillance authorization constitutes “use” of that information for an “unlawful purpose” in violation of the PATRIOT Act.**

To establish a PATRIOT Act claim based on a violation of § 1806(a), an aggrieved party must plausibly allege:

(1) A willful (2) disclosure or use (3) of information acquired from an electronic surveillance conducted pursuant to FISA (4) without the consent of the person who was the subject of the surveillance and (5) without the required minimization procedures or without any lawful purpose.

*Fikre v. Fed. Bureau of Investigation*, 142 F. Supp. 3d 1152, 1169 (D. Or. 2015) (citing 50 U.S.C. § 1806(a)). At issue here is the fifth element—whether the Complaint adequately alleges FISA-acquired information was “used” for an “unlawful purpose.” It manifestly does.

1. Dr. Page’s PATRIOT Act claim alleges that FISA-acquired information was used in subsequent warrant applications “to achieve the unlawful end” of “mislead[ing] the FISC ... to obtain surveillance despite the absence of probable cause.” Compl. ¶16; see Op. 42-44. Information is used unlawfully where it is manipulated to knowingly mislead a court to believe probable cause for surveillance exists when it does not. As the

Supreme Court has long recognized, where surveillance authorization “demands a factual showing sufficient to [constitute] ‘probable cause’, the obvious assumption is that there will be a *truthful* showing.” *Franks v. Delaware*, 438 U.S. 154, 164-65 (1978); *see also United States v. Daoud*, 755 F.3d 479, 489 (7th Cir. 2014) (Rovner, J., concurring) (listing cases supporting the “widely assumed, if not affirmatively stated” principle that “*Franks* applies to FISA applications”). Accordingly, it is not a “lawful purpose” for officers seeking judicial warrants to mislead a court by including “information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth” or where the affidavit omits material information, the inclusion of which “would defeat probable cause.” *Spencer*, 530 F.3d at 1007 (citations omitted). And, by knowingly failing to act in “objective good faith” in seeking FISA authorization, *id.* at 1006 (quoting *Leon*, 468 U.S. 907-08), those involved in procuring an invalid warrant violate the statutorily imposed duty to truthfully affirm that probable cause exists. *See* 50 U.S.C. § 1804(a)(3).

This is important because, under FISA, the FISC may authorize electronic surveillance only if it finds that “there is probable cause to

believe that the target of the electronic surveillance is ... an agent of a foreign power.” *Id.* § 1805(a)(2). And, to renew an authorization, the government must “justify continued FISA coverage” in light of any “new findings” learned from the ongoing surveillance. *Horowitz Report* at 39; 50 U.S.C. § 1805(d)(2). In making that determination, the FISC must rely on “the facts submitted” in the verified application. *In re Accuracy*, 411 F. Supp. 3d at 335 (emphasis omitted) (quoting 50 U.S.C. § 1805(a)(2)).

Thus, when a renewal application *incorporates* information obtained from prior surveillance—but, as the FISC found here, *omitted* exculpatory information, *see id.* at 334-35—then any included FISA-acquired information served the “unlawful purpose” of misleading the FISC into granting the application where the government knew probable cause did not exist. *See Matthews*, 172 F. Supp. 3d at 5-6 (recognizing “impermissible official conduct” where a warrant application selectively includes information in a “deliberate attempt to mislead the judge” (quoting *Colkley*, 899 F.2d at 301)).

Indeed, FISA imposes on the FBI a legal duty to truthfully present the FISC with a complete and accurate account of the “facts and circumstances” that would allow it to find probable cause. 50 U.S.C.

§ 1804(a)(3); *see In re Accuracy Concerns*, 411 F. Supp. at 335-36 (“The FISC’s assessment of probable cause can serve [as an effective check] only if the applicant agency fully and accurately provides information in its possession that is material to whether probable cause exists.”). Where material information is omitted, any included FISA-acquired information employed to obscure the fact that no probable cause exists serves the “unlawful purpose” of misleading the FISC to authorize surveillance. *See Spencer*, 530 F.3d at 1007; *Colkley*, 899 F.2d at 301. Deliberate use of FISA-acquired information in this way violates § 1806(a) and can therefore serve as the basis for a claim against the United States under the PATRIOT Act.

**B. Dr. Page adequately pleaded that FISA-acquired information was “used” for the “unlawful purpose” of misleading the FISC to receive FISA authorization.**

In addition to conceptually satisfying the “use” element of § 1806(a), the Complaint contained more than sufficient facts and detail to survive a motion to dismiss Dr. Page’s PATRIOT Act claim.. *See Iqbal*, 556 U.S. at 680. The Complaint alleges that the Individual Defendants “used information obtained by electronic surveillance ... in violation of the FISA Act” for the unlawful purpose of “mislead[ing] the FISC ... to obtain

surveillance despite the absence of probable cause.” Compl. ¶¶307-09, 16. Dr. Page’s “use” theory for PATRIOT Act liability is “referenced explicitly” in Count IX, and the allegation that FISA-acquired information was used for this unlawful purpose is appropriately incorporated by reference there. *See, e.g., Campbell v. Nat’l Union Fire Ins. Co. of Pittsburgh*, 130 F. Supp. 3d 236, 252 n.13 (D.D.C. 2015) (allowing incorporation by reference of preceding factual allegations); *see also* Compl. ¶303 (“Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1-302 above, as if fully set forth herein.”).

Despite the Complaint’s making clear the basis for the PATRIOT Act claim, the district court wrongly assumed that it did not “allege that the FISA information was used ... for an unlawful purpose.” Op. 44 (emphasis omitted). As a matter of statutory interpretation, this is plainly wrong, as the face of the Complaint explicitly alleges that it was used—unlawfully—“[i]n order to mislead the FISC into concluding that there was probable cause,” Compl. ¶16.

Dismissal on these grounds is particularly distressing, given that elsewhere in its opinion the district court even acknowledged that Dr. Page “alleges that the defendants made false statements in the FISA

application process so that the warrants would be granted in the absence of probable cause.” Op. 39 (citing Compl. ¶16). At another point, the district court characterized this allegation as Dr. Page’s “core claim.” Op. 53. By its internally inconsistent refusal to credit this well-pleaded allegation, the district court abdicated its obligation to “accept[] as true” the Complaint’s factual assertions. *Iqbal*, 556 U.S. at 678.

Nor is the district court correct that the Complaint contained a mere “unadorned allegation that the FISA warrant results were used to procure the renewal warrants.” Op. 45. As already established, *see* Section I.A.i, *supra*, the FISA Renewal Applications referenced in the Complaint specifically acknowledged that they include FISA-acquired information, that these affirmed that renewed surveillance would “continue to produce information foreign intelligence information,” *see* Compl. ¶¶114, 123 136, and that the *Horowitz Report* found that later applications included “new information the FBI intercepted and collected during surveillance of Page.” *Horowitz Report* at 197. All of this provides ample basis to infer that unlawful FISA-acquired information was used in procuring the Renewal Applications. *See Thomas*, 394 F.3d at 972 (plaintiff is entitled to “all inferences that can be derived from the facts



alleged”); *Aktieselskabet AF 21. Nov. 2001 v. Fame Jeans Inc.*, 525 F.3d 8, 18 n.5 (D.C. Cir. 2008) (“So long as the basis for a claim is clear, a complaint need not ‘plead law’ in specific detail.” (quoting *Krieger*, 211 F.3d at 136)),

In turn, the Complaint alleges ample facts to establish that Defendants willfully misled the FISC with this information to get authorization. The FISC recognized that each of the FISA reauthorization applications contained “material errors and omissions,” the inclusion of which would have defeated “probable cause to believe that [Dr. Page] was an agent of a foreign power.” Compl. ¶50 (quoting FISA Ct. 6/25/20 Order at 1); *see also* FISA Ct. 6/25/20 Order at 3-4 (noting the government’s acknowledgment that surveillance under the Second and Third Renewal Applications “lacked adequate factual support,” and its failure to contest that allegation before the FISC with respect to the Initial and First Renewal Applications).

The Complaint provides many specific instances where the Individual Defendants manipulated the FISA applications to prevent the FISC from discovering the lack of probable cause for the surveillance on Dr. Page. *See, e.g.*, Compl. ¶¶157, 170, 179-84, 189-94, 206-09. The

district court itself was convinced that Defendants Pientka, Auten, Somma, and Clinesmith “contribute[d] to the material errors in the applications.” Op. 30. Further, Defendants’ knowledge of exculpatory facts and the “frequency with which representations made by [Defendants] turned out to be unsupported or contradicted by information in their possession,” *In re Accuracy Concerns*, 411 F. Supp. 3d at 337, should have “allow[ed] the court to draw the reasonable inference” that these omissions and false statements were made willfully. *Iqbal*, 556 U.S. at 678; *see, e.g.*, Compl. ¶¶109, 180-84, 189-94, 209-10.

In fact, Clinesmith has already pleaded guilty to willfully making a false statement in violation of 18 U.S.C. § 1001 for “intentionally altering an email in connection with the submission of the [Third Renewal Application].” *Id.* at ¶28 (quoting Press Release, U.S. Dep’t of Just., FBI Attorney Admits Altering Email Used for FISA Application During “Crossfire Hurricane” Investigation (Aug. 19, 2020), available at <https://perma.cc/KU3K-W47X>). And he did so to avoid revealing to the FISC that the prior applications misleadingly withheld exculpatory information. *Id.* ¶193.

As the district court stated, “[i]f proven, these allegations clearly demonstrate wrongdoing.” Op. 32 (citing *Franks*, 438 U.S. at 164-65). Yet, at the pleading stage, all that is required to survive a motion to dismiss is that the “totality of the plaintiff’s allegations ... adequately allege intentional or willful conduct.” *Feldman*, 797 F. Supp. 2d at 42. By the district court’s own words, Dr. Page has not only adequately but “clearly” done so. Because the Complaint provides sufficient allegations as to each element of PATRIOT Act claim based on § 1806(a), *see Fikre*, 142 F. Supp. 3d at 1169, the district court erred in dismissing this claim as well.

## CONCLUSION

The proscriptions of FISA aim to ensure that electronic surveillance “occur[s] only when reasonably justified in circumstances demonstrating an overriding national interest ... according to standards and procedures that protect against possibilities of abuse.” *Foreign Intelligence Surveillance Act of 1976, Hearing on S. 743, S. 1888 & S. 3197 Before the Subcomm. on Crim. L. & Procs. of the S. Comm. on Judiciary*, 94th Cong. 1 (1976) (Sen. John L. McClellan reading remarks of Pres. Gerald Ford). If those who wrongfully direct and effectuate illegal electronic

surveillance on an innocent American citizen can wholly escape liability under FISA and the PATRIOT Act's private causes of action, those procedures will be rendered mere "parchment barriers against the encroaching spirit of power[.]" The Federalist No. 48 (James Madison) (Libr. Cong.). Not only would that result contravene those laws' text and structure, but it would also contravene their purpose of enhancing public trust in our Nation's intelligence system by ensuring that the "rule of law" will "prevail in the area of foreign intelligence surveillance." S. Rep. 95-604(I), at 4 (1977).

Accordingly, this Court should reverse and reinstate Dr. Page's claims against the Individual Defendants under 50 U.S.C. § 1810 and his claim against the United States under 18 U.S.C. § 2712.

October 31, 2023

Respectfully submitted,

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### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing Brief of Appellant complies with the type-face requirements of Fed. R. App. P. 32(a)(5) & (6) and this Court's Order of July 19, 2023 allowing up to 17,000 in that it uses Century Schoolbook 14-point type and contains 16,967 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f). The number of words was determined through the word-count function of Microsoft Word.

*s/Gene C. Schaerr*

Gene C. Schaerr

### **ANTI-VIRUS CERTIFICATION**

I hereby certify that the foregoing Brief of Appellant submitted in PDF format via the ECF system was scanned using the current version of McAfee and no viruses or other security risks were found.

*s/Gene C. Schaerr*

Gene C. Schaerr

ORAL ARGUMENT NOT YET SCHEDULED  
No. 23-5038

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**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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CARTER PAGE,

*Plaintiff-Appellant,*

v.

JAMES B. COMEY; ANDREW McCABE; KEVIN CLINESMITH;  
PETER STRZOK; LISA PAGE; JOE PIENKA, III; STEPHEN SOMMA;  
BRIAN J. AUTEN; UNITED STATES DEPARTMENT OF JUSTICE;  
FEDERAL BUREAU OF INVESTIGATION; UNITED STATES OF AMERICA;  
JOHN DOE 1-10; JANE DOE 1-10,

*Defendants-Appellees.*

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Appeal from the U.S. District Court for the District of Columbia  
Civil Case No. 1:20-cv-03460-DLF; Hon. Dabney L. Friedrich

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**ADDENDUM TO THE BRIEF OF APPELLANT CARTER PAGE**

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OCTOBER 31, 2023

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# ADDENDUM

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**50 U.S.C.A. § 1801**  
§ 1801. Definitions  
Effective: March 15, 2020

As used in this subchapter:

**(a)** “Foreign power” means--

- (1)** a foreign government or any component thereof, whether or not recognized by the United States;
- (2)** a faction of a foreign nation or nations, not substantially composed of United States persons;
- (3)** an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;
- (4)** a group engaged in international terrorism or activities in preparation therefor;
- (5)** a foreign-based political organization, not substantially composed of United States persons;
- (6)** an entity that is directed and controlled by a foreign government or governments; or
- (7)** an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.

**(b)** “Agent of a foreign power” means--

**(1)** any person other than a United States person, who--

- (A)** acts in the United States as an officer or employee of a foreign power, or as a member of a foreign power as defined in subsection (a)(4), irrespective of whether the person is inside the United States;



**(B)** acts for or on behalf of a foreign power which engages in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances indicate that such person may engage in such activities, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities;

**(C)** Omitted

**(D)** engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

**(E)** engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power, or knowingly aids or abets any person in the conduct of such proliferation or activities in preparation therefor, or knowingly conspires with any person to engage in such proliferation or activities in preparation therefor; or

**(2)** any person who--

**(A)** knowingly engages in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States;

**(B)** pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States;

**(C)** knowingly engages in sabotage or international terrorism, or activities that are in preparation therefor, for or on behalf of a foreign power;

**(D)** knowingly enters the United States under a false or fraudulent

identity for or on behalf of a foreign power or, while in the United States, knowingly assumes a false or fraudulent identity for or on behalf of a foreign power; or

**(E)** knowingly aids or abets any person in the conduct of activities described in subparagraph (A), (B), or (C) or knowingly conspires with any person to engage in activities described in subparagraph (A), (B), or (C).

**(c)** “International terrorism” means activities that--

**(1)** involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

**(2)** appear to be intended--

**(A)** to intimidate or coerce a civilian population;

**(B)** to influence the policy of a government by intimidation or coercion; or

**(C)** to affect the conduct of a government by assassination or kidnapping; and

**(3)** occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

**(d)** “Sabotage” means activities that involve a violation of chapter 105 of Title 18, or that would involve such a violation if committed against the United States.

**(e)** “Foreign intelligence information” means--

**(1)** information that relates to, and if concerning a United States

person is necessary to, the ability of the United States to protect against--

(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(B) sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or

(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(2) information with respect to a foreign power or foreign territory that relates to, and if concerning a United States person is necessary to--

(A) the national defense or the security of the United States; or

(B) the conduct of the foreign affairs of the United States.

(f) “Electronic surveillance” means--

(1) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

(2) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States, but does not include the acquisition of those communications of computer trespassers that would be permissible under section 2511(2)(i) of Title 18;

(3) the intentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States; or

(4) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

(g) “Attorney General” means the Attorney General of the United States (or Acting Attorney General), the Deputy Attorney General, or, upon the designation of the Attorney General, the Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28.

(h) “Minimization procedures”, with respect to electronic surveillance, means--

(1) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purpose and technique of the particular surveillance, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in subsection (e)(1), shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance;

**(3)** notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes; and

**(4)** notwithstanding paragraphs (1), (2), and (3), with respect to any electronic surveillance approved pursuant to section 1802(a) of this title, procedures that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 72 hours unless a court order under section 1805 of this title is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

**(i)** “United States person” means a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 1101(a)(20) of Title 8), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association which is a foreign power, as defined in subsection (a)(1), (2), or (3).

**(j)** “United States”, when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

**(k)** “Aggrieved person” means a person who is the target of an electronic surveillance or any other person whose communications or activities were subject to electronic surveillance.

**(l)** “Wire communication” means any communication while it is being carried by a wire, cable, or other like connection furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications.

**(m)** “Person” means any individual, including any officer or employee

of the Federal Government, or any group, entity, association, corporation, or foreign power.

**(n)** “Contents”, when used with respect to a communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.

**(o)** “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

**(p)** “Weapon of mass destruction” means--

**(1)** any explosive, incendiary, or poison gas device that is designed, intended, or has the capability to cause a mass casualty incident;

**(2)** any weapon that is designed, intended, or has the capability to cause death or serious bodily injury to a significant number of persons through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

**(3)** any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of Title 18) that is designed, intended, or has the capability to cause death, illness, or serious bodily injury to a significant number of persons; or

**(4)** any weapon that is designed, intended, or has the capability to release radiation or radioactivity causing death, illness, or serious bodily injury to a significant number of persons.

**50 U.S.C.A. § 1804**

§ 1804. Applications for court orders

Effective: October 7, 2010

**(a) Submission by Federal officer; approval of Attorney General; contents**

Each application for an order approving electronic surveillance under this subchapter shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under section 1803 of this title. Each application shall require the approval of the Attorney General based upon his finding that it satisfies the criteria and requirements of such application as set forth in this subchapter. It shall include--

- (1)** the identity of the Federal officer making the application;
- (2)** the identity, if known, or a description of the specific target of the electronic surveillance;
- (3)** a statement of the facts and circumstances relied upon by the applicant to justify his belief that--
  - (A)** the target of the electronic surveillance is a foreign power or an agent of a foreign power; and
  - (B)** each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;
- (4)** a statement of the proposed minimization procedures;
- (5)** a description of the nature of the information sought and the type of communications or activities to be subjected to the surveillance;
- (6)** a certification or certifications by the Assistant to the President for National Security Affairs, an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate, or the Deputy



Director of the Federal Bureau of Investigation, if designated by the President as a certifying official--

(A) that the certifying official deems the information sought to be foreign intelligence information;

(B) that a significant purpose of the surveillance is to obtain foreign intelligence information;

(C) that such information cannot reasonably be obtained by normal investigative techniques;

(D) that designates the type of foreign intelligence information being sought according to the categories described in section 1801(e) of this title; and

(E) including a statement of the basis for the certification that--

(i) the information sought is the type of foreign intelligence information designated; and

(ii) such information cannot reasonably be obtained by normal investigative techniques;

(7) a summary statement of the means by which the surveillance will be effected and a statement whether physical entry is required to effect the surveillance;

(8) a statement of the facts concerning all previous applications that have been made to any judge under this subchapter involving any of the persons, facilities, or places specified in the application, and the action taken on each previous application; and

(9) a statement of the period of time for which the electronic surveillance is required to be maintained, and if the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this subchapter should not automatically terminate when the described type of information has first been obtained, a



description of facts supporting the belief that additional information of the same type will be obtained thereafter.

**(b) Additional affidavits or certifications**

The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

**(c) Additional information**

The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 1805 of this title.

**(d) Personal review by Attorney General**

**(1)(A)** Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, the Director of National Intelligence, or the Director of the Central Intelligence Agency, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 1801(b)(2) of this title.

**(B)** Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

**(C)** Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

**(2)(A)** If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise

unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

**(B)** Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

**(C)** Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.

**50 U.S.C.A. § 1806**

§ 1806. Use of information

Effective: January 5, 2023

**(a) Compliance with minimization procedures; privileged communications; lawful purposes**

Information acquired from an electronic surveillance conducted pursuant to this subchapter concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this subchapter. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this subchapter shall lose its privileged character. No information acquired from an electronic surveillance pursuant to this subchapter may be used or disclosed by Federal officers or employees except for lawful purposes.

**(b) Statement for disclosure**

No information acquired pursuant to this subchapter shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

**(c) Notification by United States**

Whenever the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from an electronic surveillance of that aggrieved person pursuant to the authority of this subchapter, the Government shall, prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the Government intends to so disclose or so use such information.

**(d) Notification by States or political subdivisions**

Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof, against an aggrieved person any information obtained or derived from an electronic surveillance of that aggrieved person pursuant to the authority of this subchapter, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

**(e) Motion to suppress**

Any person against whom evidence obtained or derived from an electronic surveillance to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such electronic surveillance on the grounds that--

(1) the information was unlawfully acquired; or

(2) the surveillance was not made in conformity with an order of authorization or approval.

Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

**(f) In camera and ex parte review by district court**

Whenever a court or other authority is notified pursuant to subsection (c) or (d), or whenever a motion is made pursuant to subsection (e), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications or orders or other materials relating to

electronic surveillance or to discover, obtain, or suppress evidence or information obtained or derived from electronic surveillance under this chapter, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority, shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to the surveillance as may be necessary to determine whether the surveillance of the aggrieved person was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the surveillance only where such disclosure is necessary to make an accurate determination of the legality of the surveillance.

**(g) Suppression of evidence; denial of motion**

If the United States district court pursuant to subsection (f) determines that the surveillance was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from electronic surveillance of the aggrieved person or otherwise grant the motion of the aggrieved person. If the court determines that the surveillance was lawfully authorized and conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

**(h) Finality of orders**

Orders granting motions or requests under subsection (g), decisions under this section that electronic surveillance was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other materials relating to a surveillance shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

**(i) Destruction of unintentionally acquired information**

In circumstances involving the unintentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any

communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States, such contents shall be destroyed upon recognition, unless the Attorney General determines that the contents indicate a threat of death or serious bodily harm to any person.

**(j) Notification of emergency employment of electronic surveillance; contents; postponement, suspension or elimination**

If an emergency employment of electronic surveillance is authorized under subsection (e) or (f) of section 1805 of this title and a subsequent order approving the surveillance is not obtained, the judge shall cause to be served on any United States person named in the application and on such other United States persons subject to electronic surveillance as the judge may determine in his discretion it is in the interest of justice to serve, notice of--

(1) the fact of the application;

(2) the period of the surveillance; and

(3) the fact that during the period information was or was not obtained.

On an ex parte showing of good cause to the judge the serving of the notice required by this subsection may be postponed or suspended for a period not to exceed ninety days. Thereafter, on a further ex parte showing of good cause, the court shall forego ordering the serving of the notice required under this subsection.

**(k) Coordination with law enforcement on national security matters**

(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this subchapter may consult with Federal law enforcement officers or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political

subdivision) to coordinate efforts to investigate or protect against--

**(A)** actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

**(B)** sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or

**(C)** clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

**(2)** Coordination authorized under paragraph (1) shall not preclude the certification required by section 1804(a)(7)(B) of this title or the entry of an order under section 1805 of this title.



**50 U.S.C.A. § 1809**  
§ 1809. Criminal sanctions  
Effective: October 7, 2010

**(a) Prohibited activities**

A person is guilty of an offense if he intentionally--

(1) engages in electronic surveillance under color of law except as authorized by this chapter, chapter 119, 121, or 206 of Title 18, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 1812 of this title;

(2) discloses or uses information obtained under color of law by electronic surveillance, knowing or having reason to know that the information was obtained through electronic surveillance not authorized by this chapter, chapter 119, 121, or 206 of Title 18, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 1812 of this title.

**(b) Defense**

It is a defense to a prosecution under subsection (a) that the defendant was a law enforcement or investigative officer engaged in the course of his official duties and the electronic surveillance was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction.

**(c) Penalties**

An offense described in this section is punishable by a fine of not more than \$10,000 or imprisonment for not more than five years, or both.

**(d) Federal jurisdiction**

There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employee of the United States at the time the offense was committed.



**50 U.S.C.A. § 1810**  
§ 1810. Civil liability

An aggrieved person, other than a foreign power or an agent of a foreign power, as defined in section 1801(a) or (b)(1)(A) of this title, respectively, who has been subjected to an electronic surveillance or about whom information obtained by electronic surveillance of such person has been disclosed or used in violation of section 1809 of this title shall have a cause of action against any person who committed such violation and shall be entitled to recover--

**(a)** actual damages, but not less than liquidated damages of \$1,000 or \$100 per day for each day of violation, whichever is greater;

**(b)** punitive damages; and

**(c)** reasonable attorney's fees and other investigation and litigation costs reasonably incurred.

**18 U.S.C.A. § 2712**

§ 2712. Civil actions against the United States

Effective: October 26, 2001

**(a) In general.**--Any person who is aggrieved by any willful violation of this chapter or of chapter 119 of this title or of sections 106(a), 305(a), or 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) may commence an action in United States District Court against the United States to recover money damages. In any such action, if a person who is aggrieved successfully establishes such a violation of this chapter or of chapter 119 of this title or of the above specific provisions of title 50, the Court may assess as damages--

**(1)** actual damages, but not less than \$10,000, whichever amount is greater; and

**(2)** litigation costs, reasonably incurred.

**(b) Procedures.**--**(1)** Any action against the United States under this section may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the Federal Tort Claims Act, as set forth in title 28, United States Code.

**(2)** Any action against the United States under this section shall be forever barred unless it is presented in writing to the appropriate Federal agency within 2 years after such claim accrues or unless action is begun within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented. The claim shall accrue on the date upon which the claimant first has a reasonable opportunity to discover the violation.

**(3)** Any action under this section shall be tried to the court without a jury.

**(4)** Notwithstanding any other provision of law, the procedures set forth in section 106(f), 305(g), or 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which materials governed by those sections may be reviewed.

(5) An amount equal to any award against the United States under this section shall be reimbursed by the department or agency concerned to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, fund, or account that is available for the enforcement of any Federal law) that is available for the operating expenses of the department or agency concerned.

**(c) Administrative discipline.**--If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

**(d) Exclusive remedy.**--Any action against the United States under this subsection shall be the exclusive remedy against the United States for any claims within the purview of this section.

**(e) Stay of proceedings.**--(1) Upon the motion of the United States, the court shall stay any action commenced under this section if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related investigation or the prosecution of a related criminal case. Such a stay shall toll the limitations periods of paragraph (2) of subsection (b).

(2) In this subsection, the terms “related criminal case” and “related investigation” mean an actual prosecution or investigation in progress at the time at which the request for the stay or any subsequent motion to

lift the stay is made. In determining whether an investigation or a criminal case is related to an action commenced under this section, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the 2 proceedings, without requiring that any one or more factors be identical.

**(3)** In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect a related investigation or a related criminal case. If the Government makes such an ex parte submission, the plaintiff shall be given an opportunity to make a submission to the court, not ex parte, and the court may, in its discretion, request further information from either party.



**U.S. Department of Justice**

Office of Legislative Affairs

*Office of the Assistant Attorney General**Washington, D.C. 20530***FEB 07 2020**

The Honorable Lindsey Graham  
Chairman  
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 Dianne Feinstein  
Ranking Member  
Committee on the Judiciary  
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 regarding 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 you know, Inspector General Horowitz publicly released the December 9 report and appendix, and he provided public testimony before Congress on December 11, 2019.<sup>1</sup> In light of the Inspector General's findings, 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).

Accordingly, the Department is in the process of providing additional documents to the Senate Judiciary and Intelligence Committees as they have requested documents relating to matters addressed in the Inspector General's report. The first such production is enclosed herein, Bates numbered SENATE-FISA2020-000001 to SENATE-FISA2020-000083. This submission contains the October 21, 2016 FISA application and FISC order related to Carter Page with minimal redactions.<sup>2</sup> The attached production is unclassified in its current format.

<sup>1</sup> See <https://oig.justice.gov/reports/2019/o20012.pdf>.

<sup>2</sup> Prior versions of this application—including versions released in response to Freedom of Information Act requests and versions made available for Congressional staff and Members to review in camera—contained additional redactions, certain of which have now been removed for the reasons discussed above.


The Honorable Lindsey Graham  
The Honorable Dianne Feinstein  
The Honorable Richard Burr  
The Honorable Mark Warner  
Page Two

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.

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



Stephen E. Boyd  
Assistant Attorney General

Enclosures



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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

U.S. FOREIGN  
INTELLIGENCE  
SURVEILLANCE COURT  
1 OCT 21 PM 2:13  
LEONARD B. HALL  
CLERK OF COURT

(U) (X) IN RE CARTER W. PAGE, A U.S.

Docket Number:

PERSON.

16 - 1182

## (U) VERIFIED APPLICATION

(U) (X) The United States of America hereby applies to this Court for authority to conduct electronic surveillance and physical search, as described herein, pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, Title 50, United States Code (U.S.C.), §§.1801-1812 and 1821-1829 (FISA or the Act).

50 U.S.C.  
§ 1804(a)(1) and  
1823(a)(1)

1. (U) Identity of Federal Officer Making Application This application is made by **Non-SBS PII**, a Supervisory Special Agent (SSA) of the Federal Bureau of Investigation (FBI) whose official duties at FBI Headquarters include supervision of the FBI's investigation of the above-captioned target based upon information officially furnished to SSA **PII**.

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Classified by:

Classification Determination Information

Derived from:

Declassify on:

Declassified by C28W34B64 on 2/20/2020  
this redacted version only

OI Tracking No. **PII**

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50 U.S.C.  
§ 1804(a)(2) and  
823(a)(2)]

2. ~~(U)(S)~~ Identity of the Target The target of this application is Carter W.

Page, a U.S. person, and an agent of a foreign power, described in detail below. The status of the target was determined in or about October 2016 from information provided by the U.S. Department of State. The premises or property to be searched and the information, material, or property to be seized, reproduced, or altered are described in detail below.

50 U.S.C.  
§ 1804(a)(3) and  
823(a)(3)]

3. ~~(U)(S)~~ Statement of Facts The United States relies upon the following facts

and circumstances in support of this application.

50 U.S.C.  
§ 1804(a)(3)(  
A) and  
823(a)(3)(A)]

a. ~~(U)(S)~~ The target of this application is an agent of a foreign power.

(U) ~~(S)~~ The following describes the foreign power and sets forth in detail a description of the target and the target's activities for or on behalf of this foreign power.

(U) ~~(S)~~ The Government of the Russian Federation is a foreign power as defined by 50 U.S.C. § 1801(a)(1).

(U) ~~(S)~~ The Government of the Russian Federation (Russia) is an internationally recognized foreign government and, as of the execution of this application, is listed in the Diplomatic List, published by the United States Department of State, and in Permanent Missions to the United Nations, published by the United Nations, and its establishments in the United States are components thereof.

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(U) (S) Clandestine Intelligence Activities Of The Russian Federation

Foreign Power Statement for Russia

[REDACTED]

(U) (S)

[REDACTED]

~~TOP SECRET NOFORN~~

~~TOP SECRET//NOFORN~~

## Foreign Power Statement for Russia Continued

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S)~~ Carter W. Page knowingly aids or abets other persons, who, pursuant to the direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

(U) ~~(S//XX)~~ This application targets Carter Page. The FBI believes Page has been the subject of targeted recruitment by the Russian Government for a number of years and currently is acting as an unregistered agent of the Russian Government to undermine and influence the outcome of the 2016 U.S. Presidential election in violation of U.S. criminal law. Page is a former foreign policy advisor to a Candidate for U.S. President (Candidate #1). The FBI expects that the collection requested herein will produce foreign intelligence information that will assist the

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FBI in more fully understanding the capabilities, activities, plans, and intentions of the Russian Government with respect to the upcoming elections. Such information will better enable the FBI and the U.S. Intelligence Community (USIC) to deter, disrupt, and defeat the Russian Government's and Page's activities in this regard.

I. (U) ~~(S//XX)~~ RIS Efforts to Influence U.S. Presidential Elections.

(U) ~~(S//XX)~~ During a recent interview with an identified news organization, the Director of National Intelligence (DNI) stated, "Russia has tried to influence U.S. elections since the 1960s during the Cold War" and "there's a tradition in Russia of interfering with elections, their own and others." The DNI commented that this influence included providing money to particular candidates or providing disinformation. The DNI added that "it shouldn't come as a big shock to people, ... I think it's more dramatic maybe because they have the cyber tools that they can bring to bear in the same effort." [REDACTED]

[REDACTED] Sensitive Information [REDACTED]

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Sensitive Information Cont.

(U) ~~(S//XNF)~~ In or about July 2016, WikiLeaks released a trove of e-mails from the Democratic National Committee (DNC).<sup>1</sup> FBI investigation has determined that WikiLeaks obtained the DNC e-mails as a result of computer intrusions by malicious actors. There has been speculation in U.S. media that the Russian Government was behind the hack. Russia has publicly denied any involvement in the hack. Russian President Vladimir Putin said in or about September 2016 that Russia was not responsible for the hack, but said that the release of the DNC documents was a net positive: "The important thing is the content that was given to the public." Despite Russia's denial, according to [REDACTED]

Sensitive Information [REDACTED]

(U) <sup>1</sup> ~~(S//XNF)~~ According to information on its website, WikiLeaks is a multi-national media organization and associated library. WikiLeaks specializes in the analysis and publication of large datasets of censored or otherwise restricted official materials involving war, spying, and corruption. According to open source information, in or about July 2016, WikiLeaks released thousands of e-mails it says are from the accounts of DNC officials. As noted herein, the FBI is investigating the role of the RIS in hacking into these accounts.

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[REDACTED] In addition, according to an October 7, 2016 *Joint Statement from the Department of Homeland Security and the Office of the Director of National Intelligence on Election Security* (Election Security Joint Statement), the USIC is confident that the Russian Government directed the recent compromises of e-mails from U.S. persons and institutions, including from U.S. political organizations. The Election Security Joint Statement states that the recent disclosures of e-mails on, among others, sites like WikiLeaks are consistent with the methods and motivations of Russian-directed efforts. According to the Election Security Joint Statement, these thefts and disclosures are intended to interfere with the U.S. election process; activity that is not new to Moscow – the Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there. The Election Security Joint Statement states that, based on the scope and sensitivity of these efforts, only Russia's senior-most officials could have authorized these activities.

- (U) ~~(S//NF)~~ ~~XXXX~~ Based on the Russian Government's historical efforts to influence U.S. elections, the information regarding Russia's role in hacking into the DNC, and the information discussed herein regarding Russia's coordination with Carter Page and others, the FBI believes that the Russian Government is using its intelligence network, which consists of, among others, Russian Government officials, Russian

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state media, and elements of the RIS, to undermine and improperly and illegally influence the 2016 U.S. Presidential election.

(U) (~~SECRET~~) The FBI assesses that efforts by the Russian Government to undermine and influence the 2016 U.S. Presidential election have the effect of harming U.S. national security. As stated in the legislative history of FISA:

Not only do foreign powers engage in spying in the United States to obtain information, they also engage in activities which are intended to harm the Nation's security by affecting the course of our Government, the course of public opinion, or the activities of individuals. Such activities may include political action (recruiting, bribery or influencing of public officials to act in favor of the foreign power), disguised propaganda (including the planting of false or misleading articles or stories), and harassment, intimidation, or even assassination of individuals who oppose the foreign power. Such activity can undermine our democratic institutions as well as directly threaten the peace and safety of our citizens.

H.R. Rep. No. 95-1283, pt. 1, at 41 (1978).

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

(U) (~~SECRET~~) In or about March 2016, George Papadopoulos<sup>2</sup> 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, [REDACTED]

Foreign Government Third Party Equity

(U) <sup>2</sup> (~~SECRET~~) Papadopoulos is a current subject of an FBI investigation.

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[REDACTED], 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 a US Government Official [REDACTED] [REDACTED] regarding efforts made by the Russian Government to influence the 2016 U.S. Presidential election. Specifically, according to this information, during a meeting in or about April 2016 between officials of the friendly foreign government and George Papadopoulos, Foreign Government Third Party Equity [REDACTED] [REDACTED],

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.

(U//~~TOP SECRET//NOFORN~~) The FBI is investigating several individuals associated with

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Candidate #1's campaign, including Papadopoulos and Page, to determine the extent to which such individuals are engaged in unlawful activities in support of Russia's efforts to undermine and influence the 2016 U.S. Presidential election. The FBI believes that Page is coordinating election influence efforts with the Russian Government. As discussed below, Page has established relationships with Russian Government officials, including Russian intelligence officers, and has been identified by source reporting as an intermediary with Russian leadership in "a well-developed conspiracy of co-operation" to influence the 2016 U.S. Presidential election.

### III. (U)(~~S~~) Carter Page.

#### A. (~~S~~) Page's Connections to Russia and the RIS.

(U) (~~S~~)(~~XXX~~) Page, a U.S. citizen, is the founder and managing partner of Global Energy Capital LLC (GEC), an investment management and advisory firm that focuses on the energy sector primarily in emerging markets. According to Page's biography on GEC's website, Page is a graduate of the United States Naval Academy and has a background in investment banking, and transactional experience in the energy and power sector, with specific experience in Russia where

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he was an advisor on key transactions for Gazprom.<sup>3</sup> The FBI's investigation of Page has determined that he has had financial, political, and business ties with the Russian Government. The FBI believes that the Russian Government has exploited these ties to solicit Page's cooperation with Russia's efforts to undermine and influence the 2016 U.S. Presidential election.

(U) ~~(S//NF)~~ Based on the results of FBI investigation, which includes review of open source information and information provided by Page during interviews with the FBI, from approximately 2004 - 2007, Page lived in Russia and worked as Chief Operating Officer for a U.S. investment firm (Firm #1). During this time, Page began business dealings with Gazprom and advised Gazprom on some of its largest deals and helped broker relationships with investors in both New York and London. In or about 2008, Page left Firm #1 and started GEC. According to GEC's website, GEC acts in an advisory role for individuals and organizations that wish to establish a business presence overseas. Since founding GEC, Page has mostly done advisory assignments, such as counseling foreign investors on buying assets in Russia.

(U) <sup>3</sup> ~~(S//NF)~~ According to information on Gazprom's website, Gazprom, which was established in Russia, is a global energy company that is among Russia's top four oil producers. [REDACTED]

Sensitive Information

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(U) ~~(S//XNF)~~ According to information provided by Page during a June 2009 interview with the FBI,<sup>4</sup> shortly after Page's return to the U.S. in or about 2007, Page began a professional relationship with Aleksandr Bulatov.<sup>5</sup> During the course of their relationship, which lasted about one year, Page offered to introduce Bulatov to his political and business contacts and provided a copy of Firm #1's annual report, which was not available through open sources at the time. [REDACTED]

[REDACTED] Sensitive Information [REDACTED], the FBI believes Bulatov likely requested the report from Page as part of the recruitment cycle and to further assess Page's openness to provide non-public information, which would also indicate his willingness to act as a source for the Russian Government. According to Page, his last contact with Bulatov was in or about August 2008, approximately two months after Bulatov returned to Moscow.

(U) <sup>4</sup> ~~(S//XNF)~~ The FBI has conducted a series of interviews of Page to discuss his relationships with Aleksandr Bulatov and Victor Podobnyy, who, as discussed in detail below, [REDACTED] Sensitive Information [REDACTED].

(U) <sup>5</sup> ~~(S//XNF)~~ Bulatov is a [REDACTED] Sensitive Information [REDACTED]. Bulatov was a Russian diplomat who was assigned to the Trade Representation Office of the Russian Federation in New York City, NY from approximately 2004 - 2007. [REDACTED]

[REDACTED] Sensitive Information [REDACTED]

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(U) (~~SECRET~~) According to information provided by Page during a 2013 interview with the FBI, which was conducted to discuss his relationship with Victor Podobnyy, who, as discussed below, [REDACTED] Sensitive Information [REDACTED], the FBI believes that, in or about January 2013, Page began a professional relationship with Victor Podobnyy, likely after they met at an energy symposium in New York. Podobnyy, a Russian citizen who was assigned to the Russian Federation Mission to the United Nations in New York City from approximately December 2012 to September 2013, [REDACTED] Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (~~SECRET~~) In or about January 2015, Podobnyy, along with Evgeny Buryakov and Igor Sporyshev, were charged by a sealed complaint in the U.S. District Court for the Southern District of New York for violations of 18 U.S.C. §§ 371 and 951 (conspiring to act, and acting as, an unregistered agent of a foreign government). According to the complaint, Buryakov worked in the United States as an agent of the SVR. Specifically, Buryakov operated under non-official cover, posing as an employee in the Manhattan office of a Russian bank. Buryakov worked with two other SVR agents, Podobnyy and Sporyshev, to gather intelligence on behalf of

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Russia.<sup>6</sup> The complaint states that the intelligence gathering efforts of Podobnyy and Sporyshev included, among other things, attempting to recruit New York City residents as intelligence sources for Russia.

(U) ~~(S//NF)~~ The FBI believes that Page is one of the individuals that Podobnyy and Sporyshev attempted to recruit, and Page is described as "Male-1" in the complaint. As noted above, Page began a relationship with Podobnyy in or about January 2013. According to the complaint, in or about April 2013, Podobnyy and Sporyshev discussed Podobnyy's efforts to recruit "Male-1," who was working as a consultant in New York City, as an intelligence source. In or about March 2016, the FBI interviewed Page about Page's relationship with Podobnyy. Based on information provided by Page during this interview, the FBI determined that Page's relationship with Podobnyy was primarily unidirectional, with Page largely providing Podobnyy open source information and contact introductions. During one interview, Page told the FBI that he approached a Russian Minister, who was surrounded by Russian officials/diplomats, and "in the spirit of openness," Page

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(U) <sup>6</sup> ~~(S//NF)~~ Buryakov was arrested in or about January 2015. At the time of Buryakov's arrest, Podobnyy and Sporyshev no longer lived in the United States and were not arrested. In or about March 2016, Buryakov pled guilty to conspiring to act in the United States as an agent of Russia, without providing prior notice to the Attorney General. In or about May 2016, Buryakov was sentenced to 30 months in prison.

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informed the group that he was "Male-1" in the Buryakov complaint. The FBI believes that this information reveals that Page was targeted as part of an RIS recruitment operation and that Podobnyy had started the actual recruitment of Page by tasking him to respond to somewhat innocuous requests. The FBI also believes that Page knew that the RIS was attempting to recruit him by self-identifying as the individual named as "Male-1" in the complaint.

(U) B. ~~(S//XX)~~ **Page's Coordination with Russian Government Officials on 2016 U.S. Presidential Election Influence Activities.**

(U) ~~(S//XX)~~ According to open source information, in July 2016, Page traveled to Russia and delivered the commencement address at the New Economic School.<sup>7</sup> In addition to giving this address, the FBI has learned that Page met with at least two Russian officials during this trip. First, according to information provided by an FBI confidential human source (Source #1),<sup>8</sup> Sub-Source #1<sup>9</sup> reported that Page had a

(U) ~~(S//XX)~~ The FBI confirmed that Page traveled to Russia in July 2016 Sensitive Method

(U) ~~(S//XX)~~ Source #1 is a Foreign Government Third Party Equity 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.

(U) ~~(S//XX)~~ 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

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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.

(U) ~~(TS//X)~~ Source #1 tasked his sub-source(s) to collect the requisite information. After Source #1 received information from the sub-source(s), described herein, Source #1 provided the information to the identified U.S. person who had hired Source #1 and to the FBI. In addition to the specific information pertaining to Page reported in this application, Source #1 has provided other information relating to the Russian Government's efforts to influence the election that do not directly pertain to Page, including the possibility of the Russian's also possessing a dossier on Candidate #1, which the FBI is currently investigating.

(U) ~~(TS//X)~~ Notwithstanding Source #1's reason for conducting the research into Candidate #1's ties to Russia, based on Source #1's previous reporting 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 is credible.

(U) ~~(TS//X)~~ Source #1 maintains a network of sub-sources, who, in many cases, utilize their own sub-sources. The source reporting in this application, which was provided to the FBI by Source #1, is derived primarily from a [REDACTED] Source Description, who uses a network of sub-sources. Thus, neither Source #1 nor the [REDACTED] Source Description had direct access to the information being reported by the sub-sources identified herein (each sub-source will be separately identified herein based on the information provided by Source #1). The FBI has no control over the [REDACTED] Source Description or any of the sub-sources used by the [REDACTED] Source Description.

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secret meeting with Igor Sechin, who is the President of Rosneft [a Russian energy company] and a close associate to Russian President Putin.<sup>10</sup> Sub-Source #1 reported that, during the meeting, Page and Sechin discussed future bilateral energy cooperation and the prospects for an associated move to lift Ukraine-related Western sanctions against Russia. Although Sub-Source #1 reported that Page had reacted positively to the discussions, Sub-Source #1 commented that Page was generally non-committal in a response.

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(U) ~~(S//XX)~~ Source #1 reported the information contained herein to the FBI over the course of several meetings with the FBI from in or about June 2016 through August 2016.

(U) ~~(S//XX)~~ Sub-Source #1 is an independent sub-source operated by Source #1's ~~Source Description~~. The FBI believes that Sub-Source #1 does not know his/her reporting will be directed to the FBI. ~~Source Description~~

~~Source Description~~

(U) ~~(S//XX)~~ In or about April 2014, the U.S. Department of the Treasury (USDOT) announced sanctions that would be taken against Russian Government officials and entities as a result of Russian efforts to destabilize Ukraine. Sechin was identified as an official of the Russian Government, and further identified as the President and Chairman of the Management Board for Rosneft, a position he continues to hold. The USDOT announcement also stated Sechin was formerly the Deputy Prime Minister of the Russian Federation from 2008 until 2012, and from 2004 until 2008, Sechin was the Deputy Chief of Staff for Russian President Putin. The USDOT sanctions announcement identified Sechin as someone who has "shown utter loyalty to Vladimir Putin – a key component to his current standing."

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(U) (~~TS//XX~~) Second, according to Source #1, Sub-Source [REDACTED] reported that, in or about July 2016, an official close to S. Ivanov, who the FBI assesses to be Sergey Ivanov, the Head of the Russian Presidential Administration, confided to a compatriot that Divyekin [who is assessed to be Igor Nikolayevich Divyekin], a senior colleague in the Internal Political Department of the PA [assessed to be a reference to the Russian Presidential Administration], had met secretly with Page and that their agenda for the meeting included Divyekin raising a dossier or "kompromat"<sup>12</sup> that the Kremlin possessed on Candidate #2 and the possibility of it being released to Candidate #1's campaign.<sup>13</sup> According to reporting from Sub-

(U) <sup>11</sup> (~~TS//XX~~) [REDACTED] Source Description [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(U) <sup>12</sup> (~~S~~) Kompromat is a Russian term for compromising material about a politician or political figure, which is typically used to create negative publicity or blackmail.

(U)<sup>13</sup> (~~TS//XX~~) As noted above, in or about April 2016, Papadopoulos suggested, during a meeting with a friendly foreign government, that Candidate #1's campaign had plenty of material to use against Candidate #2 and that Russia could assist with the anonymous release of information that would be damaging to Candidate #2. The FBI assesses that Divyekin planned to offer the "kompromat" to Page during their July 2016 meeting to further influence the 2016 U.S. Presidential election by providing derogatory information about Candidate #2 to Candidate #1.

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Source [REDACTED] this dossier had been compiled by the RIS over many years, dating back to the 1990s. Further, according to Sub-Source [REDACTED], this dossier was, by the direct instructions of Russian President Putin, controlled exclusively by Senior Kremlin Spokesman Dmitriy Peskov. Accordingly, the FBI assesses that Divyekin received direction by the Russian Government to disclose the nature and existence of the dossier to Page. In or about June 2016, Sub-Source [REDACTED] reported that the Kremlin had been feeding information to Candidate #1's campaign for an extended period of time. Sub-Source [REDACTED] also reported that the Kremlin had been feeding information to Candidate #1's campaign for an extended period of time and added that the

(U) 14 (TS//XX) Source Description

[REDACTED]

(U) 15 (TS//XX) Source Description

[REDACTED]

(U) 16 (TS//XX) Source Description

[REDACTED]

(U) 17 (TS//XX) Source Description

[REDACTED]

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information had reportedly been "very helpful." The FBI assesses the information funneled by the Russians to Page may be part of Russia's intent to influence the 2016 U.S. Presidential election.

(U) ~~(S//XX)~~ According to information provided by Sub-Source [REDACTED] Source Description [REDACTED] there was "a well-developed conspiracy of co-operation between them [assessed to be individuals involved in Candidate #1's campaign] and the Russian leadership." Sub-Source [REDACTED] reported that the conspiracy was being managed by Candidate #1's then campaign manager, who was using, among others, foreign policy advisor Carter Page as an intermediary. Sub-Source [REDACTED] further reported that the Russian regime had been behind the above-described disclosure of DNC e-mail messages to WikiLeaks. Sub-Source [REDACTED] reported that WikiLeaks was used to create "plausible deniability," and that the operation had been conducted with the full knowledge and support of Candidate #1's team, which the FBI assesses includes at least Page. In return, according to Sub-Source [REDACTED] Candidate #1's team, which the FBI assesses includes at least Page, agreed to sideline Russian intervention in Ukraine as a campaign issue and to raise U.S./NATO defense commitments in the Baltics and Eastern Europe to deflect attention away from Ukraine.

(U) ~~(S//XX)~~ Notably following Page's July 2016 meetings with Sechin during

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which he discussed prospects for lifting Ukraine-related Western sanctions against Russia, a July 2016 article in an identified news organization reported that Candidate #1's campaign worked behind the scenes to make sure Political Party #1's platform would not call for giving weapons to Ukraine to fight Russian and rebel forces, contradicting the view of almost all Political Party #1's foreign policy leaders in Washington. The article stated that Candidate #1's campaign sought "to make sure that [Political Party #1] would not pledge to give Ukraine the weapons it has been asking for from the United States." Further, an August 2016 article published by an identified news organization characterized Candidate #1 as sounding like a supporter of Ukraine's territorial integrity in September [2015], adopted a "milder" tone regarding Russia's annexation of Crimea. The August 2016 article further reported that Candidate #1 said Candidate #1 might recognize Crimea as Russian territory and lift punitive U.S. sanctions against Russia. The article opined that while the reason for Candidate #1's shift was not clear, Candidate #1's more conciliatory words, which contradict Political Party #1's official platform, follow Candidate #1's recent association with several people sympathetic to Russian influence in Ukraine, including foreign policy advisor Carter Page. Thus, the FBI assesses that, following Page's meetings in Russia, Page helped influence Political Party #1 and Candidate #1's campaign to alter their platforms to be more

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sympathetic to the Russian cause.

(U) ~~(S//NF)~~ In addition to the foregoing, in or about August 2016, Sub-Source ■ reported that the above-described leak of the DNC e-mails to WikiLeaks had been done, at least in part, as an attempt to swing supporters of an identified individual, who had been running against Candidate #2 for their political party's nomination, away from Candidate #2 and to Candidate #1. Sub-Source ■ reported that this objective had been conceived and promoted by, among others, Page, who had discussed the objective directly with Sub-Source ■

IV. (U) ~~(S//NF)~~ Page's Denial of Cooperation with the Russian Government.

(U) ~~(S//NF)~~ On or about September 23, 2016, an identified news organization published an article (September 23rd News Article), which was written by the news organization's Chief Investigative Correspondent, alleging that U.S. intelligence officials are investigating Page with respect to suspected efforts by the Russian Government to influence the U.S. Presidential election. According to the September 23rd News Article, U.S. officials received intelligence reports that when Page was in Moscow in July 2016 to deliver the above-noted commencement address at the New Economic School, he met with two senior Russian officials. The September 23rd News Article stated that a "well-placed Western intelligence source" told the news organization that Page met with Igor Sechin, a longtime Putin associate and former

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Russian deputy minister who is now the executive chairman of Rosneft. At their alleged meeting, Sechin raised the issue of the lifting of sanctions with Page.

According to the September 23rd News Article, the Western intelligence source also reported that U.S. intelligence agencies received reports that Page met with another top Putin aide - Igor Divyekin, a former Russian security official who now serves as deputy chief for internal policy and is believed by U.S. officials to have responsibility for intelligence collected by Russian agencies about the U.S. election.<sup>18</sup>

(U) ~~(S//NF)~~ According to the September 23rd News Article, certain members of Congress were "taken aback" after being briefed on the alleged meetings and viewed the meetings as a possible back channel to the Russians that could undercut U.S. foreign policy. The September 23rd News Article also stated that, following the briefing, the Senate Minority Leader wrote to the FBI Director, and citing the reports

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(U) <sup>18</sup> ~~(S)~~ 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 provided by a "well-placed Western intelligence source." The FBI does not believe that Source #1 directly provided this information to the press.

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of meetings between an advisor to Candidate #1 [the advisor was unnamed in the letter, but the article indicated that the advisor is Page] and "high ranking sanctioned individuals" [in context, likely a reference to Sechin] in Moscow over the summer as evidence of "significant and disturbing ties" between Candidate #1's campaign and the Kremlin that needed to be investigated by the FBI.

(U) ~~(S//NF)~~ Based on statements in the September 23rd News Article, as well as in other recent articles published by identified news organizations, Candidate #1's campaign repeatedly has made public statements in an attempt to create the appearance of distance between Page and Candidate #1's campaign. For example, the September 23rd News Article noted that Page's precise role in Candidate #1's campaign is unclear. According to the article, a spokesperson for Candidate #1's campaign called Page an "informal foreign advisor" who "does not speak for [Candidate #1] or the campaign." In addition, another spokesperson for Candidate #1's campaign said that Page "has no role" and added "[w]e are not aware of any of his activities, past or present." However, the article stated that the campaign spokesperson did not respond when asked why Candidate #1 had previously described Page as an advisor. In addition, on or about September 25, 2016, an identified news organization published an article that was based primarily on an interview with Candidate #1's current campaign manager (the September 25th News

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Article). During the interview, the campaign manager stated, "[Page is] not part of the campaign I'm running." The campaign manager added that Page is not part of Candidate #1's national security or foreign policy briefings since he/she became campaign manager. In response to a question from the interviewer regarding reports that Page has been meeting with Russian officials to essentially attempt to conduct diplomatic negotiations with the Russian Government, the campaign manager responded, "If [Page is] doing that, he's certainly not doing it with the permission or knowledge of the campaign . . . ." Although it appears that Candidate #1's campaign is attempting to publicly distance itself from Page, the FBI assesses based on the totality of circumstances described herein that Page is engaged in efforts to influence the U.S. Presidential election on behalf of the Russian Government.

(U) ~~(S//NF)~~ On or about September 25, 2016, Page sent a letter to the FBI Director. In this letter, Page made reference to the accusations in the September 23rd News Article and denied them. Page stated that the source of the accusations is nothing more than completely false media reports and that he did not meet this year with any sanctioned official in Russia. Page also stated that he would be willing to

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discuss any "final" questions the FBI may have.<sup>19</sup>

(U) ~~(S//XX)~~ Additionally, on or about September 26, 2016, an identified news organization published an article that was based on an interview with Page (September 26th News Article). In the September 26th News Article, Page stated that all of the accusations are complete "garbage" and that he did not meet with Sechin or Divyekin. Page also stated that he would be taking a leave of absence from his work with Candidate #1's campaign because the accusations are a "distraction." Similar to the above-described comments from officials with Candidate #1's campaign, the FBI believes that Page's comments are self-serving and, based on the source reporting described above, untrue. Notwithstanding public comments from officials affiliated with Candidate #1's campaign that distance the campaign from Page, Page's public denial about the accusations in the September 23rd News Article, and Page's subsequent statement about taking a leave of absence from his work with the campaign, because Page was one of the first identified foreign policy advisors for Candidate #1's campaign, Page has likely established close relationships with other members of Candidate #1's campaign, and the FBI believes that Page will likely continue to have access to members of

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(U) <sup>19</sup> ~~(S//XX)~~ As a result of this letter, the FBI plans to contact Page and request an interview.

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Candidate #1's campaign and attempt to exert influence on foreign policy matters, regardless of whatever formal role he plays in the campaign.

V. (U) ~~(S//XX)~~ Page's Meeting with Another FBI Confidential Human Source.

(U) ~~(S//XX)~~ On or about October 17, 2016, Page met with an FBI confidential human source (Source #2),<sup>20</sup> which the FBI consensually monitored and recorded. According to the FBI's review of the recorded conversation, Source #2 made general inquiries about the media reporting regarding Page's contacts with Russian officials. Although Page did not provide any specific details to refute, dispel, or clarify the media reporting, he made vague statements that minimized his activities. Page also made general statements about a perceived conspiracy against him mounted by the media. However, notwithstanding these vague and general statements, Page admitted that he has had a "longstanding constructive relationship with the Russians, going back, throughout my life." In addition to this statement, Page made comments that lead the FBI to believe Page continues to be closely tied to Russian

(U) <sup>20</sup> ~~(S)~~ Source Description

[REDACTED]

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officials. Specifically, Page mentioned a foreign policy think tank project (but did not disclose the specifics of the project to Source #2). With respect to funding the project, Page said, "I don't want to say there'd be an open checkbook, but the Russians would definitely [fund it] ... but, that has its pros and cons, right?" The FBI believes this statement reflects Page's belief that he has significant relationships with Russian officials who will provide financial support for this foreign policy project.

(U) ~~(S//NF)~~ During this meeting with Source #2, Page said that he was no longer officially affiliated with Candidate #1's campaign, but added that he may be appearing in a television interview within the next week when he travels to the United Kingdom. According to Page, the interview will be discussing the potential change in U.S. foreign policy as it pertains to Russia and Syria if Candidate #1 wins the election. Accordingly, although Page claimed that he is no longer officially affiliated with the campaign, the FBI assesses that Page continues to coordinate with the Russian Government, and perhaps others, in efforts to influence the U.S. Presidential election.

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~~TOP SECRET//NOFORN~~VI.(U)(S) Facilities Used by Page.

Sensitive Information [REDACTED]

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[REDACTED]

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[REDACTED]

<sup>21</sup> (U) [REDACTED]

[REDACTED]

[REDACTED]

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Sensitive Information

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(U) (S) Sensitive Information [REDACTED]

(U) (~~S//X~~) [REDACTED]

[REDACTED]

<sup>22</sup> (U) [REDACTED]

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~~TOP SECRET//NOFORN~~Sensitive Information  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]VII. (U) Conclusion.

(U) (~~TOP SECRET//NOFORN~~) As discussed above, the FBI believes that Page has been collaborating and conspiring with the Russian Government, to include elements of the RIS, to influence public opinion and affect the course of the U.S. Government. Based on the foregoing facts and circumstances, the FBI submits that there is probable cause to believe that Page knowingly aids or abets other persons, who, pursuant to the direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or on behalf of such foreign power, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

(U) (~~TOP SECRET//NOFORN~~) As the activities discussed herein involve Page aiding, abetting, or conspiring with Russian Government officials and elements of the RIS in clandestine intelligence activities, the FBI submits that there is probable cause to believe that such activities involve or are about to involve violations of the criminal statutes of

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the United States, including 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951 (Agents of Foreign Governments) and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act).

(U) (X) Sensitive Information

[REDACTED]

[REDACTED]

18 U.S.C.  
1823(a)(3)(B)

(U) b. (X) **The premises or property to be searched contains foreign intelligence information.**

(U) (X) The premises or property to be searched contains foreign intelligence information, in that investigation by the FBI has determined that there is probable cause to believe that Page is an agent of Russia, a foreign power, all as described herein. Based upon its investigations of this foreign power and its agents, the FBI believes that this target maintains information, material, and/or property related to such activities secreted in the premises or property specified herein. Thus, the FBI expects that foreign intelligence information, such as that described herein, will be contained in the premises or property to be searched.

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20 U.S.C.  
§ 1874(a)(3)(B)  
and  
§ 23(a)(3)(C)

(U) c. (X) The facilities or places at which electronic surveillance will be directed, and the premises or property to be searched.

Sensitive Information

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(U) (S) Sensitive Information [REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

(U) (S) [REDACTED]

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(U) (S) Sensitive Information [REDACTED]

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4.(U)(S) Proposed Minimization Procedures As to all information acquired

through the authorities requested herein, the FBI will follow its [REDACTED]

[REDACTED] Sensitive Information [REDACTED]

[REDACTED]

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Sensitive Information

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1. *Journal of Management Education*, 31(1), 1-14.

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[illegible]

14. *Journal of the American Medical Association*, 277, 1996, 1000-1001.

~~TOP SECRET//NOFORN~~



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in U.S.C.  
§ 1804(n)(5)  
and  
§23(a)(5)

5. (U)~~(S)~~ Nature of the Information Sought Through the authorities requested herein, the United States is seeking foreign intelligence information with respect to the activities of the target described above and detailed further in the certification set forth below. As indicated by the facts set forth herein, the FBI is seeking foreign intelligence information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and information with respect to a foreign power or foreign territory that relates and is necessary to the national defense, security, and the conduct of the foreign affairs of the United States. These same authorities may also incidentally acquire other foreign intelligence information, as defined by the Act.

[REDACTED] Sensitive Information [REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN~~

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Sensitive Information

(U) ~~(S)~~

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10 U.S.C.  
 § 1834(a)(6)(A)-  
 2)  
 1d  
 123(a)(6)(A)-(E)]

6.(U)(~~S~~) Certification The certification of the Assistant to the President for National Security Affairs or an Executive branch official duly designated by the President as a certifying official in Executive Order Numbers 12139 (electronic surveillance) and 12949 (physical search), as amended, is set forth below.

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) The Purpose of the Authorities Requested

(U) (~~S~~) The FBI's foreign intelligence goals for this investigation are set forth in the certification of the Executive Branch official contained herein. However, the authorities requested in this application may produce information and material which might, when evaluated by prosecutive authorities, constitute evidence of a violation of United States law, and this investigation may result in an eventual

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criminal prosecution of the target. Nevertheless, as discussed in the certification, at least a significant purpose of this request for electronic surveillance and physical search is to collect foreign intelligence information as part of the FBI's investigation of this target.

40 U.S.C.  
1804(a)(7)

7. (U)(X) [REDACTED] Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

50 U.S.C.  
§ 1804(a)(8)  
and 1823(a)(8)

8. (U) Previous Applications None.

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50 U.S.C.  
1824(d)  
50 U.S.C.  
1804(a)(9)

9. (U) Duration of the Authorities Requested (See also, 50 U.S.C. § 1824(d))

The authorities requested should not automatically terminate when foreign intelligence information has first been obtained. Additional information of the same type will be obtained on a continuous basis throughout the entire period requested. The activities which the United States must identify and monitor are incremental and continuous, and communications relating to such activities are often disguised to appear innocuous. The type of foreign intelligence information being sought and the fact that the activities of this target are ongoing preclude the conclusion that, at a given time, all such information has been obtained and collection can be ended. Accordingly, the United States requests the authorities specified herein for a period of ninety (90) days.

10. Sensitive Information

[REDACTED]

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[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN~~

Sensitive Information

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~~TOP SECRET//NOFORN~~

[REDACTED] Sensitive Information [REDACTED]

12.(U~~S~~) [REDACTED]

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

Sensitive Information

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[REDACTED]

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13(U)(S)

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[REDACTED] Sensitive Information [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S)~~ Specific Authorities Requested Based upon the foregoing information, the United States requests that this Court authorize the FBI to conduct the activities described immediately below for the period requested herein.

(U) ~~(S)~~ Carter W. Page:

(a.) [REDACTED] Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

Sensitive Information

[REDACTED]

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Sensitive Information

(d.)

(U)  
(e.) (S)

(f.)

(U) (S)

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~~TOP SECRET//NOFORN~~

Sensitive Information

50 U.S.C.  
1805(j)]

See 50 U.S.C.  
1842(d)(2)(C)]

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- Sensitive Information [REDACTED]  
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[REDACTED]

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~~TOP SECRET//NOFORN~~

[REDACTED]

[REDACTED] Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

— The remainder of this page is intentionally left blank. —

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~~TOP SECRET//NOFORN~~

(U) ~~(S)~~ The FBI has reviewed this verified application for accuracy in accordance with its April 5, 2001 procedures, which include sending a copy of the draft to the appropriate field office(s). A copy of those procedures was previously provided to the Court.

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(U) VERIFICATION

(U) (X) I declare under penalty of perjury that the foregoing information regarding Carter W. Page is true and correct. Executed pursuant to Title 28, United States Code, § 1746 on 10/20/18

Non-SES PII

  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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~~TOP SECRET//NOFORN~~

## (U) CERTIFICATION

(U) ~~(S)~~ I, the undersigned, having been designated as one of the officials authorized to make the certifications required by the Foreign Intelligence Surveillance Act of 1978, as amended, do hereby certify with regard to the electronic surveillance and physical search requested in this verified application targeting **Carter W. Page**, an agent of the Government of Russia, a foreign power, as follows:

50 U.S.C.  
§ 1804(a)(6)(A)  
and  
323(a)(6)(A)]

(A) (U) The information sought through the authorities requested herein is foreign intelligence information.

50 U.S.C.  
§ 1804(a)(6)(B)  
and  
323(a)(6)(B)]

(B) (U) At least a significant purpose of the authorities requested herein is to obtain foreign intelligence information and, notwithstanding the related criminal matters described in this application, the primary purpose of the authorities requested herein is not to obtain information for the prosecution of crimes other than those referred to in the Act, 50 U.S.C. § 1801(a)-(e), or related to such foreign intelligence crimes.

50 U.S.C.  
§ 1804(a)(6)(C)  
and  
323(a)(6)(C)]

(C) (U) The foreign intelligence information sought by the authorities requested herein cannot be reasonably obtained by normal investigative techniques.

50 U.S.C.  
§ 1804(a)(6)(D)  
and  
323(a)(6)(D)]

(D) ~~(S)~~ <sup>(U)</sup> The type of foreign intelligence information being sought through the authorities requested herein is that described in 50 U.S.C. § 1801(e)(1)(C), i.e.,

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information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and 50 U.S.C. § 1801(e)(2)(A)-(B), i.e., information with respect to a foreign power or foreign territory that relates and is necessary to the national defense or security, and the conduct of the foreign affairs of the United States. These same authorities may also incidentally acquire foreign intelligence information as defined by other subsections of 50 U.S.C. § 1801(e).

50 U.S.C.  
§ 1804(a)(6)(E)  
and  
§ 23(a)(6)(E)]

(U) (E) (S) The basis for my certification that the information sought is the type of foreign intelligence information specified herein and that such information cannot be obtained by normal investigative techniques is as follows.

(U) (S) Foreign Intelligence Information The foreign intelligence information sought through the authorities requested herein is the type specified herein because it may, among other things, enable the U.S. Government to:

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(f) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(h) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S) [REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U)    ~~(S)~~ Potential for Use in Criminal Proceedings Another purpose of the authorities requested herein is to obtain information which may assist at some future time in the criminal prosecution of Page or others, including possibly U.S. persons. Such assistance may include:

- (1) obtaining information to support a prosecution, or a legitimate threat of prosecution, of Page for federal foreign intelligence-related criminal offenses, including, but not limited to, 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951

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(Agents of Foreign Governments) and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act); and/or

(2) obtaining information to support prosecutions of others, including U.S. persons, for federal foreign intelligence-related criminal offenses.

(U) (S) Limitations of Normal Investigative Techniques [REDACTED]

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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## Sensitive Information

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**Sensitive Information**

~~TOP SECRET//NOFORN~~

Sensitive Information

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S) In short, none of these normal investigative techniques, or others like them, can provide the same kind of information, with the same reliability and safety, as the authorities requested herein.

(U) (S) Based upon the foregoing information, it is the Government's belief that the authorities requested herein targeting Page are critical investigative means for obtaining the foreign intelligence information identified herein.

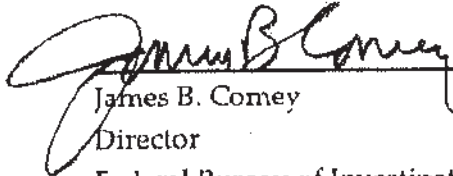
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(U) ~~(S)~~ Accordingly, I execute this certification regarding **Carter W. Page** in accordance with the requirements of the Foreign Intelligence Surveillance Act of 1978, as amended.

  
James B. Comey  
Director  
Federal Bureau of Investigation

\_\_\_\_\_  
John F. Kerry  
Secretary of State

\_\_\_\_\_  
Andrew G. McCabe  
Deputy Director  
Federal Bureau of Investigation

\_\_\_\_\_  
Antony J. Blinken  
Deputy Secretary of State

\_\_\_\_\_  
John O. Brennan  
Director of the Central  
Intelligence Agency

\_\_\_\_\_  
Ash Carter  
Secretary of Defense

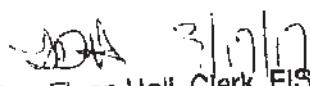
\_\_\_\_\_  
James R. Clapper, Jr.  
Director of National Intelligence

\_\_\_\_\_  
Susan E. Rice  
Assistant to the President for  
National Security Affairs

\_\_\_\_\_  
Stephanie O'Sullivan  
Principal Deputy Director of  
National Intelligence

10/20/16

Date

  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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## (U) APPROVAL

(U) ~~XX~~ I find that this application regarding **Carter W. Page** satisfies the criteria and requirements for such applications set forth in the Foreign Intelligence Surveillance Act of 1978, as amended, and hereby approve its filing with this Court.

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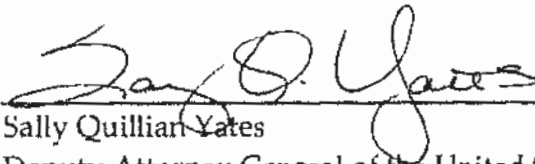
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(U) (S) Sensitive Information

---

Loretta E. Lynch  
Attorney General of the United States

  
Sally Quillian Yates  
Deputy Attorney General of the United States

---

Assistant Attorney General for National Security

10/21/16

Date

234 310/17  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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(U) (S) WHEREFORE, the United States submits that this application regarding Carter W. Page satisfies the criteria and requirements of the Foreign Intelligence Surveillance Act of 1978, as amended, and therefore requests that this Court authorize the activities described herein, and enter the proposed orders and warrants which accompany this application.

Respectfully submitted,

Non-SES PIL

Attorney  
U.S. Department of Justice

*3/17/17*  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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**SECRET**

Filed  
United States Foreign  
Intelligence Surveillance Court

OCT 21 2016

UNITED STATES

**LeeAnn Flynn Hail, Clerk of Court**

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D. C.

IN RE CARTER W. PAGE, A U.S.

Docket Number: 16 - 1182

PERSON

## PRIMARY ORDER AND WARRANT

1. An application having been made by the United States of America pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, 50 U.S.C. §§ 1801-1812 and 1821-1829 (FISA or the Act), for an order and warrant (hereinafter "order") for **electronic surveillance and physical search**, and full consideration having been given to the matters set forth therein, the Court finds as follows:

50 U.S.C.  
§ 1805(n)(1) and  
824(n)(1)]

2. The application has been made by a Federal officer and approved by the Attorney General;

30 U.S.C.  
§ 1805(a)(2) and  
824(a)(2)]

3. On the basis of the facts submitted in the verified application, there is probable cause to believe that:

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Derived from: Application to the USFIS

xix Double Number captioned above

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~~20411910~~

Declassified by C28W34B64 on 2/5/2020 this redacted version only



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(A) The Government of the Russian Federation (Russia) is a foreign power and Carter W. Page is an agent of Russia, as defined by 50 U.S.C. § 1801(b)(2)(E);

(B) as specified herein, the facilities or places at which electronic surveillance will be directed are being used or are about to be used by, and the premises or property to be searched is or is about to be owned, used, possessed by, or is in transit to or from, this target;

50 U.S.C.  
§ 1805(a)(3) and  
824(a)(3)]

4. The minimization procedures proposed in the application have been adopted by the Attorney General and meet the definition of minimization procedures under 50 U.S.C §§ 1801(h) and 1821(4);

50 U.S.C.  
§ 1805(a)(4) and  
824(a)(4)]

5. The application contains all statements and certifications required by 50 U.S.C. §§ 1804 and 1823, and the certification is not clearly erroneous on the basis of the statements made under 50 U.S.C. §§ 1804(a)(6)(E) and 1823(a)(6)(E), and any other information furnished under 50 U.S.C. §§ 1804(c) and 1823(c).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to the authority conferred on this Court by the Act, that the application of the United States is GRANTED, and it is

FURTHER ORDERED, as follows:

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~~SECRET~~

50 U.S.C.  
§ 1805(c)(1) and  
824(c)(1)}

1. The United States is authorized to conduct electronic surveillance and physical search of the target as follows; provided that the electronic surveillance shall be directed only at the facilities and places described below, using for each only the means specified below for such particular facility or place, and the physical search shall be conducted only of the premises or property described below, using for each only the manner specified below for such particular premises or property.

(a.) Sensitive Information

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Sensitive Information

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Sensitive Information

50 U.S.C.  
1805(j)]

See 50 U.S.C.  
1842(d)(2)(C)]

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Sensitive Information

30 U.S.C.  
§ 1805(c)(1)(C)  
and  
824(c)(1)(C)}

50 U.S.C.  
1805(c)(1)(D)}

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Sensitive Information

50 U.S.C.  
7824(c)(1)(D))

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Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

50 U.S.C.  
§ 1805(c)(1)(E)  
and  
§ 24(c)(1)(E)

6. The authorities approved are for the period indicated below unless otherwise ordered by this Court.

50 U.S.C.  
§ 1805(c)(2)(A)  
and  
§ 24(c)(2)(A)

As to all information acquired through the authorities approved herein, the FBI shall Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

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-10-

**Sensitive Information**

11-

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Sensitive Information

30 U.S.C.  
§ 1805(c)(2)(B)-  
(D)  
and  
524(c)(2)(B)-(D)]

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Sensitive Information

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18 U.S.C.  
1824(c)(2)(E)

[REDACTED]

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**Sensitive Information**

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## Sensitive Information

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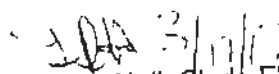
This authorization regarding Carter W. Page expires at 3:00 p.m. Eastern Time

on the 15<sup>th</sup> day of January, 2017.

Signed 10-21-2016 10:31 Eastern Time  
Date Time



ROSEMARY M. COLLYER  
Judge, United States Foreign  
Intelligence Surveillance Court

  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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-17-

**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

**FEB 14 2020**

The Honorable Lindsey Graham  
Chairman  
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 Dianne Feinstein  
Ranking Member  
Committee on the Judiciary  
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 second production is enclosed herein, Bates numbered SENATE-FISA2020-000084 to SENATE-FISA2020-000181. This submission contains the January 12, 2017 FISA application and FISC order related to Carter Page with minimal redactions.<sup>1</sup> 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

<sup>1</sup> Prior versions of this application—including versions released in response to Freedom of Information Act requests and versions made available for Congressional staff and Members to review in camera—contained additional redactions, certain of which have now been removed for the reasons discussed above.



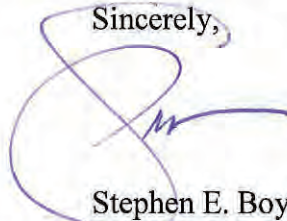
The Honorable Lindsey Graham  
The Honorable Dianne Feinstein  
The Honorable Richard Burr  
The Honorable Mark Warner  
Page 2

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 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,



Stephen E. Boyd  
Assistant Attorney General

Enclosures

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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

U.S. FOREIGN  
INTELLIGENCE  
SURVEILLANCE COURT  
2017 JAN 12 PM 2:36  
LEAH M. FLYNN HALL  
CLERK OF COURT

(U) IN RE CARTER W. PAGE, A U.S.

Docket Number:

PERSON.

17 - 52

## (U) VERIFIED APPLICATION

(U) (S) The United States of America hereby applies to this Court for authority to conduct **electronic surveillance and physical search**, as described herein, pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, Title 50, United States Code (U.S.C.), §§ 1801-1812 and 1821-1829 (FISA or the Act).

[50 U.S.C.  
§§ 1804(a)(1) and  
1823(a)(1)]

1. (U) Identity of Federal Officer Making Application This application is made by **Non-SES PII**, a Supervisory Special Agent (SSA) of the Federal Bureau of Investigation (FBI) whose official duties at FBI Headquarters include supervision of the FBI's investigation of the above-captioned target based upon information officially furnished to SSA **PII**.

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~~XXXXXXXXXX~~ By: **Classification Determination Information**  
~~XXXXXXXXXX~~ Derived from: **[REDACTED]**  
~~XXXXXXXXXX~~ Declassify on: **[REDACTED]**

Declassified by C28W34B64 on 2/14/2020  
 this redacted version only

OI Tracking No. 144610



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[50 U.S.C.  
§§ 1804(a)(2) and  
1823(a)(2)]

2. (U)(~~S~~) Identity of the Target The target of this application is Carter W.

Page, a U.S. person, and an agent of a foreign power, described in detail below. The status of the target was determined in or about December 2016 from information provided by the U.S. Department of State. The premises or property to be searched and the information, material, or property to be seized, reproduced, or altered are described in detail below.

[50 U.S.C.  
§§ 1804(a)(3) and  
1823(a)(3)]

3. (U)(~~S~~) Statement of Facts The United States relies upon the following facts

and circumstances in support of this application.

[50 U.S.C.  
§§ 1804(a)(3)(  
A) and  
1823(a)(3)(A)]

a. (U)(~~S~~) The target of this application is an agent of a foreign power.

(U) (~~S~~) The following describes the foreign power and sets forth in detail a description of the target and the target's activities for or on behalf of this foreign power.

(U) (~~S~~) This verified application reports on developments in the FBI's investigation of the above captioned target since the most recent application described herein. Unless stated otherwise herein, information presented in previous applications has been summarized or removed not because it was factually inaccurate but in order to create a more concise document.

(U) (~~S~~) The Government of the Russian Federation is a foreign power as defined by 50 U.S.C. § 1801(a)(1).

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~~TOP SECRET//NOFORN//FISA~~

(U) ~~(S)~~ The Government of the Russian Federation (Russia) is an internationally recognized foreign government and, as of the execution of this application, is listed in the Diplomatic List, published by the United States Department of State, and in Permanent Missions to the United Nations, published by the United Nations, and its establishments in the United States are components thereof.

(U) ~~(S)~~ Clandestine Intelligence Activities Of The Russian Federation

Foreign Power Statement for Russia

[REDACTED]

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~~TOP SECRET//NOFORN//KISA~~

Foreign Power Statement for Russia Continued

(U) (S) Carter W. Page knowingly aids or abets other persons, who, pursuant to the direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

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~~TOP SECRET//NOFORN//FISA~~I. (U) Overview.

(U) ~~(S//NF)~~ This application seeks renewed authority to conduct electronic surveillance and physical search of Carter Page. The FBI believes Page has been the subject of targeted recruitment by the Russian Government for a number of years and currently is acting as an unregistered agent of the Russian Government. Page is a former foreign policy advisor to a Candidate for U.S. President (Candidate #1).<sup>1</sup> As discussed in greater detail below, the FBI believes that the Russian Government engaged in efforts to undermine and influence the outcome of the 2016 U.S. Presidential election. Although the election has concluded, for the reasons described below, the FBI believes that the Russian Government will continue attempting to use U.S. based individuals, such as Page, to covertly influence U.S. foreign policy and to support the Russian Government's perception management efforts, in violation of U.S. criminal law. The FBI expects that the collection requested herein will continue to produce foreign intelligence information that will assist the FBI in more fully understanding the capabilities, activities, plans, and intentions of the Russian

---

(U) <sup>1</sup> ~~(S)~~ On or about November 8, 2016, Candidate #1 was elected President. Although Candidate #1 is now the President-elect, in order to maintain the historical accuracy of the background information, unless otherwise stated, the original references to Candidate #1 and members of Candidate #1's campaign team will remain the same as in the initial application filed in this matter (see docket number 2016-1182).

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Government to influence U.S. foreign policy. Such information will better enable the FBI and the U.S. Intelligence Community (USIC) to deter, disrupt, and defeat the Russian Government's and Page's activities in this regard.

II. (U) ~~(S//NF)~~ The FBI Believes that the Russian Government Engages in Influence Operations Against the United States.

(U) A. ~~(S//NF)~~ RIS Efforts to Influence U.S. Presidential Elections.

(U) ~~(S//NF)~~ During an interview with an identified news organization, the Director of National Intelligence (DNI) stated, "Russia has tried to influence U.S. elections since the 1960s during the Cold War" and "there's a tradition in Russia of interfering with elections, their own and others." The DNI commented that this influence included providing money to particular candidates or providing disinformation. The DNI added that "it shouldn't come as a big shock to people, ... I think it's more dramatic maybe because they have the cyber tools that they can bring to bear in the same effort." Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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Sensitive Information

(U) ~~(S//NF)~~ In or about July 2016, WikiLeaks released a trove of e-mails from the Democratic National Committee (DNC).<sup>2</sup> FBI investigation has determined that WikiLeaks obtained the DNC e-mails as a result of computer intrusions by malicious actors. There has been speculation in the U.S. media that the Russian Government was behind the hack. Russia has publicly denied any involvement in the hack. Russian President Vladimir Putin said in or about September 2016 that Russia was not responsible for the hack, but said that the release of the DNC documents was a net positive: "The important thing is the content that was given to the public."


Despite Russia's denial, according to Sensitive Information

(U) <sup>2</sup> ~~(S//NF)~~ According to information on its website, WikiLeaks is a multi-national media organization and associated library. WikiLeaks specializes in the analysis and publication of large datasets of censored or otherwise restricted official materials involving war, spying, and corruption. According to open source information, in or about July 2016, WikiLeaks released thousands of e-mails it says are from the accounts of DNC officials. As noted herein, FBI the role of the RIS in hacking into these accounts.

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 In addition, according to an October 7, 2016 *Joint Statement from the Department of Homeland Security and the Office of the Director of National Intelligence on Election Security* (Election Security Joint Statement), the USIC is confident that the Russian Government directed the recent compromises of e-mails from U.S. persons and institutions, including from U.S. political organizations. The Election Security Joint Statement states that the recent disclosures of e-mails on, among others, sites like WikiLeaks are consistent with the methods and motivations of Russian-directed efforts. According to the Election Security Joint Statement, these thefts and disclosures were intended to interfere with the U.S. election process; activity that is not new to Moscow – the Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there. The Election Security Joint Statement stated that, based on the scope and sensitivity of these efforts, only Russia's senior-most officials could have authorized these activities. More recently, on December 29, 2016, the White House issued a statement that the U.S. President had ordered a number of actions in response to the Russian Government's aggressive harassment of U.S. officials and cyber operations aimed at the U.S. election. According to this December 29th statement, the current U.S. Presidential Administration publicized its assessment in October [2016] that Russia

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took actions intended to interfere with the U.S. election process and that these activities could only have been directed by the highest levels of the Russian Government [in context, this is likely a reference to the Election Security Joint Statement].

(U) ~~(S//NF)~~ Based on the Russian Government's historical efforts to influence U.S. and foreign elections, the information regarding Russia's role in hacking into the DNC, and the information discussed herein regarding Russia's coordination with Carter Page and others, the FBI believes that the Russian Government used an intelligence network, which consists of, among others, Russian Government officials, Russian state media, and elements of the RIS, to attempt to undermine and improperly and illegally influence the 2016 U.S. Presidential election. Now that the election is over, the FBI believes that the Russian Government will continue to use this intelligence network to engage in perception management activities against the United States that are designed to influence U.S. foreign policy as well as U.S. public opinion of Russia.

(U) ~~(S//NF)~~ The FBI assesses that efforts by the Russian Government to attempt to undermine and influence the 2016 U.S. Presidential election and conduct perception management activities against the United States have the effect of harming U.S. national security. As stated in the legislative history of FISA:

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Not only do foreign powers engage in spying in the United States to obtain information, they also engage in activities which are intended to harm the Nation's security by affecting the course of our Government, the course of public opinion, or the activities of individuals. Such activities may include political action (recruiting, bribery or influencing of public officials to act in favor of the foreign power), disguised propaganda (including the planting of false or misleading articles or stories), and harassment, intimidation, or even assassination of individuals who oppose the foreign power. Such activity can undermine our democratic institutions as well as directly threaten the peace and safety of our citizens.

H.R. Rep. No. 95-1283, pt. 1, at 41 (1978).

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

(U) ~~(S//NF)~~ In or about March 2016, George Papadopoulos<sup>3</sup> 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, [REDACTED]

#### Foreign Government Third Party Equity

[REDACTED], the FBI believes that the Russian Government's efforts to influence the 2016 U.S. Presidential election were 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 a [REDACTED] US Government Official [REDACTED] regarding efforts made by the Russian

(U) <sup>3</sup> ~~(S)~~ Papadopoulos is a current subject of an FBI investigation.

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Government to influence the 2016 U.S. Presidential election. Specifically, according to this information, during a meeting in or about April 2016 between officials of the friendly foreign government and George Papadopoulos, [REDACTED]

**Foreign Government Third Party Equity**

[REDACTED], 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 Russia's efforts to influence U.S. policy were likely being coordinated between the RIS and Page, and possibly others.

(U) (~~TOP SECRET//NOFORN//FISA~~) As discussed below, Page has established relationships with Russian Government officials, including Russian intelligence officers, and was identified by source reporting as an intermediary with Russian leadership in "a well-developed conspiracy of co-operation" to influence the 2016 U.S. Presidential election. Although, as discussed below, Page no longer appears to be an advisor to the now President-elect, [REDACTED] FISA-acquired information subject to sequestration

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[REDACTED] FISA-acquired information subject to sequestration [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

III. (U)(~~S~~) Carter Page.

(U) A. (~~S~~) Page's Connections to Russia and the RIS.

(U) (~~S~~)(~~XX~~) Page, a U.S. citizen, is the founder and managing partner of Global Energy Capital LLC (GEC), an investment management and advisory firm that focuses on the energy sector primarily in emerging markets. According to Page's biography on GEC's website, Page is a graduate of the United States Naval Academy and has a background in investment banking, and transactional experience in the energy and power sector, with specific experience in Russia, where he was an advisor on key transactions for Gazprom.<sup>4</sup> The FBI's investigation of Page has determined that he has had financial, political, and business ties with the Russian Government. The FBI believes that the Russian Government exploited these

(U) <sup>4</sup> (~~S~~)(~~XX~~) According to information on Gazprom's website, Gazprom, which was established in Russia, is a global energy company that is among Russia's top four oil producers. [REDACTED]

[REDACTED] Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]

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ties to solicit Page's cooperation with Russia's influence operations against the United States.

(U) (~~S//X~~) Based on the results of FBI investigation, which includes review of open source information and information provided by Page during interviews with the FBI, from approximately 2004 - 2007, Page lived in Russia and worked as Chief Operating Officer for a U.S. investment firm (Firm #1). During this time, Page began business dealings with Gazprom and advised Gazprom on some of its largest deals and helped broker relationships with investors in both New York and London. In or about 2008, Page left Firm #1 and started GEC. According to GEC's website, GEC acts in an advisory role for individuals and organizations that wish to establish a business presence overseas. Since founding GEC, Page has mostly done advisory assignments, such as counseling foreign investors on buying assets in Russia.

(U) (~~S//X~~) According to information provided by Page during a June 2009 interview with the FBI,<sup>5</sup> shortly after Page's return to the U.S. in or about 2007, Page began a professional relationship with Aleksandr Bulatov.<sup>6</sup> During the course of

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(U) <sup>5</sup> (~~S//X~~) The FBI has conducted a series of interviews of Page to discuss his relationships with Aleksandr Bulatov and Victor Podobnyy, who, as discussed in detail below, Sensitive Information.

(U) <sup>6</sup> (~~S//X~~) Bulatov is a Sensitive Information. Bulatov was

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their relationship, which lasted about one year, Page offered to introduce Bulatov to his political and business contacts and provided a copy of Firm #1's annual report, which was not available through open sources at the time. [REDACTED]

[REDACTED] Sensitive Information [REDACTED], the FBI believes Bulatov likely requested the report from Page as part of the recruitment cycle and to further assess Page's openness to provide non-public information, which would also indicate Page's willingness to act as a source for the Russian Government. According to Page, his last contact with Bulatov was in or about August 2008, approximately two months after Bulatov returned to Moscow.

(U) (~~XXX~~) According to information provided by Page during a 2013 interview with the FBI, which was conducted to discuss his relationship with Victor Podobnyy, who, as discussed below, [REDACTED] Sensitive Information [REDACTED], the FBI believes that, in or about January 2013, Page began a professional relationship with Podobnyy, likely after they met at an energy symposium in New York. Podobnyy, a Russian citizen who was assigned to the Russian Federation Mission to

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a Russian diplomat who was assigned to the Trade Representation Office of the Russian Federation in New York City, NY from approximately 2004 - 2007. [REDACTED]

[REDACTED] Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]

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the United Nations in New York City from approximately December 2012 to

September 2013, Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S//NF)~~ In or about January 2015, Podobnyy, along with Evgeny Buryakov and Igor Sporyshev, were charged by a sealed complaint in the U.S. District Court for the Southern District of New York for violations of 18 U.S.C. §§ 371 and 951 (conspiring to act, and acting as, an unregistered agent of a foreign government).

According to the complaint, Buryakov worked in the United States as an agent of the SVR. Specifically, Buryakov operated under non-official cover, posing as an employee in the Manhattan office of a Russian bank. Buryakov worked with two other SVR agents, Podobnyy and Sporyshev, to gather intelligence on behalf of Russia.<sup>7</sup> The complaint states that the intelligence gathering efforts of Podobnyy and Sporyshev included, among other things, attempting to recruit New York City

(U) <sup>7</sup> ~~(S//NF)~~ Buryakov was arrested in or about January 2015. At the time of Buryakov's arrest, Podobnyy and Sporyshev no longer lived in the United States and were not arrested. In or about March 2016, Buryakov pled guilty to conspiring to act in the United States as an agent of Russia without providing prior notice to the Attorney General. In or about May 2016, Buryakov was sentenced to 30 months in prison.

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residents as intelligence sources for Russia.

(U) ~~(S//XNF)~~ The FBI believes that Page is one of the individuals that Podobnyy and Sporyshev attempted to recruit. As noted above, Page began a relationship with Podobnyy in or about January 2013. According to the complaint, in or about April 2013, Podobnyy and Sporyshev discussed Podobnyy's efforts to recruit "Male-1," who was working as a consultant in New York City, as an intelligence source. In or about March 2016, the FBI again interviewed Page about his relationship with Podobnyy. Based on information provided by Page during this interview, the FBI determined that Page's relationship with Podobnyy was primarily unidirectional, with Page largely providing Podobnyy open source information and contact introductions. During one interview, Page told the FBI that he approached a Russian Minister, who was surrounded by Russian officials/diplomats, and "in the spirit of openness," Page informed the group that he was "Male-1" in the Buryakov complaint. The FBI believes that this information reveals that Page was targeted as part of an RIS recruitment operation and that Podobnyy had started the actual recruitment of Page by tasking him to respond to somewhat innocuous requests. The FBI also believes that Page knew that the RIS was attempting to recruit him by self-identifying as the individual named as "Male-1" in the complaint.

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(U) B, ~~(S//NF)~~ ~~XXXX~~ Page's Coordination with Russian Government Officials on 2016 U.S. Presidential Election Influence Activities.

(U) ~~(S//NF)~~ ~~XXXX~~ According to open source information, in July 2016, Page traveled to Russia and delivered the commencement address at the New Economic School.<sup>8</sup> In addition to giving this address, the FBI learned that Page met with at least two Russian officials during this trip. First, according to information provided by an FBI confidential human source (Source #1),<sup>9</sup> Sub-Source #1<sup>10</sup> reported that Page had a

(U) <sup>8</sup> ~~(S//NF)~~ ~~XXXX~~ The FBI confirmed, ~~Sensitive Method~~, that Page traveled to Russia in July 2016.

(U) <sup>9</sup> ~~(S//NF)~~ ~~XXXX~~ Source #1 is a ~~Foreign Government Third Party Equity~~ ~~XXXX~~ and has been an FBI source since in or about October 2013. Source #1 has been compensated approximately \$95,000 by the FBI. As discussed below in footnote 19, in or about October 2016, the FBI suspended its relationship with Source #1 due to Source #1's unauthorized disclosure of information to the press. Notwithstanding the suspension of its relationship with Source #1, the FBI assesses Source #1 to be reliable as previous reporting from Source #1 has been corroborated and used in criminal proceedings. Moreover, the FBI notes that the incident that led to the FBI suspending its relationship with Source #1 occurred after Source #1 provided the reporting that is described herein.

(U) ~~(S//NF)~~ ~~XXXX~~ 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.

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(U) (~~TS//NF~~) Source #1 tasked his sub-source(s) to collect the requisite information. After Source #1 received information from the sub-source(s) described herein, Source #1 provided the information to the identified U.S. person who had hired Source #1 and to the FBI. In addition to the specific information pertaining to Page reported in this application, Source #1 provided other information relating to the Russian Government's efforts to influence the election that do not directly pertain to Page, including the possibility of Russia also possessing a dossier on Candidate #1.

(U) (~~TS//NF~~) Notwithstanding Source #1's reason for conducting the research into Candidate #1's ties to Russia, based on Source #1's previous reporting 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.

(U) (~~TS//NF~~) Source #1 maintains a network of sub-sources, who, in many cases, utilize their own sub-sources. The source reporting in this application, which was provided to the FBI by Source #1, is derived primarily from a **Source Description**, who uses a network of sub-sources. Thus, neither Source #1 nor the **Source Description** had direct access to the information being reported by the sub-sources identified herein (each sub-source will be separately identified herein based on the information provided by Source #1). The FBI has no control over the **Source Description** or any of the sub-sources used by the **Source Description**.

(U) (~~TS//NF~~) Source #1 reported the information contained herein to the FBI over the course of several meetings with the FBI from in or about June 2016 through August 2016.

(U) <sup>10</sup> (~~TS//NF~~) Sub-Source #1 is an independent sub-source operated by Source #1's **Source Description**. The FBI believes that Sub-Source #1 does not know his/her reporting will be directed to the FBI. **Source Description**

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secret meeting with Igor Sechin, who is the President of Rosneft [a Russian energy company] and a close associate to Russian President Putin.<sup>11</sup> Sub-Source #1 reported that, during the meeting, Page and Sechin discussed future bilateral energy cooperation and the prospects for an associated move to lift Ukraine-related Western sanctions against Russia. Although Sub-Source #1 reported that Page had reacted positively to the discussions, Sub-Source #1 commented that Page was generally non-committal in a response.

(U) ~~(TS//NF)~~ Second, according to Source #1, Sub-Source [REDACTED] reported that, in or about July 2016, an official close to S. Ivanov, who the FBI assesses to be Sergey

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Source Description

[REDACTED]

(U) <sup>11</sup> ~~(S//NF)~~ In or about April 2014, the U.S. Department of the Treasury (USDOT) announced sanctions that would be taken against Russian Government officials and entities as a result of Russian efforts to destabilize Ukraine. Sechin was identified as an official of the Russian Government, and further identified as the President and Chairman of the Management Board for Rosneft, a position he continues to hold. The USDOT announcement also stated Sechin was formerly the Deputy Prime Minister of the Russian Federation from 2008 until 2012, and from 2004 until 2008, Sechin was the Deputy Chief of Staff for Russian President Putin. The USDOT sanctions announcement identified Sechin as someone who has "shown utter loyalty to Vladimir Putin – a key component to his current standing."

(U) <sup>12</sup> ~~(TS//NF)~~ [REDACTED] Source Description

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Ivanov, the Head of the Russian Presidential Administration, confided to a compatriot that Divyekin [who is assessed to be Igor Nikolayevich Divyekin], a senior colleague in the Internal Political Department of the PA [assessed to be a reference to the Russian Presidential Administration], had met secretly with Page and that their agenda for the meeting included Divyekin raising a dossier or "kompromat"<sup>13</sup> that the Kremlin possessed on Candidate #2 and the possibility of it being released to Candidate #1's campaign.<sup>14</sup> According to reporting from Sub-Source [REDACTED], this dossier had been compiled by the RIS over many years, dating back to the 1990s. Further, according to Sub-Source [REDACTED] this dossier was, by the direct

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(U) <sup>13</sup> (S) (X) Kompromat is a Russian term for compromising material about a politician or political figure, which is typically used to create negative publicity or blackmail.

(U) <sup>14</sup> (S//NF) (X) As noted above, in or about April 2016, Papadopoulos suggested, during a meeting with a friendly foreign government, that Russia could assist with the anonymous release of information that would be damaging to Candidate #2. The FBI assesses that Divyekin planned to offer the "kompromat" to Page during their July 2016 meeting to further influence the 2016 U.S. Presidential election by providing derogatory information about Candidate #2 to Candidate #1's campaign.

(U) <sup>15</sup> (TS//NF) (X) Source Description [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(U) <sup>16</sup> (TS//NF) (X) Source Description [REDACTED]  
[REDACTED]

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instructions of Russian President Putin, controlled exclusively by Senior Kremlin Spokesman Dmitry Peskov. Accordingly, the FBI assesses that Divyekin received direction by the Russian Government to disclose the nature and existence of the dossier to Page. In or about June 2016, Sub-Source [REDACTED] reported that the Kremlin had been feeding information to Candidate #1's campaign for an extended period of time. Sub-Source [REDACTED] also reported that the Kremlin had been feeding information to Candidate #1's campaign for an extended period of time and added that the information had reportedly been "very helpful." The FBI assesses the information funneled by the Russians to Page was likely part of Russia's efforts to influence the 2016 U.S. Presidential election.

(U) (~~TS//NF~~) According to information provided by Sub-Source [REDACTED] there was "a well-developed conspiracy of co-operation between them [assessed to be individuals

Source Description [REDACTED]

<sup>17</sup> Source Description [REDACTED]

(U) <sup>18</sup> (~~TS//NF~~) Source Description [REDACTED]

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involved in Candidate #1's campaign] and the Russian leadership." Sub-Source [REDACTED] reported that the conspiracy was being managed by Candidate #1's then campaign manager, who was using, among others, foreign policy advisor Carter Page as an intermediary. Sub-Source [REDACTED] further reported that the Russian regime had been behind the above-described disclosure of DNC e-mail messages to WikiLeaks. Sub-Source [REDACTED] reported that WikiLeaks was used to create "plausible deniability," and that the operation had been conducted with the full knowledge and support of Candidate #1's team, which the FBI assessed to include at least Page. In return, according to Sub-Source [REDACTED] Candidate #1's team, which the FBI assessed to include at least Page, agreed to sideline Russian intervention in Ukraine as a campaign issue and to raise U.S./NATO defense commitments in the Baltics and Eastern Europe to deflect attention away from Ukraine.

(U) ~~(S//NF)~~ Notably, following Page's July 2016 meeting with Sechin during which he discussed prospects for lifting Ukraine-related Western sanctions against Russia, a July 2016 article in an identified news organization reported that Candidate #1's campaign worked behind the scenes to make sure Political Party #1's platform would not call for giving weapons to Ukraine to fight Russian and rebel forces, contradicting the view of almost all Political Party #1's foreign policy leaders in Washington. The article stated that Candidate #1's campaign sought "to make

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sure that [Political Party #1] would not pledge to give Ukraine the weapons it has been asking for from the United States." Further, an August 2016 article published by an identified news organization, which characterized Candidate #1 as sounding like a supporter of Ukraine's territorial integrity in September [2015], noted that Candidate #1 had recently adopted a "milder" tone regarding Russia's annexation of Crimea. The August 2016 article further reported that Candidate #1 said Candidate #1 might recognize Crimea as Russian territory and lift punitive U.S. sanctions against Russia. The article opined that while the reason for Candidate #1's shift was not clear, Candidate #1's more conciliatory words, which contradict Political Party #1's official platform, follow Candidate #1's recent association with several people sympathetic to Russian influence in Ukraine, including foreign policy advisor Carter Page. Thus, the FBI assesses that, following Page's meetings in Russia, Page helped influence Political Party #1 and Candidate #1's campaign to alter their platforms to be more sympathetic to Russia.

- (U) ~~(TS//NF)~~ In addition to the foregoing, in or about August 2016, Sub-Source [REDACTED] reported that the above-described leak of the DNC e-mails to WikiLeaks had been done, at least in part, as an attempt to swing supporters of an identified individual, who had been running against Candidate #2 for their political party's nomination, away from Candidate #2 and to Candidate #1. Sub-Source [REDACTED] reported that this

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objective had been conceived and promoted by, among others, Page, who had discussed the objective directly with Sub-Source [REDACTED]

(U) IV. ~~(S//NF)~~ Page's Denial of Cooperation with the Russian Government to Influence the 2016 U.S. Presidential Election.

(U) ~~(S//NF)~~ On or about September 23, 2016, an identified news organization published an article (September 23rd News Article), which was written by the news organization's Chief Investigative Correspondent, alleging that U.S. intelligence officials are investigating Page with respect to suspected efforts by the Russian Government to influence the U.S. Presidential election. According to the September 23rd News Article, U.S. officials received intelligence reports that when Page was in Moscow in July 2016 to deliver the above-noted commencement address at the New Economic School, he met with two senior Russian officials. The September 23rd News Article stated that a "well-placed Western intelligence source" told the news organization that Page met with Igor Sechin, a longtime Putin associate and former Russian deputy minister who is now the executive chairman of Rosneft. At their alleged meeting, Sechin raised the issue of the lifting of sanctions with Page. According to the September 23rd News Article, the Western intelligence source also reported that U.S. intelligence agencies received reports that Page met with another top Putin aide - Igor Divyekin, a former Russian security official who now serves as deputy chief for internal policy and is believed by U.S. officials to have

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responsibility for intelligence collected by Russian agencies about the U.S. election.<sup>19</sup>

(U) ~~(S//NF)~~ ~~XXXX~~ According to the September 23rd News Article, certain members of Congress were "taken aback" after being briefed on the alleged meetings between Page and Russian officials and viewed the meetings as a possible back channel to the Russians that could undercut U.S. foreign policy. The September 23rd News Article

(U) <sup>19</sup> ~~(S)~~ 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 provided by a "well-placed Western intelligence source." The FBI does not believe that Source #1 directly provided this information to the identified news organization that published the September 23rd News Article.

(U) ~~(TS//NF)~~ 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.

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also stated that, following the briefing, the Senate Minority Leader wrote to the FBI Director, and citing the reports of meetings between an advisor to Candidate #1 [the advisor was unnamed in the letter, but the article indicated that the advisor is Page] and "high ranking sanctioned individuals" [in context, likely a reference to Sechin] in Moscow over the summer as evidence of "significant and disturbing ties" between Candidate #1's campaign and the Kremlin that needed to be investigated by the FBI.

(U) ~~(S//NF)~~ Based on statements in the September 23rd News Article, as well as in other articles published by identified news organizations, Candidate #1's campaign repeatedly made public statements in an attempt to distance Candidate #1's campaign from Page. For example, the September 23rd News Article noted that Page's precise role in Candidate #1's campaign is unclear. According to the article, a spokesperson for Candidate #1's campaign called Page an "informal foreign advisor" who "does not speak for [Candidate #1] or the campaign." In addition, another spokesperson for Candidate #1's campaign said that Page "has no role" and added "[w]e are not aware of any of his activities, past or present." However, the article stated that the campaign spokesperson did not respond when asked why Candidate #1 had previously described Page as an advisor. In addition, on or about September 25, 2016, an identified news organization published an article that was

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based primarily on an interview with Candidate #1's then campaign manager. During the interview, the campaign manager stated, "[Page is] not part of the campaign I'm running." The campaign manager added that Page has not been part of Candidate #1's national security or foreign policy briefings since he/she became campaign manager. In response to a question from the interviewer regarding reports that Page was meeting with Russian officials to essentially attempt to conduct diplomatic negotiations with the Russian Government, the campaign manager responded, "If [Page is] doing that, he's certainly not doing it with the permission or knowledge of the campaign . . . ." Although it appears that Candidate #1's campaign was attempting to publicly distance itself from Page, the FBI assesses, based on the totality of circumstances described herein, that Page was engaged in efforts to influence U.S. foreign policy on behalf of the Russian Government.

(U) ~~(S//NF)~~ On or about September 25, 2016, Page sent a letter to the FBI Director. In this letter, Page made reference to the accusations in the September 23rd News Article and denied them. Page stated that the source of the accusations was nothing more than completely false media reports and that he did not meet with any sanctioned official in Russia. Page also stated that he would be willing to discuss

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any "final" questions the FBI may have.<sup>20</sup>

(U) ~~(S//NF)~~ Additionally, on or about September 26, 2016, an identified news organization published an article that was based on an interview with Page (September 26th News Article). In the September 26th News Article, Page stated that all of the accusations were complete "garbage" and that he did not meet with Sechin or Divyekin. Page also stated that he was taking a leave of absence from his work with Candidate #1's campaign because the accusations were a "distraction." Similar to the above-noted comments from officials with Candidate #1's campaign, the FBI believes that Page's comments were self-serving and, based on the source reporting described above, untrue. At the time, notwithstanding public comments from officials affiliated with Candidate #1's campaign that distanced the campaign from Page, Page's public denial about the accusations in the September 23rd News Article, and Page's subsequent statement about taking a leave of absence from his work with the campaign, because Page was one of the first identified foreign policy advisors for Candidate #1's campaign, the FBI believes that Page likely established close relationships with other members of Candidate #1's campaign and likely would have continued to have access to members of Candidate #1's campaign,

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(U) <sup>20</sup> ~~(S//NF)~~ The FBI plans to contact Page and request an interview.

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which he could exploit to attempt to exert influence on foreign policy matters, regardless of whatever formal role he played in the campaign.

V. (U)(~~S//NF~~) Page's Meeting with Another FBI Confidential Human Source.

(U) (~~S//NF~~) On or about October 17, 2016, Page met with an FBI confidential human source (Source #2),<sup>21</sup> which the FBI consensually monitored and recorded. According to the FBI's review of the recorded conversation, Source #2 made general inquiries about the media reporting regarding Page's contacts with Russian officials. Although Page did not provide any specific details to refute, dispel, or clarify the media reporting, he made vague statements that minimized his activities. Page also made general statements about a perceived conspiracy against him mounted by the media. However, notwithstanding these vague and general statements, Page admitted that he has had a "longstanding constructive relationship with the Russians, going back, throughout my life." In addition to this statement, Page made comments that lead the FBI to believe Page continues to be closely tied to Russian

<sup>21</sup>

Source Description

[REDACTED]

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officials. Specifically, Page mentioned a foreign policy think tank project (but did not disclose the specifics of the project to Source #2). With respect to funding the project, Page said, "I don't want to say there'd be an open checkbook, but the Russians would definitely [fund it] ... but, that has its pros and cons, right?" The FBI believes this statement reflects Page's belief that he has significant relationships with Russian officials who will provide financial support for this foreign policy project.

(U) (~~S//NF~~) During this meeting with Source #2, Page said that he was no longer officially affiliated with Candidate #1's campaign, but added that he may be appearing in a television interview within the next week when he travels to the United Kingdom. According to Page, the interview was to discuss the potential change in U.S. foreign policy as it pertains to Russia and Syria if Candidate #1 won the election. Accordingly, although Page claimed that he was no longer officially affiliated with the campaign, the FBI assesses that Page continued to coordinate with the Russian Government, and perhaps others, in efforts to influence U.S. foreign policy.

VI. (U) Recent Investigative Results.

(U) (~~S//NF~~) ( ) FISA-acquired information subject to sequestration

[REDACTED]

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[REDACTED] FISA-acquired information subject to sequestration [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] Now that the 2016 U.S. Presidential election is over, the FBI believes that Russia will shift its focus from the short-term goal of influencing the election to engaging in long-term perception management activities that are directed by the Russian Government. [REDACTED]

[REDACTED] FISA-acquired information subject to sequestration [REDACTED]  
[REDACTED]  
[REDACTED]

(U) A. ~~(S//NF)~~ Page's [REDACTED] Meeting with Russian Officials in July 2016.

(U) ~~(S//NF)~~ [REDACTED] Although, as stated above, Page publicly denied meeting with Russian officials during his July 2016 trip to Moscow, [REDACTED]

[REDACTED] FISA-acquired information subject to sequestration [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED] FISA-acquired information subject to sequestration

[REDACTED]  
Indeed, as noted above, [REDACTED] FISA-acquired information subject to sequestration

[REDACTED]  
(U) B. ~~(S)~~ Page's Security Conscious Behavior.

(U) (~~S//NF~~) [REDACTED] FISA-acquired information subject to sequestration

[REDACTED]  
(U) (~~S//NF~~) [REDACTED] FISA-acquired information subject to sequestration

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FISA-acquired information subject to sequestration [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) C. ~~(S//NF)~~ Page's International Travel.

(U) ~~(S//NF)~~ Sensitive Information [REDACTED]

[REDACTED]

the FBI believes that the RIS and Page may be meeting face-to-face. According to the

FBI's [REDACTED] Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

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[REDACTED] Sensitive Information [REDACTED]

[REDACTED] Based on information developed through its ongoing investigation, the FBI believes that Page works and resides in the New York City metropolitan area. Sensitive Information [REDACTED]

[REDACTED] Thus, the FBI assesses that the New York City metropolitan area provides the RIS and Russian officials with a viable area to clandestinely meet with Page.

(U) (S//NF) [REDACTED] Sensitive Information [REDACTED]

[REDACTED] The FBI assesses, based on Page's self-admitted meetings with "Russian legislators and senior members of the Presidential Administration" during his July 2016 travel to Russia, that he has already displayed a willingness to use his international travel to meet with Russian officials. FBI investigation has revealed that Page traveled internationally twice since October 2016. First, Page traveled to the United Kingdom and South Africa on or about October 22 – November 3, 2016. Second, and more notably because the travel occurred after the conclusion of the 2016 U.S. Presidential election, Page traveled to Moscow in or about December 2016. Although the FBI has no specific reporting on Page's activities during his

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international travel, based on Page's previous meeting with Russian officials while in Russia, the FBI believes that Page may have met with Russian officials or IOs during his international travel.

(U) D. ~~(S//NF)~~ Page's Russian-Funded Think Tank.

(U) ~~(S//NF)~~ [REDACTED] As discussed above, Page appears to be interested in establishing a Russian-funded think tank. Page has approached Source #2 about being part of this project, and, as mentioned above, told Source #2 that the Russians would be willing to fund it. According to more recent reporting from Source #2, who met with Page shortly after Page's return from Moscow in or about December 2016, Source #2 asked Page for additional information regarding the financials for the proposed think tank. According to Source #2, Page initially attempted to distance the think tank from Russian funding. When Source #2 reminded Page of his previous statement regarding the "open checkbook," Page did not refute his previous comment and provided some reassurance to Source #2 about the likelihood of Russian financial support. The FBI assesses that Page's attempts to downplay Russian funding for the think tank can be attributed to Page likely trying to distance himself from Russia due to media reporting that continues to tie Page to Russia, Page's desire to appear to be separate and independent, or perhaps Page was

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instructed by Russian officials during his recent travel to Russia that he should not discuss any possible Russian financial involvement.

E. [REDACTED] FISA-acquired information subject to sequestration

(U) (~~S//X~~) [REDACTED] FISA-acquired information subject to sequestration

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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(U) (S//NF) [REDACTED] FISA-acquired information subject to sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) F. (S//NF) [REDACTED]

(U) (S//NF) [REDACTED] FISA-acquired information subject to sequestration [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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FISA-acquired information subject to sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22

<sup>22</sup> (U) According to open source information, a majority of this identified news organization's subscribers are in the United States and Europe.

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(U) VII. ~~(S)~~ <sup>X</sup> Facilities Used by Page.

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<sup>23</sup> (U) Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**Sensitive Information**

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**Sensitive Information**

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1. *Journal of Management Studies*, 1997, 34(1), 1-15.

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(U) ~~(S)~~ Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S)~~ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[illegible]

**Sensitive Information**

[illegible]

### VIII. (U) Conclusion.

(U) ~~(S//NF)~~ As discussed above, the FBI believes that Page has been collaborating and conspiring with the Russian Government, to include elements of the RIS, to

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influence public opinion and affect the course of the U.S. Government. Based on the foregoing facts and circumstances, the FBI submits that there is probable cause to believe that Page knowingly aids or abets other persons, who, pursuant to the direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or on behalf of such foreign power, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

(U) ~~(S//NF)~~ As the activities discussed herein involve Page aiding, abetting, or conspiring with Russian Government officials and elements of the RIS in clandestine intelligence activities, the FBI submits that there is probable cause to believe that such activities involve or are about to involve violations of the criminal statutes of the United States, including 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951 (Agents of Foreign Governments) and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act).

(U) (S) Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

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10 U.S.C.  
 1823(a)(3)(B)]

(U)b. ~~(S)~~ The premises or property to be searched contains foreign intelligence information.

(U) ~~(S)~~ The premises or property to be searched contains foreign intelligence information, in that investigation by the FBI has determined that there is probable cause to believe that Page is an agent of Russia, a foreign power, all as described herein. Based upon its investigations of this foreign power and its agents, the FBI believes that this target maintains information, material, and/or property related to such activities secreted in the premises or property specified herein. Thus, the FBI expects that foreign intelligence information, such as that described herein, will be contained in the premises or property to be searched.

10 U.S.C.  
 § 1804(a)(3)(B)  
 and  
 323(a)(3)(C)]

(U)c. ~~(S)~~ The facilities or places at which electronic surveillance will be directed, and the premises or property to be searched.

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[REDACTED]

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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TOP SECRET//NOFORN//FISA

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S)~~ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//PSA~~

(U) (S) Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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(U) Sensitive Information

4(U) ~~ISI~~ Proposed Minimization Procedures As to all information acquired

through the authorities requested herein, the FBI will follow its

**Sensitive Information**

I.S.C.  
104(a)(4)  
[a)(4)]

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Sensitive Information

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Sensitive Information

50 U.S.C.  
§ 1804(a)(5)  
and  
823(a)(5)

5. ~~(U)~~<sup>(S)</sup> Nature of the Information Sought Through the authorities requested herein, the United States is seeking foreign intelligence information with respect to the activities of the target described above and detailed further in the certification set forth below. As indicated by the facts set forth herein, the FBI is seeking foreign intelligence information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and information with respect to a foreign power or foreign territory that relates and is necessary to the national defense, security, and the conduct of the

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foreign affairs of the United States. These same authorities may also incidentally acquire other foreign intelligence information, as defined by the Act.

**Sensitive Information**

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Sensitive Information

10 U.S.C.  
§ 1804(a)(6)(A)-  
(3)  
and  
323(a)(6)(A)-(E)

6.(U)(S) Certification The certification of the Assistant to the President for National Security Affairs or an Executive branch official duly designated by the President as a certifying official in Executive Order Numbers 12139 (electronic surveillance) and 12949 (physical search), as amended, is set forth below.

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~~TOP SECRET//NOFORN//FISA~~(U) The Purpose of the Authorities Requested

(U) (S) The FBI's foreign intelligence goals for this investigation are set forth in the certification of the Executive Branch official contained herein. However, the authorities requested in this application may produce information and material which might, when evaluated by prosecutive authorities, constitute evidence of a violation of United States law, and this investigation may result in an eventual criminal prosecution of the target. Nevertheless, as discussed in the certification, at least a significant purpose of this request for electronic surveillance and physical search is to collect foreign intelligence information as part of the FBI's investigation of this target.

40 U.S.C.  
1804(a)(7))

## 7. Sensitive Information

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~~TOP SECRET//NOFORN/FISA~~

Sensitive Information

50 U.S.C.  
§ 1804(a)(8)  
and 1823(a)(8)]

8. (U) ~~(S)~~ Facts Concerning Previous Applications Previous applications

made to and approved by this Court for authorities under the Act regarding the target, facilities, places, premises or property targeted herein, are as follows: one combined application for electronic surveillance and physical search. The most recent application was filed in docket number 2016-1182.

50 U.S.C.  
1824(d))  
50 U.S.C.  
1804(a)(9)]

9. (U) ~~(S)~~ Duration of the Authorities Requested (See also, 50 U.S.C. § 1824(d))

The authorities requested should not automatically terminate when foreign intelligence information has first been obtained. Additional information of the same type will be obtained on a continuous basis throughout the entire period requested. The activities which the United States must identify and monitor are incremental and continuous, and communications relating to such activities are often disguised to appear innocuous. The type of foreign intelligence information being sought and the fact that the activities of this target are ongoing preclude the conclusion that, at a given time, all such information has been obtained and collection can be ended. Accordingly, the United States requests the authorities specified herein for a period of ninety (90) days.

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[REDACTED] Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

12. [REDACTED]

[REDACTED]

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Sensitive Information

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(U) (S) Specific Authorities Requested Based upon the foregoing information, the United States requests that this Court authorize the FBI to conduct the activities described immediately below for the period requested herein.

(U) (S) Carter W. Page:

(a.) Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//FISA~~

~~TOP SECRET//NOFORN//FISA~~

(b.) (U) Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(d.) (U) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//FISA~~

~~TOP SECRET//NOFORN//FISA~~

Sensitive Information

(U) (e.) (S)

(U) (f.) (S)

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(U) (g) (S) Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (h) (S) [REDACTED]

[REDACTED]

[REDACTED]

(i) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

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50 U.S.C.  
1805(j)]

Sensitive Information

See 50 U.S.C.  
1842(d)(2)(C)]

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[REDACTED]

[REDACTED]  
Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

~~TOP SECRET//NOFORN//FISA~~

~~TOP SECRET//NOFORN//NSA~~**Sensitive Information**

(U) (S) The FBI has reviewed this verified application for accuracy in accordance with its April 5, 2001 procedures, which include sending a copy of the draft to the appropriate field office(s). A copy of those procedures was previously provided to the Court.

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## (U) VERIFICATION

(U) (S) I declare under penalty of perjury that the foregoing information regarding **Carter W. Page** is true and correct. Executed pursuant to Title 28, United States Code, § 1746 on January 10, 2017.

Non- SES PII

~~SECRET~~ 3/17/17  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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## (U) CERTIFICATION

(U) (X) I, the undersigned, having been designated as one of the officials authorized to make the certifications required by the Foreign Intelligence Surveillance Act of 1978, as amended, do hereby certify with regard to the electronic surveillance and physical search requested in this verified application targeting Carter W. Page, an agent of the Government of Russia, a foreign power, as follows:

[50 U.S.C.  
§§ 1804(a)(6)(A)  
and  
1823(a)(6)(A)]

(A) (U) The information sought through the authorities requested herein is foreign intelligence information.

[50 U.S.C.  
§§ 1804(a)(6)(B)  
and  
1823(a)(6)(B)]

(B) (U) At least a significant purpose of the authorities requested herein is to obtain foreign intelligence information and, notwithstanding the related criminal matters described in this application, the primary purpose of the authorities requested herein is not to obtain information for the prosecution of crimes other than those referred to in the Act, 50 U.S.C. § 1801(a)-(e), or related to such foreign intelligence crimes.

[50 U.S.C.  
§§ 1804(a)(6)(C)  
and  
1823(a)(6)(C)]

(C) (U) The foreign intelligence information sought by the authorities requested herein cannot be reasonably obtained by normal investigative techniques.

[50 U.S.C.  
§§ 1804(a)(6)(D)  
and  
1823(a)(6)(D)]

(u) (D) (X) The type of foreign intelligence information being sought through the authorities requested herein is that described in 50 U.S.C. § 1801(e)(1)(C), i.e.,

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information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and 50 U.S.C. § 1801(e)(2)(A)-(B), i.e., information with respect to a foreign power or foreign territory that relates and is necessary to the national defense or security, and the conduct of the foreign affairs of the United States. These same authorities may also incidentally acquire foreign intelligence information as defined by other subsections of 50 U.S.C. § 1801(e).

(50 U.S.C.  
§§ 1804(a)(6)(E)  
and  
1823(a)(6)(F))

(U) (E) (S) The basis for my certification that the information sought is the type of foreign intelligence information specified herein and that such information cannot be obtained by normal investigative techniques is as follows.

(U) (S) Foreign Intelligence Information The foreign intelligence information sought through the authorities requested herein is the type specified herein because it may, among other things, enable the U.S. Government to:

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//RISA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//XSA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~TOP SECRET//NOFORN//XSA~~ Potential for Use in Criminal Proceedings Another purpose of the authorities requested herein is to obtain information which may assist at some future time in the criminal prosecution of Page or others, including possibly U.S. persons. Such assistance may include:

- (1) obtaining information to support a prosecution, or a legitimate threat of prosecution, of Page for federal foreign intelligence-related criminal offenses, including, but not limited to, 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951

~~TOP SECRET//NOFORN//XSA~~

~~TOP SECRET//NOFORN//FISA~~

(Agents of Foreign Governments) and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act); and/or

(2) obtaining information to support prosecutions of others, including U.S. persons, for federal foreign intelligence-related criminal offenses.

(U) ~~(S)~~ Limitations of Normal Investigative Techniques

**Sensitive Information**

~~TOP SECRET NOFORN KISA~~

**Sensitive Information**

[illegible]



XXXXXXXXXXXXXXXXXXXX  
~~TOP SECRET//NOFORN//FISA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S) In short, none of these normal investigative techniques, or others like them, can provide the same kind of information, with the same reliability and safety, as the authorities requested herein.

(U) (S) Based upon the foregoing information, it is the Government's belief that the authorities requested herein targeting Page are critical investigative means for obtaining the foreign intelligence information identified herein.

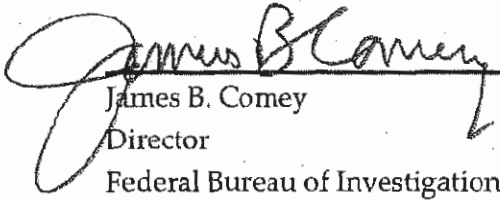
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~~TOP SECRET//NOFORN//TSA~~

(U) (S) Accordingly, I execute this certification regarding Carter W. Page in accordance with the requirements of the Foreign Intelligence Surveillance Act of 1978, as amended.

  
James B. Comey  
Director  
Federal Bureau of Investigation

\_\_\_\_\_  
John F. Kerry  
Secretary of State

\_\_\_\_\_  
Andrew G. McCabe  
Deputy Director  
Federal Bureau of Investigation

\_\_\_\_\_  
Antony J. Blinken  
Deputy Secretary of State

\_\_\_\_\_  
John O. Brennan  
Director of the Central  
Intelligence Agency


\_\_\_\_\_  
Ash Carter  
Secretary of Defense

\_\_\_\_\_  
James R. Clapper, Jr.  
Director of National Intelligence

\_\_\_\_\_  
Susan E. Rice  
Assistant to the President for  
National Security Affairs

\_\_\_\_\_  
Stephanie O'Sullivan  
Principal Deputy Director of  
National Intelligence

1/12/17  
Date

  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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~~TOP SECRET//NOFORN//FSA~~

(U) APPROVAL

(U) (S) I find that this application regarding Carter W. Page satisfies the criteria and requirements for such applications set forth in the Foreign Intelligence Surveillance Act of 1978, as amended, and hereby approve its filing with this Court.

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

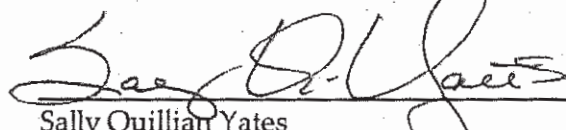
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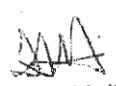
Loretta E. Lynch  
Attorney General of the United States

---

Sally Quillian Yates  
Deputy Attorney General of the United States

---

Assistant Attorney General for National Security1/12/17  
Date

 3/10/17  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

~~TOP SECRET//NOFORN//PSA~~

~~TOP SECRET//NOFORN//EISA~~

(U) (S) WHEREFORE, the United States submits that this application regarding **Carter W. Page** satisfies the criteria and requirements of the Foreign Intelligence Surveillance Act of 1978, as amended, and therefore requests that this Court authorize the activities described herein, and enter the proposed orders and warrants which accompany this application.

Respectfully submitted,

Non-SES PII

Attorney  
U.S. Department of Justice

3/17/17  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

~~TOP SECRET//NOFORN//EISA~~

XXXXXX  
SECRET

Filed  
United States Foreign  
Intelligence Surveillance Court

JAN 12 2017

UNITED STATES

LeeAnn Flynn Hall, Clerk of Court

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D. C.

IN RE CARTER W. PAGE, A U.S.

Docket Number:

17 - 52

PERSON

### PRIMARY ORDER AND WARRANT

1. An application having been made by the United States of America pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, 50 U.S.C. §§ 1801-1812 and 1821-1829 (FISA or the Act), for an order and warrant (hereinafter "order") for electronic surveillance and physical search, and full consideration having been given to the matters set forth therein, the Court finds as follows:

[50 U.S.C.  
§§ 1805(a)(1) and  
1824(a)(1)]

2. The application has been made by a Federal officer and approved by the Attorney General;

[50 U.S.C.  
§§ 1805(a)(2) and  
1824(a)(2)]

3. On the basis of the facts submitted in the verified application, there is probable cause to believe that:

SECRET

Derived from:

XXXXXXXXXX

Declassified by C28W34B64 on 2/14/2020  
this redacted version only

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(A) The Government of the Russian Federation (Russia) is a foreign power and Carter W. Page is an agent of Russia, as defined by 50 U.S.C. § 1801(b)(2)(E);

(B) as specified herein, the facilities or places at which electronic surveillance will be directed are being used or are about to be used by, and the premises or property to be searched is or is about to be owned, used, possessed by, or is in transit to or from, this target;

[50 U.S.C.  
§§ 1805(a)(3) and  
1824(a)(3)]

4. The minimization procedures proposed in the application have been adopted by the Attorney General and meet the definition of minimization procedures under 50 U.S.C §§ 1801(h) and 1821(4);

[50 U.S.C.  
§§ 1805(a)(4) and  
1824(a)(4)]

5. The application contains all statements and certifications required by 50 U.S.C. §§ 1804 and 1823, and the certification is not clearly erroneous on the basis of the statements made under 50 U.S.C. §§ 1804(a)(6)(E) and 1823(a)(6)(E), and any other information furnished under 50 U.S.C. §§ 1804(c) and 1823(c).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to the authority conferred on this Court by the Act, that the application of the United States is GRANTED, and it is

FURTHER ORDERED, as follows:

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[50 U.S.C.  
§§ 1805(c)(1) and  
1824(c)(1)]

1. The United States is authorized to conduct electronic surveillance and physical search of the target as follows; provided that the electronic surveillance shall be directed only at the facilities and places described below, using for each only the means specified below for such particular facility or place, and the physical search shall be conducted only of the premises or property described below, using for each only the manner specified below for such particular premises or property.

[REDACTED]

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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-3-

~~SECRET~~

**Sensitive Information**

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[REDACTED]

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[REDACTED]

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~~SECRET~~

Sensitive Information

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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~~XXXXXX~~  
~~SECRET~~

[REDACTED] Sensitive Information [REDACTED]

[REDACTED], the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~SECRET~~

Sensitive Information

[50 U.S.C.  
§ 1805(j)]

[See 50 U.S.C.  
§ 1842(d)(2)(C)]

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~~SECRET~~

**Sensitive Information**

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[ Sensitive Information ]

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[50 U.S.C.  
§§ 1805(c)(1)(C)  
and  
1824(c)(1)(C)]

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[50 U.S.C.  
§ 1805(c)(1)(D)]

Sensitive Information

[REDACTED]

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[50 U.S.C.  
§ 1824(c)(1)(D)]

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[50 U.S.C.  
§§ 1805(c)(1)(E)  
and  
1824(c)(1)(E)]

6. The authorities approved are for the period indicated below unless otherwise ordered by this Court.

[50 U.S.C.  
§§ 1805(c)(2)(A)  
and  
1824(c)(2)(A)]

As to all information acquired through the authorities approved herein,  
the FBI shall Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

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## Sensitive Information

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-13-



~~SECRET~~

[50 U.S.C.  
§§ 1805(c)(2)(B)-  
(D)  
and  
1824(c)(2)(B)-(D)]

Sensitive Information

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-14-



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Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[50 U.S.C.  
§ 1824(c)(2)(E)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Sensitive Information



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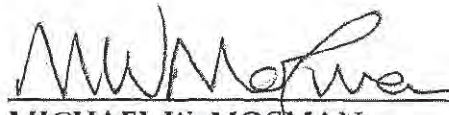
-18-

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This authorization regarding **Carter W. Page** expires at **3:00 p.m. Eastern Time**

on the 7<sup>th</sup> day of April, 2017.

Signed \_\_\_\_\_ Eastern Time  
Date Time  
01-12-2017 P04:14



**MICHAEL W. MOSMAN**  
Judge, United States Foreign  
Intelligence Surveillance Court

*LA* 3/17/10  
I, LeeAnn Flynn Hall, Clerk, FISC,  
certify that this document is  
a true and correct copy  
of the original.

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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

(U) ~~(S)~~ IN RE CARTER W. PAGE, A U.S.

Docket Number:

PERSON.

17 - 375

## (U) VERIFIED APPLICATION

(U) ~~(S)~~ The United States of America hereby applies to this Court for authority to conduct **electronic surveillance and physical search**, as described herein, pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, Title 50, United States Code (U.S.C.), §§ 1801-1812 and 1821-1829 (FISA or the Act).

50 U.S.C.  
§ 1804(a)(1) and  
823(a)(1)

1. (U) Identity of Federal Officer Making Application This application is made by **Non-SES PII**, a Supervisory Special Agent (SSA) of the Federal Bureau of Investigation (FBI) whose official duties at FBI Headquarters include supervision of the FBI's investigation of the above-captioned target based upon information officially furnished to SSA **PII**.

~~TOP SECRET//NOFORN//FISA~~~~Classified by:~~

Classification Determination Information

~~Declassify on:~~~~Declassify on:~~

Declassified by C28W34B64 on 2/27/2020  
This redacted version only

OI Tracking No. **PII**



~~TOP SECRET//NOFORN/FISA~~

50 U.S.C.  
§ 1804(a)(2) and  
823(a)(2)]

2. (U)(S) Identity of the Target The target of this application is Carter W. Page, a U.S. person, and an agent of a foreign power, described in detail below. The status of the target was determined in or about December 2016 from information provided by the U.S. Department of State. The premises or property to be searched and the information, material, or property to be seized, reproduced, or altered are described in detail below.

50 U.S.C.  
§ 1804(a)(3) and  
823(a)(3)]

3. (U)(S) Statement of Facts The United States relies upon the following facts and circumstances in support of this application.

50 U.S.C.  
§ 1804(a)(3)(  
A) and  
823(a)(3)(A)]

a. (U)(S) The target of this application is an agent of a foreign power.

(U) (S) The following describes the foreign power and sets forth in detail a description of the target and the target's activities for or on behalf of this foreign power.

(U) (S) This verified application reports on developments in the FBI's investigation of the above captioned target since the most recent application described herein. Unless stated otherwise herein, information presented in previous applications has been summarized or removed not because it was factually inaccurate but in order to create a more concise document.

(U) (S) The Government of the Russian Federation is a foreign power as defined by 50 U.S.C. § 1801(a)(1).

~~TOP SECRET//NOFORN/FISA~~

~~TOP SECRET//NOFORN//KISA~~

(U) ~~(S)~~ The Government of the Russian Federation (Russia) is an internationally recognized foreign government and, as of the execution of this application, is listed in the Diplomatic List, published by the United States Department of State, and in Permanent Missions to the United Nations, published by the United Nations, and its establishments in the United States are components thereof.

(U) ~~(S)~~ Clandestine Intelligence Activities Of The Russian Federation

Foreign Power Statement for Russia

[REDACTED]

~~TOP SECRET//NOFORN//KISA~~

~~TOP SECRET//NOFORN//FISA~~

Foreign Power Statement for Russia

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S) Carter W. Page knowingly aids or abets other persons, who, pursuant to the direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

~~TOP SECRET//NOFORN//FISA~~

~~TOP SECRET//NOFORN//NISA~~

I. (U) Overview.

(U) ~~(S//XX)~~ This application seeks renewed authority to conduct electronic surveillance and physical search of Carter Page. The FBI believes that Page has been the subject of targeted recruitment by the Russian Government for a number of years and currently is acting as an unregistered agent of the Russian Government. Page is a former foreign policy advisor to a Candidate for U.S. President (Candidate #1).<sup>1</sup> As discussed in greater detail below, the FBI believes that the Russian Government engaged in efforts to undermine and influence the outcome of the 2016 U.S. Presidential election. Although the election has concluded, for the reasons described below, the FBI believes that the Russian Government will continue attempting to use U.S. based individuals, such as Page, to covertly influence U.S. foreign policy and to support the Russian Government's perception management efforts in violation of U.S. criminal law. The FBI expects that the collection requested herein will continue to produce foreign intelligence information that will assist the FBI in more fully understanding the capabilities, activities, plans, and

---

(U) <sup>1</sup> ~~(S)~~ On or about November 8, 2016, Candidate #1 was elected President. Although Candidate #1 is now the President, in order to maintain the historical accuracy of the background information, unless otherwise stated, the original references to Candidate #1 and members of Candidate #1's campaign team will remain the same as in previous applications filed in this matter (*see* docket numbers 2016-1182 and 2017-0052).

~~TOP SECRET//NOFORN//NISA~~

~~TOP SECRET//NOFORN//FISA~~  
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intentions of the Russian Government to influence U.S. foreign policy. Such information will better enable the FBI and the U.S. Intelligence Community (USIC) to deter, disrupt, and defeat the Russian Government's and Page's activities in this regard.

II. (U) ~~(S//XX)~~ The FBI Believes that the Russian Government Engages in Influence Operations Against the United States.

(U) A. ~~(S//XX)~~ RIS Efforts to Influence U.S. Presidential Elections.

(U) ~~(S//XX)~~ During a September 2016 interview with an identified news organization, the then Director of National Intelligence (DNI) stated, "Russia has tried to influence U.S. elections since the 1960s during the Cold War" and "there's a tradition in Russia of interfering with elections, their own and others." The then DNI commented that this influence included providing money to particular candidates or providing disinformation. The then DNI added that "it shouldn't come as a big shock to people, ... I think it's more dramatic maybe because they have the cyber tools that they can bring to bear in the same effort." Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//FISA~~  
~~XXXXXXXXXXXXXXXXXXXX~~

~~TOP SECRET//NOFORN//RISA~~

Sensitive Information [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

(U) (~~XXXX~~) In or about July 2016, WikiLeaks released a trove of e-mails from the Democratic National Committee (DNC).<sup>2</sup> FBI investigation has determined that WikiLeaks obtained the DNC e-mails as a result of computer intrusions by malicious actors. There has been speculation in the U.S. media that the Russian Government was behind the hack. Russia has publicly denied any involvement in the hack. Russian President Vladimir Putin said in or about September 2016 that Russia was not responsible for the hack, but said that the release of the DNC documents was a net positive: "The important thing is the content that was given to the public."

Despite Russia's denial, according to Sensitive Information [REDACTED]

[REDACTED]

(U) <sup>2</sup> (~~S//NF~~) According to information on its website, WikiLeaks is a multi-national media organization and associated library. WikiLeaks specializes in the analysis and publication of large datasets of censored or otherwise restricted official materials involving war, spying, and corruption. According to open source information, in or about July 2016, WikiLeaks released thousands of e-mails it says are from the accounts of DNC officials. As noted herein, the FBI is investigating the role of the RIS in hacking into these accounts.

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~~TOP SECRET//NOFORN//TSA~~

Sensitive Information

[REDACTED] In addition, according to an October 7, 2016 *Joint Statement from the Department of Homeland Security and the Office of the Director of National Intelligence on Election Security* (Election Security Joint Statement), the USIC is confident that the Russian Government directed the recent compromises of e-mails from U.S. persons and institutions, including from U.S. political organizations. The Election Security Joint Statement states that the recent disclosures of e-mails on, among others, sites like WikiLeaks are consistent with the methods and motivations of Russian-directed efforts. According to the Election Security Joint Statement, these thefts and disclosures were intended to interfere with the U.S. election process; activity that is not new to Moscow – the Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there. The Election Security Joint Statement stated that, based on the scope and sensitivity of these efforts, only Russia's senior-most officials could have authorized these activities. More recently, on December 29, 2016, the White House issued a statement that the U.S. President had ordered a number of actions in response to the Russian Government's aggressive harassment of U.S. officials and cyber operations aimed at the U.S. election. According to this December 29th statement, the U.S. Presidential

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~~TOP SECRET//NOFORN//FISA~~

Administration publicized its assessment in October [2016] that Russia took actions intended to interfere with the U.S. election process and that these activities could only have been directed by the highest levels of the Russian Government [in context, this is likely a reference to the Election Security Joint Statement].

(U) ~~(S//NF)~~ Based on the Russian Government's historical efforts to influence U.S. and foreign elections, the information regarding Russia's role in hacking into the DNC, and the information discussed herein regarding Russia's coordination with Carter Page and others, the FBI believes that the Russian Government used an intelligence network, which consists of, among others, Russian Government officials, Russian state media, and elements of the RIS, to attempt to undermine and improperly and illegally influence the 2016 U.S. Presidential election. Now that the election is over, the FBI believes that the Russian Government will continue to use this intelligence network to engage in perception management activities against the United States that are designed to influence U.S. foreign policy as well as U.S. public opinion of Russia.

(U) ~~(S//NF)~~ The FBI assesses that efforts by the Russian Government to attempt to undermine and influence the 2016 U.S. Presidential election and conduct perception management activities against the United States have the effect of harming U.S. national security. As stated in the legislative history of FISA:

~~TOP SECRET//NOFORN//FISA~~

~~TOP SECRET//NOFORN//ISA~~

Not only do foreign powers engage in spying in the United States to obtain information, they also engage in activities which are intended to harm the Nation's security by affecting the course of our Government, the course of public opinion, or the activities of individuals. Such activities may include political action (recruiting, bribery or influencing of public officials to act in favor of the foreign power), disguised propaganda (including the planting of false or misleading articles or stories), and harassment, intimidation, or even assassination of individuals who oppose the foreign power. Such activity can undermine our democratic institutions as well as directly threaten the peace and safety of our citizens.

H.R. Rep. No. 95-1283, pt. 1, at 41 (1978).

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

(U) ~~(S//NF)~~ ~~(TOP SECRET//NOFORN//ISA)~~ In or about March 2016, George Papadopoulos<sup>3</sup> 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, [REDACTED]

~~(TOP SECRET//NOFORN//ISA)~~ Foreign Government Third Party Equity

[REDACTED] the FBI believes that the Russian Government's efforts to influence the 2016 U.S. Presidential election were 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 a [REDACTED]

~~(TOP SECRET//NOFORN//ISA)~~ US Government Official [REDACTED] regarding efforts made by the Russian

(U) <sup>3</sup> ~~(S)~~ Papadopoulos is a current subject of an FBI investigation.

~~TOP SECRET//NOFORN//ISA~~



~~TOP SECRET//NOFORN//TSA~~

Government to influence the 2016 U.S. Presidential election. Specifically, according to this information, during a meeting in or about April 2016 between officials of the friendly foreign government and George Papadopoulos, Foreign Government Third Party Equity

[REDACTED]

[REDACTED] 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 Russia's efforts to influence U.S. policy were likely being coordinated between the RIS and Page, and possibly others.<sup>4</sup>

(U) ~~(S//NF)~~ [REDACTED] As discussed below, Page has established relationships with

(U) <sup>4</sup> ~~(S//NF)~~ 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, 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.

~~TOP SECRET//NOFORN//TSA~~

~~TOP SECRET//NOFORN//RISA~~

Russian Government officials, including Russian intelligence officers, and was identified by source reporting as an intermediary with Russian leadership in "a well-developed conspiracy of co-operation" to influence the 2016 U.S. Presidential election. Although, as discussed below, Page no longer appears to be an advisor to the now President, **FISA-Acquired Information Subject to Sequestration**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III.(U) (S) Carter Page.

(U) A. (S) Page's Connections to Russia and the RIS.

(U) (S//NF) Page, a U.S. citizen, is the founder and managing partner of Global Energy Capital LLC (GEC), an investment management and advisory firm that focuses on the energy sector primarily in emerging markets. According to Page's biography on GEC's website, Page is a graduate of the United States Naval Academy and has a background in investment banking, and transactional experience in the energy and power sector, with specific experience in Russia, where

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he was an advisor on key transactions for Gazprom.<sup>5</sup> The FBI's investigation of Page has determined that he has had financial, political, and business ties with the Russian Government. The FBI believes that the Russian Government exploited these ties to solicit Page's cooperation with Russia's influence operations against the United States.

(U) ~~(S//NF)~~ Based on the results of FBI investigation, which includes review of open source information and information provided by Page during interviews with the FBI, from approximately 2004 - 2007, Page lived in Russia and worked as Chief Operating Officer for a U.S. investment firm (Firm #1). During this time, Page began business dealings with Gazprom and advised Gazprom on some of its largest deals and helped broker relationships with investors in both New York and London. In or about 2008, Page left Firm #1 and started GEC. According to GEC's website, GEC acts in an advisory role for individuals and organizations that wish to establish a business presence overseas. Since founding GEC, Page has mostly done advisory assignments, such as counseling foreign investors on buying assets in Russia.

(U) <sup>5</sup> ~~(S//NF)~~ According to information on Gazprom's website, Gazprom, which was established in Russia, is a global energy company that is among Russia's top four oil producers. Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

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(U) ~~(S//NF)~~ ~~XXXX~~ According to information provided by Page during a June 2009 interview with the FBI,<sup>6</sup> shortly after Page's return to the U.S. in or about 2007, Page began a professional relationship with Aleksandr Bulatov.<sup>7</sup> During the course of their relationship, which lasted about one year, Page offered to introduce Bulatov to his political and business contacts and provided a copy of Firm #1's annual report, which was not available through open sources at the time. **Sensitive Information**

**[REDACTED]**, the FBI believes Bulatov likely requested the report from Page as part of the recruitment cycle and to further assess Page's openness to provide non-public information, which would also indicate Page's willingness to act as a source for the Russian Government. According to Page, his last contact with Bulatov was in or about August 2008, approximately two months after Bulatov returned to Moscow.

(U) <sup>6</sup> ~~(S//NF)~~ ~~XXXX~~ The FBI conducted a series of interviews of Page to discuss his relationships with Aleksandr Bulatov and Victor Podobnyy, who, as discussed in detail below, **Sensitive Information**

(U) <sup>7</sup> ~~(S//NF)~~ ~~XXXX~~ Bulatov is a **Sensitive Information** **[REDACTED]** Bulatov was a Russian diplomat who was assigned to the Trade Representation Office of the Russian Federation in New York City, NY from approximately 2004 - 2007. **Sensitive Information**

**[REDACTED]**  
**[REDACTED]**  
**[REDACTED]**

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(U) ~~(S//NF)~~ According to information provided by Page during a 2013 interview with the FBI, which was conducted to discuss his relationship with Victor Podobnyy, who, as discussed below ~~Sensitive Information~~, the FBI believes that, in or about January 2013, Page began a professional relationship with Podobnyy, likely after they met at an energy symposium in New York. Podobnyy, a Russian citizen who was assigned to the Russian Federation Mission to the United Nations in New York City from approximately December 2012 to September 2013, ~~Sensitive Information~~

~~[REDACTED]~~

~~[REDACTED]~~

~~[REDACTED]~~

(U) ~~(S//NF)~~ In or about January 2015, Podobnyy, along with Evgeny Buryakov and Igor Sporyshev, were charged by a sealed complaint in the U.S. District Court for the Southern District of New York for violations of 18 U.S.C. §§ 371 and 951 (conspiring to act, and acting as, an unregistered agent of a foreign government). According to the complaint, Buryakov worked in the United States as an agent of the SVR. Specifically, Buryakov operated under non-official cover, posing as an employee in the Manhattan office of a Russian bank. Buryakov worked with two other SVR agents, Podobnyy and Sporyshev, to gather intelligence on behalf of

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Russia.<sup>8</sup> The complaint states that the intelligence gathering efforts of Podobnyy and Sporyshev included, among other things, attempting to recruit New York City residents as intelligence sources for Russia.

(U) ~~(S//XNF)~~ The FBI believes that Page is one of the individuals that Podobnyy and Sporyshev attempted to recruit. As noted above, Page began a relationship with Podobnyy in or about January 2013. According to the complaint, in or about April 2013, Podobnyy and Sporyshev discussed Podobnyy's efforts to recruit "Male-1," who was working as a consultant in New York City, as an intelligence source. In or about March 2016, the FBI again interviewed Page about his relationship with Podobnyy. Based on information provided by Page during this interview, the FBI determined that Page's relationship with Podobnyy was primarily unidirectional, with Page largely providing Podobnyy open source information and contact introductions. During one interview, Page told the FBI that he approached a Russian Minister, who was surrounded by Russian officials/diplomats, and "in the

(U) <sup>8</sup> ~~(S//XNF)~~ Buryakov was arrested in or about January 2015. At the time of Buryakov's arrest, Podobnyy and Sporyshev no longer lived in the United States and were not arrested. In or about March 2016, Buryakov pled guilty to conspiring to act in the United States as an agent of Russia without providing prior notice to the Attorney General. In or about May 2016, Buryakov was sentenced to 30 months in prison. According to information provided by the Federal Bureau of Prisons, Buryakov was released on March 31, 2017.

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spirit of openness," Page informed the group that he was "Male-1" in the Buryakov complaint. The FBI believes that this information reveals that Page was targeted as part of an RIS recruitment operation and that Podobnyy had started the actual recruitment of Page by tasking him to respond to somewhat innocuous requests. The FBI also believes that Page knew that the RIS was attempting to recruit him by self-identifying as the individual named as "Male-1" in the complaint.

(U) B. ~~(S//NF)~~ Page's Coordination with Russian Government Officials on 2016 U.S. Presidential Election Influence Activities.

(U) ~~(S//NF)~~ According to open source information, in July 2016, Page traveled to Russia and delivered the commencement address at the New Economic School.<sup>9</sup> In addition to giving this address, the FBI learned that Page met with at least two Russian officials during this trip. First, according to information provided by an FBI confidential human source (Source #1),<sup>10</sup> Sub-Source [REDACTED]<sup>11</sup> reported that Page had a

(U) <sup>9</sup> ~~(S//NF)~~ The FBI confirmed, [REDACTED] Sensitive Method that Page traveled to Russia in July 2016.

(U) <sup>10</sup> ~~(S//NF)~~ Source #1 is a [REDACTED] Foreign Government Third Party Equity [REDACTED] and had been an FBI source since in or about October 2013. Source #1 has been compensated approximately \$95,000 by the FBI. As discussed below in footnote 20, in or about October 2016, the FBI suspended its relationship with Source #1 due to Source #1's unauthorized disclosure of information to the press. Subsequently, the FBI closed Source #1 as an FBI source. Nevertheless, the FBI assesses Source #1 to be reliable as previous reporting from Source #1 has been corroborated and used in criminal proceedings. Moreover, the

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FBI notes that the incident that led the FBI to terminate its relationship with Source #1 occurred after Source #1 provided the reporting that is described herein.

(U) ~~(S//XX)~~ 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.

(U) ~~(S//XX)~~ Source #1 tasked his sub-source(s) to collect the requisite information. After Source #1 received information from the sub-source(s) described herein, Source #1 provided the information to the identified U.S. person who had hired Source #1 and to the FBI. In addition to the specific information pertaining to Page reported in this application, Source #1 provided other information relating to the Russian Government's efforts to influence the election that do not directly pertain to Page, including the possibility of Russia also possessing a dossier on Candidate #1.

(U) ~~(S//XX)~~ Notwithstanding Source #1's reason for conducting the research into Candidate #1's ties to Russia, based on Source #1's previous reporting 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.

(U) ~~(S//XX)~~ Source #1 maintains a network of sub-sources, who, in many cases, utilize their own sub-sources. The source reporting in this application, which was provided to the FBI by Source #1, is derived primarily from a **Source Descriptive** [REDACTED], who uses a network of sub-sources. Thus, neither Source #1 nor the **Source Descriptive** [REDACTED] had direct access to the information being reported by the sub-

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secret meeting with Igor Sechin, who is the President of Rosneft [a Russian energy company] and a close associate to Russian President Putin.<sup>12</sup> Sub-Source [REDACTED] reported

sources identified herein (each sub-source will be separately identified herein based on the information provided by Source #1). The FBI has no control over the [REDACTED] Source Descriptive, or any of the sub-sources used by the Source Descriptive [REDACTED].

(U) ~~(TS//NF)~~ In an effort to further corroborate Source #1's reporting, the FBI has met with Source #1's Source Descriptive sub-source described immediately above. During these interviews, the FBI found the Source Descriptive sub-source to be truthful and cooperative. Source Descriptive [REDACTED]

[REDACTED] The FBI is undertaking additional investigative steps to further corroborate the information provide by Source #1 and, where feasible, contact the sub-sources identified herein.

(U) ~~(TS//NF)~~ Source #1 reported the information contained herein to the FBI over the course of several meetings with the FBI from in or about June 2016 through August 2016.

(U) <sup>11</sup> ~~(TS//NF)~~ Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(U) <sup>12</sup> ~~(S//NF)~~ In or about April 2014, the U.S. Department of the Treasury (USDOT) announced sanctions that would be taken against Russian Government officials and entities as a result of Russian efforts to destabilize Ukraine. Sechin was identified as an official of the Russian Government, and further identified as the President and Chairman of the Management Board for Rosneft, a position he continues to hold. The USDOT announcement also stated Sechin was formerly the Deputy Prime Minister of the Russian Federation from 2008 until 2012, and from 2004 until 2008, Sechin was the Deputy Chief of Staff for Russian President Putin. The USDOT sanctions announcement identified Sechin as someone who has "shown utter loyalty to Vladimir Putin – a key component to his current standing."

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that, during the meeting, Page and Sechin discussed future bilateral energy cooperation and the prospects for an associated move to lift Ukraine-related Western sanctions against Russia. Although Sub-Source <sup>Sensitive</sup> reported that Page had reacted positively to the discussions, Sub-Source <sup>Sensitive</sup> commented that Page was generally non-committal in a response.

(U) ~~(S//XNF)~~ Second, according to Source #1, Sub-Source <sup>Sensitive</sup> reported that, in or about July 2016, an official close to S. Ivanov, who the FBI assesses to be Sergey Ivanov, the Head of the Russian Presidential Administration, confided to a compatriot that Divyekin [who is assessed to be Igor Nikolayevich Divyekin], a senior colleague in the Internal Political Department of the PA [assessed to be a reference to the Russian Presidential Administration], had met secretly with Page and that their agenda for the meeting included Divyekin raising a dossier or "kompromat"<sup>14</sup> that the Kremlin possessed on Candidate #2 and the possibility of it

<sup>13</sup> Source Descriptive

(U) <sup>14</sup> ~~(S)~~ Kompromat is a Russian term for compromising material about a politician or political figure, which is typically used to create negative publicity or blackmail.

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being released to Candidate #1's campaign.<sup>15</sup> According to reporting from Sub-Source [REDACTED], this dossier had been compiled by the RIS over many years, dating back to the 1990s. Further, according to Sub-Source [REDACTED] this dossier was, by the direct instructions of Russian President Putin, controlled exclusively by Senior Kremlin Spokesman Dmitriy Peskov. Accordingly, the FBI assesses that Divyekin received direction by the Russian Government to disclose the nature and existence of the dossier to Page. In or about June 2016, Sub-Source [REDACTED] reported that the Kremlin had been feeding information to Candidate #1's campaign for an extended period of

(U) <sup>15</sup> ~~(S//XX)~~ As noted above, in or about April 2016, Papadopoulos suggested, during a meeting with a friendly foreign government, that Russia could assist with the anonymous release of information that would be damaging to Candidate #2. The FBI assesses that Divyekin planned to offer the "kompromat" to Page during their July 2016 meeting to further influence the 2016 U.S. Presidential election by providing derogatory information about Candidate #2 to Candidate #1's campaign.

<sup>16</sup> Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

<sup>17</sup> Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

<sup>18</sup> Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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time. Sub-Source [REDACTED] also reported that the Kremlin had been feeding information to Candidate #1's campaign for an extended period of time and added that the information had reportedly been "very helpful." The FBI assesses the information funneled by the Russians to Page was likely part of Russia's efforts to influence the 2016 U.S. Presidential election.

(U) ~~(S//XNF)~~ According to information provided by Sub-Source [REDACTED], there was "a

[REDACTED] Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(U) ~~(S//XNF)~~ Of note [REDACTED] denies having any compromising information regarding the President. [REDACTED] states that aides to the President [REDACTED] reject this individual's claims to have had close access to the President.

(U) ~~(S//XNF)~~ The FBI is investigating what, if any, of the reporting discussed herein and in [REDACTED] can be attributed to the identified individual.

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well-developed conspiracy of co-operation between them [assessed to be individuals involved in Candidate #1's campaign] and the Russian leadership." Sub-Source [REDACTED] reported that the conspiracy was being managed by Candidate #1's then campaign manager, who was using, among others, foreign policy advisor Carter Page as an intermediary. Sub-Source [REDACTED] further reported that the Russian regime had been behind the above-described disclosure of DNC e-mail messages to WikiLeaks. Sub-Source [REDACTED] reported that WikiLeaks was used to create "plausible deniability," and that the operation had been conducted with the full knowledge and support of Candidate #1's team, which the FBI assessed to include at least Page. In return, according to Sub-Source [REDACTED] Candidate #1's team, which the FBI assessed to include at least Page, agreed to sideline Russian intervention in Ukraine as a campaign issue and to raise U.S./NATO defense commitments in the Baltics and Eastern Europe to deflect attention away from Ukraine.

(U) ~~(TS//NF)~~ Notably, following Page's July 2016 meeting with Sechin during which he discussed prospects for lifting Ukraine-related Western sanctions against Russia, a July 2016 article in an identified news organization reported that Candidate #1's campaign worked behind the scenes to make sure Political Party #1's platform would not call for giving weapons to Ukraine to fight Russian and rebel forces, contradicting the view of almost all Political Party #1's foreign policy leaders

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in Washington. The article stated that Candidate #1's campaign sought "to make sure that [Political Party #1] would not pledge to give Ukraine the weapons it has been asking for from the United States." Further, an August 2016 article published by an identified news organization, which characterized Candidate #1 as sounding like a supporter of Ukraine's territorial integrity in September [2015], noted that Candidate #1 had recently adopted a "milder" tone regarding Russia's annexation of Crimea. The August 2016 article further reported that Candidate #1 said Candidate #1 might recognize Crimea as Russian territory and lift punitive U.S. sanctions against Russia. The article opined that while the reason for Candidate #1's shift was not clear, Candidate #1's more conciliatory words, which contradict Political Party #1's official platform, follow Candidate #1's recent association with several people sympathetic to Russian influence in Ukraine, including foreign policy advisor Carter Page. Thus, the FBI assesses that, following Page's meetings in Russia, Page helped influence Political Party #1 and Candidate #1's campaign to alter their platforms to be more sympathetic to Russia.

(U) (S//NF) In addition to the foregoing, in or about August 2016, Sub-Source [REDACTED] reported that the above-described leak of the DNC e-mails to WikiLeaks had been done, at least in part, as an attempt to swing supporters of an identified individual, who had been running against Candidate #2 for their political party's nomination,

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away from Candidate #2 and to Candidate #1. Sub-Source [REDACTED] reported that this objective had been conceived and promoted by, among others, Page, who had discussed the objective directly with Sub-Source [REDACTED]

**IV.(U) ~~(S//NF)~~ Page's Denial of Cooperation with the Russian Government to Influence the 2016 U.S. Presidential Election.**

(U) ~~(S//NF)~~ On or about September 23, 2016, an identified news organization published an article (September 23rd News Article), which was written by the news organization's Chief Investigative Correspondent, alleging that U.S. intelligence officials are investigating Page with respect to suspected efforts by the Russian Government to influence the U.S. Presidential election. According to the September 23rd News Article, U.S. officials received intelligence reports that when Page was in Moscow in July 2016 to deliver the above-noted commencement address at the New Economic School, he met with two senior Russian officials. The September 23rd News Article stated that a "well-placed Western intelligence source" told the news organization that Page met with Igor Sechin, a longtime Putin associate and former Russian deputy minister who is now the executive chairman of Rosneft. At their alleged meeting, Sechin raised the issue of the lifting of sanctions with Page. According to the September 23rd News Article, the Western intelligence source also reported that U.S. intelligence agencies received reports that Page met with another top Putin aide - Igor Divyekin, a former Russian security official who now serves as

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deputy chief for internal policy and is believed by U.S. officials to have responsibility for intelligence collected by Russian agencies about the U.S. election.<sup>20</sup>

(U) ~~(S//NF)~~ According to the September 23rd News Article, certain members of Congress were "taken aback" after being briefed on the alleged meetings between Page and Russian officials and viewed the meetings as a possible back channel to the Russians that could undercut U.S. foreign policy. The September 23rd News Article

(U) <sup>20</sup> ~~(S)~~ 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 provided by a "well-placed Western intelligence source." The FBI does not believe that Source #1 directly provided this information to the identified news organization that published the September 23rd News Article.

(U) ~~(S//NF)~~ 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 now closed Source #1 as an active source.

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also stated that, following the briefing, the Senate Minority Leader wrote to the FBI Director, and citing the reports of meetings between an advisor to Candidate #1 [the advisor was unnamed in the letter, but the article indicated that the advisor is Page] and "high ranking sanctioned individuals" [in context, likely a reference to Sechin] in Moscow over the summer as evidence of "significant and disturbing ties" between Candidate #1's campaign and the Kremlin that needed to be investigated by the FBI.

(U) ~~TOP SECRET//NOFORN//SI~~ Based on statements in the September 23rd News Article, as well as in other articles published by identified news organizations, Candidate #1's campaign repeatedly made public statements in an attempt to distance Candidate #1's campaign from Page. For example, the September 23rd News Article noted that Page's precise role in Candidate #1's campaign is unclear. According to the article, a spokesperson for Candidate #1's campaign called Page an "informal foreign advisor" who "does not speak for [Candidate #1] or the campaign." In addition, another spokesperson for Candidate #1's campaign said that Page "has no role" and added "[w]e are not aware of any of his activities, past or present." However, the article stated that the campaign spokesperson did not respond when asked why Candidate #1 had previously described Page as an advisor. In addition, on or about September 25, 2016, an identified news organization published an article that was

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based primarily on an interview with Candidate #1's then campaign manager. During the interview, the campaign manager stated, "[Page is] not part of the campaign I'm running." The campaign manager added that Page has not been part of Candidate #1's national security or foreign policy briefings since he/she became campaign manager. In response to a question from the interviewer regarding reports that Page was meeting with Russian officials to essentially attempt to conduct diplomatic negotiations with the Russian Government, the campaign manager responded, "If [Page is] doing that, he's certainly not doing it with the permission or knowledge of the campaign . . . ." Although it appears that Candidate #1's campaign was attempting to publicly distance itself from Page, the FBI assesses, based on the totality of circumstances described herein, that Page was engaged in efforts to influence U.S. foreign policy on behalf of the Russian Government.

(U) (~~SECRET~~) On or about September 25, 2016, Page sent a letter to the FBI Director.

In this letter, Page made reference to the accusations in the September 23rd News Article and denied them. Page stated that the source of the accusations was nothing more than completely false media reports and that he did not meet with any sanctioned official in Russia. Page also stated that he would be willing to discuss

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any "final" questions the FBI may have.<sup>21</sup>

(U) ~~(S//NF)~~ Additionally, on or about September 26, 2016, an identified news organization published an article that was based on an interview with Page (September 26th News Article). In the September 26th News Article, Page stated that all of the accusations were complete "garbage" and that he did not meet with Sechin or Divyekin. Page also stated that he was taking a leave of absence from his work with Candidate #1's campaign because the accusations were a "distraction." Similar to the above-noted comments from officials with Candidate #1's campaign, the FBI believes that Page's comments were self-serving and, based on the source reporting described above, untrue. At the time, notwithstanding public comments from officials affiliated with Candidate #1's campaign that distanced the campaign from Page, Page's public denial about the accusations in the September 23rd News Article, and Page's subsequent statement about taking a leave of absence from his work with the campaign, because Page was one of the first identified foreign policy advisors for Candidate #1's campaign, the FBI believes that Page likely established close relationships with other members of Candidate #1's campaign and likely would have continued to have access to members of Candidate #1's campaign,

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(U) <sup>21</sup> ~~(S//NF)~~ As discussed below, the FBI has conducted a series of interviews with Page in or around March 2017.

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which he could exploit to attempt to exert influence on foreign policy matters, regardless of whatever formal role he played in the campaign.

V.(U) ~~(S//NF)~~ Page's Meeting with Another FBI Confidential Human Source.

(U) ~~(S//NF)~~ On or about October 17, 2016, Page met with an FBI confidential human source (Source #2),<sup>22</sup> which the FBI consensually monitored and recorded. According to the FBI's review of the recorded conversation, Source #2 made general inquiries about the media reporting regarding Page's contacts with Russian officials. Although Page did not provide any specific details to refute, dispel, or clarify the media reporting, he made vague statements that minimized his activities. Page also made general statements about a perceived conspiracy against him mounted by the media. However, notwithstanding these vague and general statements, Page admitted that he has had a "longstanding constructive relationship with the Russians, going back, throughout my life." In addition to this statement, Page made comments that lead the FBI to believe Page continues to be closely tied to Russian

<sup>22</sup>  Source Descriptive

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officials. Specifically, Page mentioned a foreign policy think tank project (but did not disclose the specifics of the project to Source #2). With respect to funding the project, Page said, "I don't want to say there'd be an open checkbook, but the Russians would definitely [fund it] ... but, that has its pros and cons, right?" The FBI believes this statement reflects Page's belief that he has significant relationships with Russian officials who will provide financial support for this foreign policy project.

(U) ~~(S//NF)~~ During this meeting with Source #2, Page said that he was no longer officially affiliated with Candidate #1's campaign, but added that he may be appearing in a television interview within the next week when he travels to the United Kingdom. According to Page, the interview was to discuss the potential change in U.S. foreign policy as it pertains to Russia and Syria if Candidate #1 won the election. Accordingly, although Page claimed that he was no longer officially affiliated with the campaign, the FBI assesses that Page continued to coordinate with the Russian Government, and perhaps others, in efforts to influence U.S. foreign policy.

VI. (U) Recent Investigative Results.

(U) ~~(S//NF)~~ [REDACTED] FISA-Acquired Information Subject to Sequestration  
[REDACTED]

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FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Now that the 2016 U.S. Presidential election is over, the FBI believes that Russia will shift its focus from the short-term goal of influencing the election to engaging in long-term perception management activities that are directed by the Russian Government. [REDACTED]

FISA-Acquired Information Subject to Sequestration

[REDACTED]

(U) A. ~~(S//NF)~~ Page's [REDACTED] Meeting with Russian Officials in July 2016.

(U) ~~(S//NF)~~ [REDACTED] Although Page publicly, and in interviews with the FBI, has denied meeting with Sechin and Divyekin during his July 2016 trip to Moscow,

FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN/FISA~~

FISA-Acquired Information Subject to Sequestration

[REDACTED]

(U) B. (S) Page's Security Conscious Behavior.

(U) (S//NF) [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

(U) (S//NF) [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

~~TOP SECRET//NOFORN/FISA~~

~~XXXXXXXXXXXXXXXXXXXX~~  
~~TOP SECRET//NOFORN//PIA~~

FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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(U) (~~S//NF~~) Additionally, and discussed in greater detail below, the FBI has conducted a number of interviews with Page in or around March 2017. As a further indication that Page is security conscious, during one interview, Page stated that he believed that he was the subject of electronic surveillance by the U.S. Government.

(U) C. (~~S//NF~~) Page's International Travel.

(U) (~~S//NF~~) [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED] the FBI believes that the RIS and Page may be meeting face-to-face.

According to the FBI's Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Based on information developed through its ongoing investigation, the FBI believes that Page works in the New York City

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~~TOP SECRET//NOFORN//RISA~~

metropolitan area, and ~~Sensitive Information~~

~~Sensitive Information~~

~~Sensitive Information~~

~~Sensitive Information~~

~~Sensitive Information~~ Thus, the FBI assesses

that the New York City metropolitan area provides the RIS and Russian officials with a viable area to clandestinely meet with Page.

(U) ~~(S//XX)~~ ~~Sensitive Information~~

~~Sensitive Information~~

~~Sensitive Information~~ The FBI assesses, based on Page's self-admitted meetings with "Russian legislators and senior members of the Presidential Administration" during his July 2016 travel to Russia, that he has already displayed a willingness to use his international travel to meet with Russian officials. FBI investigation has revealed that Page traveled internationally at least three times since October 2016. First, Page traveled to the United Kingdom and South Africa on or about October 22 – November 3, 2016. Second, and more notably because the travel occurred after the conclusion of the 2016 U.S. Presidential election, Page traveled to Moscow in or about December 2016. Third, Page traveled to Singapore in or about February

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~~TOP SECRET//NOFORN//FSA~~

2017. As discussed below, during at least two of these trips, the FBI believes that Page met with Russian Government officials.

(U) (~~S//XNF~~) As discussed in greater detail below, the FBI conducted a series of interviews with Page in or about March 2017. During the course of these interviews, Page discussed his December 2016 travel to Moscow. Page informed the FBI that, during this trip, he unexpectedly met the Russian Deputy Prime Minister Arkadiy Dvorkovich. According to Page, Dvorkovich is on the Board of the New Economic School and, like Page, Dvorkovich delivered remarks at the New Economic School graduation in July 2016. Page stated that Dvorkovich congratulated Page for Candidate #1's election and asked how to connect for future cooperation. Sensitive Information

, the FBI believes that Dvorkovich's request to connect for "future cooperation" reveals Russia's continued interest in using Page as an influence agent.

(U) (~~S//XNF~~) In addition, during his interviews with the FBI, Page also revealed that he had traveled to Singapore to participate in the 2017 Gazprom Investor Day, which occurred on February 28, 2017. Page disclosed that while he was at the

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Gazprom Investor Day, ~~Sensitive Information~~ and they scheduled a breakfast in New York, NY for later in March [2017]. According to Page, he thought that the breakfast meeting would be about future business ventures, but there was no specific agenda. As with Dvorkovich's outreach, the FBI assesses that  is interested in continuing to develop a relationship with Page in order to use Page an influence agent for or on behalf of Russia. The FBI also assesses that "future business ventures" may include ventures with Page that the Russian Government could exploit to engage in influence operations against the United States, like the proposed think tank discussed immediately below.

(U) D. ~~(S//NF)~~ Page's Russian-Funded Think Tank.

(U) ~~(S//NF)~~  As discussed above, Page appears to be interested in establishing a Russian-funded think tank. Page has approached Source #2 about

(U) <sup>23</sup> ~~(S//NF)~~ ~~Sensitive Information~~

The FBI assesses that this is likely the same individual who Page interacted with in Singapore.

(U) ~~(S//NF)~~ According to information on its website, Gazprombank was founded by Gazprom to provide banking services for gas industry enterprises. The authorized capital of Gazprombank is divided into ordinary shares, Type A preferred shares, and Type B preferred shares. The Russian Federation owns 100% of the Type A preferred shares and the State Corporation Deposit Insurance Agency owns 100% of the Type B preferred shares.

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~~TOP SECRET//NOFORN//SI~~

being part of this project, and, as mentioned above, told Source #2 that the Russians would be willing to fund it. According to more recent reporting from Source #2, who met with Page shortly after Page's return from Moscow in or about December 2016, Source #2 asked Page for additional information regarding the financials for the proposed think tank. According to Source #2, Page initially attempted to distance the think tank from Russian funding. When Source #2 reminded Page of his previous statement regarding the "open checkbook," Page did not refute his previous comment and provided some reassurance to Source #2 about the likelihood of Russian financial support. The FBI assesses that Page's attempts to downplay Russian funding for the think tank can be attributed to Page likely trying to distance himself from Russia due to media reporting that continues to tie Page to Russia, Page's desire to appear to be separate and independent, or perhaps Page was instructed by Russian officials during his recent meetings with them that he should not discuss any possible Russian financial involvement.

E. ~~TOP SECRET//NOFORN//SI~~ FISA-Acquired Information Subject to Sequestration

(U) ~~TOP SECRET//NOFORN//SI~~ FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN/FISA~~

FISA-Acquired Information Subject to Sequestration

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[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S//NF)~~ [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

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[REDACTED]

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~~TOP SECRET//NOFORN//FISA~~

FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

(U) (~~S//NF~~) [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

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(U) (~~S//NF~~) [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

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FISA-Acquired Information Subject to Sequestration

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[REDACTED]

[REDACTED]

(U) ~~(S//NF)~~ FISA-Acquired Information Subject to Sequestration the FBI assesses that Page continues to have access to senior U.S. Government officials. Moreover, the FBI further assesses that Page is attempting to downplay his contacts with the Russian Government and to dispel the controversy surrounding him, so as to

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~~TOP SECRET//NOFORN//FISA~~

make him more viable as a foreign policy expert who will be in a position, due to his continued contacts with senior U.S. Government officials, to influence U.S. foreign policy towards Russia.

(U) F. ~~(S//NF)~~ Page's Perception Management Efforts.

(U) ~~(S//NF)~~ [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<sup>24</sup> (U) According to open source information, a majority of this identified news organization's subscribers are in the United States and Europe.

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FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) G. (~~S//NF~~) Page's Letter to the U.S. Department of Justice.

(U) (~~S//NF~~) In or around February 2017, Page sent a letter to the U.S.

Department of Justice, Civil Rights Division, Voting Section, urging the review of what Page claimed was "severe election fraud in the form of disinformation, suppression of dissent, hate crimes and other extensive abuses led by members of [Candidate #2's] campaign and their political allies last year." In his letter, Page claims that he has not directly supported a political campaign since September 2016, but continues to be subjected to personal attacks by former members of Candidate #2's campaign based on fictitious information. Page wrote that his academic lecture and related meetings with scholars and business people in Moscow had no connection to the U.S. election. Page attributes the assertions in the September 23rd News Article that Page met with two senior Russian officials

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(i.e., Sechin and Diveykin) while he was in Moscow in July 2016 to give the commencement address at the New Economic School, which Page claims is "false evidence," to Candidate #2's campaign. Page further claims that the information relied on by Candidate #2's campaign, certain members of the U.S. Congress, and the media are lies that were completely fabricated by Candidate #2's paid consultants and private investigators. Notwithstanding Page's assertions that the claims against him are false, baseless, and completely fabricated, based on information developed by the FBI through its ongoing investigation of Page that is described herein, the FBI believes that Page's claims in this letter are self-serving and untrue.

(U) H. ~~(S//NF)~~ The FBI's Recent Interviews of Page.

(U) ~~(S//NF)~~ In or about March 2017, the FBI met with Page for a series of interviews. At the start of these interviews, Page provided the FBI with a written outline of the facts and events he believed to be pertinent to the FBI's investigation. The FBI assesses that Page was not completely forthcoming during his interviews. For example, one of the topics Page covered with his prepared comments was his previous experience with Evgeny Buryakov, Igor Sporyshev, and Victor Podobnyy [these individuals are discussed above on pgs. 15-17]. In a reference to the Buryakov complaint, Page stated that "nobody knows that I'm

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Male-1 in this report," and also added that he never told anyone about this. As discussed above however, during a March 2016 interview with the FBI regarding his relationship with Podobnyy, Page told the FBI that he informed a group of Russian officials that he (Page) was "Male-1" in the Buryakov complaint. Thus, during the March 2017 interview, the FBI specifically asked Page if he told any colleague that he (Page) was "Male-1." In response, Page stated that there was a conversation with a Russian Government official at the United Nations General Assembly. The FBI again asked Page if he had told anyone that he was "Male-1." Page responded that he "forgot the exact statement."

(U) (~~SI~~) Additionally, the FBI questioned Page about his previous relationship with Aleksandr Bulatov. [As discussed above, Bulatov is believed to be **Sensitive Information** during a June 2009 interview with the FBI, Page stated that he formed a professional relationship with Bulatov in or around 2007-2008.] Initially, Page claimed to not recall the name, but after further FBI questioning and looking in his phone contact list, Page claimed that he and Bulatov may have had lunch in New York.

(U) (~~SI~~) At a later point in the interviews, after the FBI explained to Page how Page could be viewed as having a source-handler or co-optee relationship with the Russian intelligence officers, Page claimed that he believed that he was

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"on the books," but that he only provided the Russian intelligence officers with "immaterial non-public" information. Page further explained, "the more immaterial non-public information I give them, the better for this country." In the context of this part of the interview, during which the FBI was specifically discussing [REDACTED] intelligence officers and their patterns of recruitment, the FBI assesses that Page was referring to the [REDACTED] when he said that he was "on the books." Although the FBI asked Page to explain any current contact he had with any possible Russian intelligence officers, Page would only discuss the time frame 2008 to 2013.

(U) (~~S//NF~~) Also during the interviews, Page denied ever meeting with Sechin or Divyekin, but, as discussed above, admitted to meeting with Russian Deputy Prime Minister Arkadiy Dvorkovich. The FBI assesses Page made this disclosure because it was publicly known that Dvorkovich was at the July 2016 graduation and that the two would have likely interacted at that time. Also, because Dvorkovich is the Russian Deputy Prime Minister, the FBI assesses that Page, by making this admission, believed he could explain the media claims that Page met with Russian officials in July 2016.

(U) (~~S//NF~~) With respect to Page's associations with Russian officials, the FBI believes that Page's strategy during these interviews was to initially deny an

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inculpatory allegation regarding such associations until Page could determine the extent of the FBI's knowledge. If the FBI appeared to know more about the allegation, the FBI believes that Page would then make a partial admission but also downplay its importance. This also appears to be Page's approach to interviews he has conducted with the news media. For example, in or about February 2017, Page was interviewed by a national news organization and was asked specifically if he had any meetings last year with Russian officials in Russia or elsewhere. Page replied that he had no meetings but may have greeted a few people as they walked by him at the graduation [in context, a reference to the commencement ceremony at the New Economic School]. Then, in or about March 2017, Page was interviewed by a different national news organization and was directly asked if he had met with the Russian Ambassador to the United States in July 2016 during a political function held in Cleveland, OH. Initially, Page said he would not comment on meetings that took place there due to confidentiality rules. The interviewer continued to press this line of questions, and Page eventually admitted that he talked "off-the-record" with the Russian Ambassador.

(U) (~~S//NF~~) During these March 2017 interviews, the FBI also questioned Page about the above-referenced reports from August 2016 that Candidate #1's campaign worked to make sure Political Party #1's platform would not call for

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~~TOP SECRET//NOFORN//FISA~~

giving weapons to Ukraine to fight Russian and rebel forces [this matter is discussed above on pgs. 23-24]. According to Page, he had no part in the campaign's decision. Page stated that an identified individual (who previously served as manager of Candidate #1's campaign) more likely than not recommended the "pro-Russian" changes. As the FBI believes that Page also holds pro-Russian views and appears to still have been a member of Candidate #1's campaign in August 2016, the FBI assesses that Page may have been downplaying his role in advocating for the change to Political Party #1's platform.

(U) (~~SECRET~~) Finally, during these interviews, the FBI questioned Page about his removal from Candidate #1's campaign. According to Page, on or about September 24, 2016, Page was told by an identified member of Candidate #1's campaign that Page was no longer part of the campaign. However, Page added that another identified member of the campaign told Page that he would still be in the "orbit" of the campaign. FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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VII.(U)(S) Facilities Used by Page.

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Sensitive Information

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[REDACTED]

[REDACTED]

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Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

VIII. (U) Conclusion.

(U) (~~S//NF~~) As discussed above, the FBI believes that Page has been collaborating and conspiring with the Russian Government, to include elements of the RIS, to influence public opinion and affect the course of the U.S. Government. Based on the foregoing facts and circumstances, the FBI submits that there is probable cause to believe that Page knowingly aids or abets other persons, who, pursuant to the direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or

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on behalf of such foreign power, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

(U) ~~(S//NF)~~ As the activities discussed herein involve Page aiding, abetting, or conspiring with Russian Government officials and elements of the RIS in clandestine intelligence activities, the FBI submits that there is probable cause to believe that such activities involve or are about to involve violations of the criminal statutes of the United States, including 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951 (Agents of Foreign Governments), and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act).

Sensitive Information

50 U.S.C.  
1823(a)(3)(B)]

(U) b. ~~(S)~~ The premises or property to be searched contains foreign intelligence information.

(U) ~~(S)~~ The premises or property to be searched contains foreign intelligence information, in that investigation by the FBI has determined that there is probable cause to believe that Page is an agent of Russia, a foreign power, all as described herein. Based upon its investigations of this foreign power and its agents, the FBI believes that this target maintains information, material, and/or property related to

~~TOP SECRET//NOFORN//SI~~

~~TOP SECRET//NOFORN//TSA~~

such activities secreted in the premises or property specified herein. Thus, the FBI expects that foreign intelligence information, such as that described herein, will be contained in the premises or property to be searched.

50 U.S.C.  
§ 1804(a)(3)(B)  
and  
323(a)(3)(C)]

(U) c. (S) The facilities or places at which electronic surveillance will be directed, and the premises or property to be searched.

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Sensitive Information

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~~TOP SECRET//NOFORN//TSA~~

~~TOP SECRET//NOFORN//FISA~~**Sensitive Information**

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//FISA~~

~~TOP SECRET//NOFORN//SI~~

Sensitive Information

[REDACTED]

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[REDACTED]

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[REDACTED]

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(U) [REDACTED]

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~~TOP SECRET//NOFORN//TSA~~

10 U.S.C.  
§ 1804(a)(4)  
and  
323(a)(4)

4.(U)(S) Proposed Minimization Procedures As to all information acquired

through the authorities requested herein, the FBI will follow its [REDACTED]

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**Sensitive Information**

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~~TOP SECRET//NOFORN//ISA~~

(Sensitive Information)

50 U.S.C.  
§ 1804(a)(5)  
nd  
823(a)(5)]

5. (U) ~~S~~ Nature of the Information Sought Through the authorities requested herein, the United States is seeking foreign intelligence information with respect to the activities of the target described above and detailed further in the certification set forth below. As indicated by the facts set forth herein, the FBI is seeking foreign intelligence information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and information with respect to a foreign power or foreign territory that relates and is necessary to the national defense, security, and the conduct of the

~~TOP SECRET//NOFORN//ISA~~

~~TOP SECRET//NOFORN//TSA~~

foreign affairs of the United States. These same authorities may also incidentally acquire other foreign intelligence information, as defined by the Act.

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~~TOP SECRET//NOFORN//FISX~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

50 U.S.C.  
§ 1804(a)(6)(A)-  
(i)  
and  
323(a)(6)(A)-(E)]

6(U) (S) Certification The certification of the Assistant to the President for National Security Affairs or an Executive branch official duly designated by the President as a certifying official in Executive Order Numbers 12139 (electronic surveillance) and 12949 (physical search), as amended, is set forth below.

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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~~TOP SECRET//NOFORN//KISA~~

(U) The Purpose of the Authorities Requested

(U) (S) The FBI's foreign intelligence goals for this investigation are set forth in the certification of the Executive Branch official contained herein. However, the authorities requested in this application may produce information and material which might, when evaluated by prosecutive authorities, constitute evidence of a violation of United States law, and this investigation may result in an eventual criminal prosecution of the target. Nevertheless, as discussed in the certification, at least a significant purpose of this request for electronic surveillance and physical search is to collect foreign intelligence information as part of the FBI's investigation of this target.

50 U.S.C.  
1804(a)(7)

■ ■ Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//FISA~~

Sensitive Information

50 U.S.C.  
§ 1804(a)(8)  
and 1823(a)(8)]

8.(U)(X) Facts Concerning Previous Applications Previous applications made to and approved by this Court for authorities under the Act regarding the target, facilities, places, premises or property targeted herein, are as follows: two combined applications for electronic surveillance and physical search. The most recent application was filed in docket number 2017-0052.

50 U.S.C.  
1824(d))  
50 U.S.C.  
1804(a)(9)]

9.(U)(S) Duration of the Authorities Requested (See also, 50 U.S.C. § 1824(d))

The authorities requested should not automatically terminate when foreign intelligence information has first been obtained. Additional information of the same type will be obtained on a continuous basis throughout the entire period requested. The activities which the United States must identify and monitor are incremental and continuous, and communications relating to such activities are often disguised to appear innocuous. The type of foreign intelligence information being sought and the fact that the activities of this target are ongoing preclude the conclusion that, at a given time, all such information has been obtained and collection can be ended. Accordingly, the United States requests the authorities specified herein for a period of ninety (90) days.

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~~TOP SECRET//NOFORN//SI~~

Sensitive Information [REDACTED]

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**Sensitive Information**

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Sensitive Information

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**Sensitive Information**

~~TOP SECRET//NOFORN//SI~~

~~TOP SECRET//NOFORN//EXA~~

**Sensitive Information**

~~TOP SECRET//NOFORN//SI~~

~~TOP SECRET//NOFORN//NSA~~

50 U.S.C.  
1805(j)]

(U) ~~(S)~~ Sensitive Information

See 50 U.S.C.  
1842(d)(2)(C)]

~~TOP SECRET//NOFORN//NSA~~

~~TOP SECRET//NOFORN//SI~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//TSA~~

  
(U) (S) The FBI has reviewed this verified application for accuracy in accordance with its April 5, 2001 procedures, which include sending a copy of the draft to the appropriate field office(s). A copy of those procedures was previously provided to the Court.

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## (U) VERIFICATION

(U) (S) I declare under penalty of perjury that the foregoing information regarding **Carter W. Page** is true and correct. Executed pursuant to Title 28, United States Code, § 1746 on \_\_\_\_\_.

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Non-SES PII  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~TOP SECRET//NOFORN//TSA~~



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## (U) CERTIFICATION

(U) ~~(S)~~ I, the undersigned, having been designated as one of the officials authorized to make the certifications required by the Foreign Intelligence Surveillance Act of 1978, as amended, do hereby certify with regard to the electronic surveillance and physical search requested in this verified application targeting **Carter W. Page**, an agent of the Government of Russia, a foreign power, as follows:

50 U.S.C.  
§ 1804(a)(6)(A)  
and  
323(a)(6)(A)]

(A) (U) The information sought through the authorities requested herein is foreign intelligence information.

50 U.S.C.  
§ 1804(a)(6)(B)  
and  
323(a)(6)(B)]

(B) (U) At least a significant purpose of the authorities requested herein is to obtain foreign intelligence information and, notwithstanding the related criminal matters described in this application, the primary purpose of the authorities requested herein is not to obtain information for the prosecution of crimes other than those referred to in the Act, 50 U.S.C. § 1801(a)-(e), or related to such foreign intelligence crimes.

50 U.S.C.  
§ 1804(a)(6)(C)  
and  
323(a)(6)(C)]

(C) (U) The foreign intelligence information sought by the authorities requested herein cannot be reasonably obtained by normal investigative techniques.

50 U.S.C.  
§ 1804(a)(6)(D)  
and  
323(a)(6)(D)]

(U)  
(D) ~~(S)~~ The type of foreign intelligence information being sought through the authorities requested herein is that described in 50 U.S.C. § 1801(e)(1)(C), i.e.,

~~TOP SECRET//NOFORN//FISX~~

~~TOP SECRET//NOFORN//PIA~~

information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and 50 U.S.C. § 1801(e)(2)(A)-(B), i.e., information with respect to a foreign power or foreign territory that relates and is necessary to the national defense or security, and the conduct of the foreign affairs of the United States. These same authorities may also incidentally acquire foreign intelligence information as defined by other subsections of 50 U.S.C. § 1801(e).

50 U.S.C.  
§ 1804(a)(6)(E)  
and  
323(a)(6)(E)

(U)(E) (X) The basis for my certification that the information sought is the type of foreign intelligence information specified herein and that such information cannot be obtained by normal investigative techniques is as follows.

(U) (X) Foreign Intelligence Information The foreign intelligence information sought through the authorities requested herein is the type specified herein because it may, among other things, enable the U.S. Government to:

**Sensitive Information**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**Sensitive Information**

~~TOP SECRET//NOFORN//TSA~~



~~TOP SECRET//NOFORN//NSA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S)~~ Potential for Use in Criminal Proceedings Another purpose of the authorities requested herein is to obtain information which may assist at some future time in the criminal prosecution of Page or others, including possibly U.S. persons. Such assistance may include:

~~TOP SECRET//NOFORN//NSA~~

~~TOP SECRET//NOFORN//TSA~~

- (1) obtaining information to support a prosecution, or a legitimate threat of prosecution, of Page for federal foreign intelligence-related criminal offenses, including, but not limited to, 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951 (Agents of Foreign Governments), and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act); and/or
- (2) obtaining information to support prosecutions of others, including U.S. persons, for federal foreign intelligence-related criminal offenses.

(U) (S) Limitations of Normal Investigative Techniques Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//TSA~~

~~TOP SECRET//NOFORN//KISA~~

**Sensitive Information**

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Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S) In short, none of these normal investigative techniques, or others like them, can provide the same kind of information, with the same reliability and safety, as the authorities requested herein.

(U) (S) Based upon the foregoing information, it is the Government's belief that the authorities requested herein targeting Page are critical investigative means for obtaining the foreign intelligence information identified herein.

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~~TOP SECRET//NOFORN//KISA~~

(U) ~~(S)~~ Accordingly, I execute this certification regarding **Carter W. Page** in accordance with the requirements of the Foreign Intelligence Surveillance Act of 1978, as amended.

\_\_\_\_\_  
James B. Comey  
Director  
Federal Bureau of Investigation

\_\_\_\_\_  
Rex Tillerson  
Secretary of State

\_\_\_\_\_  
Andrew G. McCabe  
Deputy Director  
Federal Bureau of Investigation

\_\_\_\_\_  
Deputy Secretary of State

\_\_\_\_\_  
Michael R. Pompeo  
Director of the Central  
Intelligence Agency

\_\_\_\_\_  
James N. Mattis  
Secretary of Defense

\_\_\_\_\_  
Daniel R. Coats  
Director of National Intelligence

\_\_\_\_\_  
H.R. McMaster  
Assistant to the President for  
National Security Affairs

\_\_\_\_\_  
Principal Deputy Director of  
National Intelligence

\_\_\_\_\_  
Date

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~~TOP SECRET//NOFORN//SI~~

## (U) APPROVAL

(U) ~~(S)~~ I find that this application regarding **Carter W. Page** satisfies the criteria and requirements for such applications set forth in the Foreign Intelligence Surveillance Act of 1978, as amended, and hereby approve its filing with this Court.

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//TSA~~

Sensitive Information

Dana J. Boente<sup>27</sup>  
Acting Attorney General of the United States

Date

<sup>27</sup> (U) Pursuant to Executive Order 13787 (March 31, 2017), Dana J. Boente is serving as the Acting Attorney General with respect to this matter by virtue of the Attorney General's recusal.

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~~TOP SECRET//NOFORN//FISA~~

(U) (S) WHEREFORE, the United States submits that this application regarding **Carter W. Page** satisfies the criteria and requirements of the Foreign Intelligence Surveillance Act of 1978, as amended, and therefore requests that this Court authorize the activities described herein, and enter the proposed orders and warrants which accompany this application.

Respectfully submitted,

Non-SES PII  
[REDACTED]  
[REDACTED]

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Filed  
United States Foreign  
Intelligence Surveillance Court

APR 07 2017

LeeAnn Flynn Hall, Clerk of Court

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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D. C.

IN RE CARTER W. PAGE, A U.S.

PERSON

Docket Number:

17-375

### PRIMARY ORDER AND WARRANT

1. An application having been made by the United States of America pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, 50 U.S.C. §§ 1801-1812 and 1821-1829 (FISA or the Act), for an order and warrant (hereinafter "order") for **electronic surveillance and physical search**, and full consideration having been given to the matters set forth therein, the Court finds as follows:

50 U.S.C.  
§ 1805(a)(1) and  
824(a)(1)

2. The application has been made by a Federal officer and approved by the Attorney General;

50 U.S.C.  
§ 1805(a)(2) and  
824(a)(2)

3. On the basis of the facts submitted in the verified application, there is probable cause to believe that:

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~~XXXXXXXXXX~~

Classification Determination Information

Declassified by C28W34B64 on 2/27/2020  
This redacted version only

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(A) The Government of the Russian Federation (Russia) is a foreign power and Carter W. Page is an agent of Russia, as defined by 50 U.S.C. § 1801(b)(2)(E);

(B) as specified herein, the facilities or places at which electronic surveillance will be directed are being used or are about to be used by, and the premises or property to be searched is or is about to be owned, used, possessed by, or is in transit to or from, this target;

50 U.S.C.  
§ 1805(a)(3) and  
824(a)(3)]

4. The minimization procedures proposed in the application have been adopted by the Attorney General and meet the definition of minimization procedures under 50 U.S.C §§ 1801(h) and 1821(4);

50 U.S.C.  
§ 1805(a)(4) and  
824(a)(4)]

5. The application contains all statements and certifications required by 50 U.S.C. §§ 1804 and 1823, and the certification is not clearly erroneous on the basis of the statements made under 50 U.S.C. §§ 1804(a)(6)(E) and 1823(a)(6)(E), and any other information furnished under 50 U.S.C. §§ 1804(c) and 1823(c).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to the authority conferred on this Court by the Act, that the application of the United States is GRANTED, and it is

FURTHER ORDERED, as follows:

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-2-



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**Sensitive Information**

(d.)

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Sensitive Information

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**Sensitive Information**

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Sensitive Information

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

50 U.S.C.  
1805(j)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

See 50 U.S.C.  
1842(d)(2)(C)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**Sensitive Information**

[illegible]

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- Sensitive Information [REDACTED]
- [REDACTED]
- [REDACTED]  
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[REDACTED]  
[REDACTED]  
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- [REDACTED]  
[REDACTED]  
[REDACTED]

50 U.S.C.  
§ 1805(c)(1)(C)  
and  
§ 824(c)(1)(C)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED]

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30 U.S.C.  
1805(c)(1)(D)]

**Sensitive Information**

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-10-

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50 U.S.C.  
1824(c)(1)(D)]

Sensitive Information

50 U.S.C.  
§ 1805(c)(1)(E)  
and  
824(c)(1)(E)]

6. The authorities approved are for the period indicated below unless otherwise ordered by this Court.

50 U.S.C.  
§ 1805(c)(2)(A)  
and  
824(c)(2)(A)]

As to all information acquired through the authorities approved herein, the FBI shall

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• Sensitive Information

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**Sensitive Information**

-13-

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50 U.S.C.  
§ 1805(c)(2)(B)-  
(D)  
and  
824(c)(2)(B)-(D)]

Sensitive Information

[REDACTED]

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Sensitive Information

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Sensitive Information [REDACTED]

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Sensitive Information

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This authorization regarding **Carter W. Page** expires at 3:00 p.m. Eastern Time  
on the 30<sup>th</sup> day of June, 2017.

Signed \_\_\_\_\_ 04-07-2017 12:28 Eastern Time  
Date Time

  
ANNE C. CONWAY

Judge, United States Foreign  
Intelligence Surveillance Court

 Chief Deputy Clerk,  
FISC. This document and document is a  
true and correct copy of the original.

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~~TOP SECRET//NOFORN//FISA~~

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

(U) ~~(S)~~ IN RE CARTER W. PAGE, A U.S.

Docket Number:

17 - 679

PERSON.

(U) VERIFIED APPLICATION

(U) ~~(S)~~ The United States of America hereby applies to this Court for authority to conduct electronic surveillance and physical search, as described herein, pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, Title 50, United States Code (U.S.C.), §§ 1801-1812 and 1821-1829 (FISA or the Act).

50 U.S.C.  
 § 1804(a)(1) and  
 823(a)(1)

1. (U) Identity of Federal Officer Making Application This application is made by **Non-SES PII**, a Supervisory Special Agent (SSA) of the Federal Bureau of Investigation (FBI) whose official duties at FBI Headquarters include supervision of the FBI's investigation of the above-captioned target based upon information officially furnished to SSA **PII**.

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Declassified by C28W34B64 on  
 3/6/2020- this redacted version  
 only

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Classification Determination Information

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OI Tracking No. 147743

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[50 U.S.C.  
§§ 1804(a)(2) and  
1823(a)(2)]

2. (U)(~~S~~) **Identity of the Target** The target of this application is Carter W. Page, a U.S. person, and an agent of a foreign power, described in detail below. The status of the target was determined in or about June 2017 from information provided by the U.S. Department of State. The premises or property to be searched and the information, material, or property to be seized, reproduced, or altered are described in detail below.

[50 U.S.C.  
§§ 1804(a)(3) and  
1823(a)(3)]

3. (U)(~~S~~) **Statement of Facts** The United States relies upon the following facts and circumstances in support of this application.

[50 U.S.C.  
§§ 1804(a)(3)(  
A) and  
1823(a)(3)(A)]

(U)a. (~~S~~) **The target of this application is an agent of a foreign power.**

(U) (~~S~~) The following describes the foreign power and sets forth in detail a description of the target and the target's activities for or on behalf of this foreign power.

(U) (~~S~~) This verified application reports on developments in the FBI's investigation of the above captioned target since the most recent application described herein. Unless stated otherwise herein, information presented in previous applications has been summarized or removed not because it was factually inaccurate but in order to create a more concise document.

(U) (~~S~~) **The Government of the Russian Federation is a foreign power as defined by 50 U.S.C. § 1801(a)(1).**

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~~TOP SECRET//NOFORN//RISA~~

(U) ~~(S)~~ The Government of the Russian Federation (Russia) is an internationally recognized foreign government and, as of the execution of this application, is listed in the Diplomatic List, published by the United States Department of State, and in Permanent Missions to the United Nations, published by the United Nations, and its establishments in the United States are components thereof.

(U) ~~(S)~~ Clandestine Intelligence Activities Of The Russian Federation

Foreign Power Statement for Russia

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XXXXXXXXXXXXXXXXXXXX  
~~TOP SECRET//NOFORN//FISA~~

Foreign Power Statement for Russia

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S)~~ Carter W. Page knowingly aids or abets other persons, who, pursuant to the direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

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I. (U) Overview.

(U) ~~(S//NF)~~ This application seeks renewed authority to conduct electronic surveillance and physical search of Carter Page. The FBI believes that Page has been the subject of targeted recruitment by the Russian Government for a number of years and currently is acting as an unregistered agent of the Russian Government.

(U) ~~(S//NF)~~ Page is a former foreign policy advisor to a Candidate for U.S. President (Candidate #1).<sup>1</sup> As discussed in greater detail below, the FBI believes that the Russian Government engaged in efforts to undermine and influence the outcome of the 2016 U.S. Presidential election. Although the election has concluded, for the reasons described below, the FBI believes that the Russian Government will continue attempting to use U.S.-based individuals, such as Page, to covertly influence U.S. foreign policy and to support the Russian Government's perception management efforts in violation of U.S. criminal law. The FBI expects that the collection requested herein will continue to produce foreign intelligence information that will assist the FBI in more fully understanding the capabilities, activities, plans,

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(U) ~~(S//NF)~~ On or about November 8, 2016, Candidate #1 was elected President. Although Candidate #1 is now the President, in order to maintain the historical accuracy of the background information, unless otherwise stated, the original references to Candidate #1 and members of Candidate #1's campaign team will remain the same as in previous applications filed in this matter (*see* docket numbers 2016-1182, 2017-0052, and 2017-0375).

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and intentions of the Russian Government to influence U.S. foreign policy. Such information will better enable the FBI and the U.S. Intelligence Community (USIC) to deter, disrupt, and defeat the Russian Government's and Page's activities in this regard.

II.(U) ~~(S//NF)~~ ~~XXXX~~ The FBI Believes that the Russian Government Engages in Influence Operations Against the United States.

(U) A. ~~(S//NF)~~ ~~XXXX~~ RIS Efforts to Influence U.S. Presidential Elections.

(U) ~~(S//NF)~~ During a September 2016 interview with an identified news organization, the then Director of National Intelligence (DNI) stated, "Russia has tried to influence U.S. elections since the 1960s during the Cold War" and "there's a tradition in Russia of interfering with elections, their own and others." The then DNI commented that this influence included providing money to particular candidates or providing disinformation. The then DNI added that "it shouldn't come as a big shock to people, ... I think it's more dramatic maybe because they have the cyber tools that they can bring to bear in the same effort." Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//TSA~~

Sensitive Information

(U) ~~(S//NF)~~ In or about July 2016, WikiLeaks released a trove of e-mails from the

Democratic National Committee (DNC).<sup>2</sup> FBI investigation has determined that

WikiLeaks obtained the DNC e-mails as a result of computer intrusions by malicious actors. There has been speculation in the U.S. media that the Russian Government was behind the hack. Russia has publicly denied any involvement in the hack.

Russian President Vladimir Putin said in or about September 2016 that Russia was not responsible for the hack, but said that the release of the DNC documents was a net positive: "The important thing is the content that was given to the public."

Despite Russia's denial, Sensitive Information

(U) <sup>2</sup> ~~(S//NF)~~ According to information on its website, WikiLeaks is a multi-national media organization and associated library. WikiLeaks specializes in the analysis and publication of large datasets of censored or otherwise restricted official materials involving war, spying, and corruption. According to open source information, in or about July 2016, WikiLeaks released thousands of e-mails it says are from the accounts of DNC officials. As noted herein, the FBI is investigating the role of the RIS in hacking into these accounts.

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Sensitive Information

[REDACTED] In addition, according to an October 7, 2016 *Joint Statement from the Department of Homeland Security and the Office of the Director of National Intelligence on Election Security* (Election Security Joint Statement), the USIC is confident that the Russian Government directed the recent compromises of e-mails from U.S. persons and institutions, including from U.S. political organizations. The Election Security Joint Statement states that the recent disclosures of e-mails on, among others, sites like WikiLeaks are consistent with the methods and motivations of Russian-directed efforts. According to the Election Security Joint Statement, these thefts and disclosures were intended to interfere with the U.S. election process; activity that is not new to Moscow – the Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there. The Election Security Joint Statement stated that, based on the scope and sensitivity of these efforts, only Russia's senior-most officials could have authorized these activities. More recently, on December 29, 2016, the White House issued a statement that the U.S. President had ordered a number of actions in response to the Russian Government's aggressive harassment of U.S. officials and cyber operations aimed at the U.S. election. According to this December 29th statement, the U.S. Presidential

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Administration publicized its assessment in October [2016] that Russia took actions intended to interfere with the U.S. election process and that these activities could only have been directed by the highest levels of the Russian Government [in context, this is likely a reference to the Election Security Joint Statement].

(U) ~~(S//NF)~~ Based on the Russian Government's historical efforts to influence U.S. and foreign elections, the information regarding Russia's role in hacking into the DNC, and the information discussed herein regarding Russia's coordination with Carter Page and others, the FBI believes that the Russian Government used an intelligence network, which consists of, among others, Russian Government officials, Russian state media, and elements of the RIS, to attempt to undermine and improperly and illegally influence the 2016 U.S. Presidential election. Now that the election is over, the FBI believes that the Russian Government will continue to use this intelligence network to engage in perception management activities against the United States that are designed to influence U.S. foreign policy as well as U.S. public opinion of Russia.

(U) ~~(S//NF)~~ The FBI assesses that efforts by the Russian Government to attempt to undermine and influence the 2016 U.S. Presidential election and conduct perception management activities against the United States have the effect of harming U.S. national security. As stated in the legislative history of FISA:

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Not only do foreign powers engage in spying in the United States to obtain information, they also engage in activities which are intended to harm the Nation's security by affecting the course of our Government, the course of public opinion, or the activities of individuals. Such activities may include political action (recruiting, bribery or influencing of public officials to act in favor of the foreign power), disguised propaganda (including the planting of false or misleading articles or stories), and harassment, intimidation, or even assassination of individuals who oppose the foreign power. Such activity can undermine our democratic institutions as well as directly threaten the peace and safety of our citizens.

H.R. Rep. No. 95-1283, pt. 1, at 41 (1978).

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

(U) ~~(S//NF)~~ In or about March 2016, George Papadopoulos<sup>3</sup> 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, Sensitive Internal

Sensitive Information

[REDACTED] the FBI believes that the Russian Government's efforts to influence the 2016 U.S. Presidential election were 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 a [REDACTED]

US Government Official [REDACTED] regarding efforts made by the Russian

(U) <sup>3</sup> ~~(S)~~ Papadopoulos is a current subject of an FBI investigation.

~~TOP SECRET//NOFORN//SI~~

~~TOP SECRET//NOFORN//RISX~~

Government to influence the 2016 U.S. Presidential election. Specifically, according to this information, during a meeting in or about April 2016 between officials of the friendly foreign government and Papadopoulos, Foreign Government Third Party Equity

[REDACTED]

[REDACTED] 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 Russia's efforts to influence U.S. policy were likely being coordinated between the RIS and Page, and possibly others.<sup>4</sup>

(U) ~~(S//NF)~~ [REDACTED] As discussed below, Page has established relationships with

(U) <sup>4</sup> ~~(S//NF)~~ 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, 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.

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Russian Government officials, including Russian intelligence officers, and was identified by source reporting as an intermediary with Russian leadership in "a well-developed conspiracy of co-operation" to influence the 2016 U.S. Presidential election. Although, as discussed below, Page no longer appears to be an advisor to the now President, **FISA-Acquired Information Subject to Sequestration**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. (U)(S) Carter Page.

(U) A. (S) Page's Connections to Russia and the RIS.

(U) (S//NF) Page, a U.S. citizen, is the founder and managing partner of Global Energy Capital LLC (GEC), an investment management and advisory firm that focuses on the energy sector primarily in emerging markets. According to Page's biography on GEC's website, Page is a graduate of the United States Naval Academy and has a background in investment banking, and transactional experience in the energy and power sector, with specific experience in Russia, where

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he was an advisor on key transactions for Gazprom.<sup>5</sup> The FBI's investigation of Page has determined that he has had financial, political, and business ties with the Russian Government. The FBI believes that the Russian Government exploited these ties to solicit Page's cooperation with Russia's influence operations against the United States.

(U) ~~(S//XNF)~~ Based on the results of FBI investigation, which includes review of open source information and information provided by Page during interviews with the FBI, from approximately 2004 - 2007, Page lived in Russia and worked as Chief Operating Officer for a U.S. investment firm (Firm #1). During this time, Page began business dealings with Gazprom and advised Gazprom on some of its largest deals and helped broker relationships with investors in both New York and London. In or about 2008, Page left Firm #1 and started GEC. According to GEC's website, GEC acts in an advisory role for individuals and organizations that wish to establish a business presence overseas. Since founding GEC, Page has mostly done advisory assignments, such as counseling foreign investors on buying assets in Russia.

(U) <sup>5</sup> ~~(S//XNF)~~ According to information on Gazprom's website, Gazprom, which was established in Russia, is a global energy company that is among Russia's top four oil producers. Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

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(U) ~~(S//NF)~~ According to information provided by Page during a June 2009 interview with the FBI,<sup>6</sup> shortly after Page's return to the U.S. in or about 2007, Page began a professional relationship with Aleksandr Bulatov.<sup>7</sup> During the course of their relationship, which lasted about one year, Page offered to introduce Bulatov to his political and business contacts and provided a copy of Firm #1's annual report, which was not available through open sources at the time. Sensitive Information

[REDACTED] the FBI believes Bulatov likely requested the report from Page as part of the recruitment cycle and to further assess Page's openness to provide non-public information, which would also indicate Page's willingness to act as a source for the Russian Government. According to Page, his last contact with Bulatov was in or about August 2008, approximately two months after Bulatov returned to Moscow.

(U) <sup>6</sup> ~~(S//NF)~~ The FBI conducted a series of interviews of Page to discuss his relationships with Aleksandr Bulatov and Victor Podobnyy, who, as discussed in detail below, Sensitive Information [REDACTED].

(U) <sup>7</sup> ~~(S//NF)~~ Bulatov is a Sensitive Information [REDACTED] Bulatov was a Russian diplomat who was assigned to the Trade Representation Office of the Russian Federation in New York City, NY from approximately 2004 - 2007. Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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(U) ~~(S//NF)~~ According to information provided by Page during a 2013 interview with the FBI, which was conducted to discuss his relationship with Victor Podobnyy, who, as discussed below, **Sensitive Information**, the FBI believes that, in or about January 2013, Page began a professional relationship with Podobnyy, likely after they met at an energy symposium in New York.

Podobnyy, a Russian citizen who was assigned to the Russian Federation Mission to the United Nations in New York City from approximately December 2012 to September 2013, **Sensitive Information**

**[REDACTED]**

**[REDACTED]**

**[REDACTED]**

(U) ~~(S//NF)~~ In or about January 2015, Podobnyy, along with Evgeny Buryakov and Igor Sporyshev, were charged by a sealed complaint in the U.S. District Court for the Southern District of New York for violations of 18 U.S.C. §§ 371 and 951 (conspiring to act, and acting as, an unregistered agent of a foreign government). According to the complaint, Buryakov worked in the United States as an agent of the SVR. Specifically, Buryakov operated under non-official cover, posing as an employee in the Manhattan office of a Russian bank. Buryakov worked with two other SVR agents, Podobnyy and Sporyshev, to gather intelligence on behalf of

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Russia.<sup>8</sup> The complaint states that the intelligence gathering efforts of Podobnyy and Sporyshev included, among other things, attempting to recruit New York City residents as intelligence sources for Russia.

(U) ~~(S//NF)~~ The FBI believes that Page is one of the individuals that Podobnyy and Sporyshev attempted to recruit. As noted above, Page began a relationship with Podobnyy in or about January 2013. According to the complaint, in or about April 2013, Podobnyy and Sporyshev discussed Podobnyy's efforts to recruit "Male-1," who was working as a consultant in New York City, as an intelligence source. In or about March 2016, the FBI again interviewed Page about his relationship with Podobnyy. Based on information provided by Page during this interview, the FBI determined that Page's relationship with Podobnyy was primarily unidirectional, with Page largely providing Podobnyy open source information and contact introductions. During one interview, Page told the FBI that he approached a Russian Minister, who was surrounded by Russian officials/diplomats, and "in the

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(U) <sup>8</sup> ~~(S//NF)~~ Buryakov was arrested in or about January 2015. At the time of Buryakov's arrest, Podobnyy and Sporyshev no longer lived in the United States and were not arrested. In or about March 2016, Buryakov pled guilty to conspiring to act in the United States as an agent of Russia without providing prior notice to the Attorney General. In or about May 2016, Buryakov was sentenced to 30 months in prison. According to information provided by the Federal Bureau of Prisons, Buryakov was released on March 31, 2017.

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spirit of openness," Page informed the group that he was "Male-1" in the Buryakov complaint. The FBI believes that this information reveals that Page was targeted as part of an RIS recruitment operation and that Podobnyy had started the actual recruitment of Page by tasking him to respond to somewhat innocuous requests. The FBI also believes that Page knew that the RIS was attempting to recruit him by self-identifying as the individual named as "Male-1" in the complaint.

(U) B. ~~(S//NF)~~ Page's Coordination with Russian Government Officials on 2016 U.S. Presidential Election Influence Activities.

(U) ~~(S//NF)~~ According to open source information, in July 2016, Page traveled to Russia and delivered the commencement address at the New Economic School.<sup>9</sup> In addition to giving this address, the FBI learned that Page met with at least two Russian officials during this trip. First, according to information provided by an FBI confidential human source (Source #1),<sup>10</sup> Sub-Source #1<sup>11</sup> reported that Page had a

(U) <sup>9</sup> ~~(S//NF)~~ The FBI confirmed, **Sensitive Method** that Page traveled to Russia in July 2016.

(U) <sup>10</sup> ~~(S//NF)~~ Source #1 is a **Foreign Government Third Party Equity** and was opened as an FBI source in or about October 2013. Source #1 has been compensated approximately \$95,000 by the FBI. As discussed below in footnote 22, in or about October 2016, the FBI suspended its relationship with Source #1 due to Source #1's unauthorized disclosure of information to the press. Subsequently, the FBI closed Source #1 as an FBI source. Nevertheless, the FBI assesses Source #1 to be reliable as previous reporting from Source #1 has been corroborated and used in criminal proceedings. Moreover, the

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FBI notes that the incident that led the FBI to terminate its relationship with Source #1 occurred after Source #1 provided the reporting that is described herein.

(U) ~~(S//NF)~~ 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.

(U) ~~(S//NF)~~ Source #1 tasked his sub-source(s) to collect the requisite information. After Source #1 received information from the sub-source(s) described herein, Source #1 provided the information to the identified U.S. person who had hired Source #1 and to the FBI. In addition to the specific information pertaining to Page reported in this application, Source #1 provided other information relating to the Russian Government's efforts to influence the election that do not directly pertain to Page, including the possibility of Russia also possessing a dossier on Candidate #1.

(U) ~~(S//NF)~~ Notwithstanding Source #1's reason for conducting the research into Candidate #1's ties to Russia, based on Source #1's previous reporting 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.

(U) ~~(S//NF)~~ Source #1 maintains a network of sub-sources, who, in many cases, utilize their own sub-sources. The source reporting in this application, which was provided to the FBI by Source #1, is derived primarily from a Source Descriptive [REDACTED], who uses a network of sub-sources. Thus, neither Source #1 nor the [REDACTED] had direct access to the information being reported by the sub-

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secret meeting with Igor Sechin, who is the President of Rosneft [a Russian energy company] and a close associate to Russian President Putin.<sup>12</sup> Sub-Source [REDACTED] reported

sources identified herein (each sub-source will be separately identified herein based on the information provided by Source #1). The FBI has no control over the [REDACTED] or any of the sub-sources used by the [REDACTED]

(U) ~~(S//NF)~~ In an effort to further corroborate Source #1's reporting, the FBI has met with Source #1's [REDACTED] sub-source described immediately above. During these interviews, the FBI found the [REDACTED] sub-source to be truthful and cooperative. The [REDACTED] Source Descriptive [REDACTED] The FBI is undertaking additional investigative steps to further corroborate the information provide by Source #1 and, where feasible, contact the sub-sources identified herein.

(U) ~~(S//NF)~~ Source #1 reported the information contained herein to the FBI over the course of several meetings with the FBI from in or about June 2016 through August 2016.

(U) <sup>11</sup> ~~(S//NF)~~ Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(U) <sup>12</sup> ~~(S//NF)~~ In or about April 2014, the U.S. Department of the Treasury (USDOT) announced sanctions that would be taken against Russian Government officials and entities as a result of Russian efforts to destabilize Ukraine. Sechin was identified as an official of the Russian Government, and further identified as the President and Chairman of the Management Board for Rosneft, a position he continues to hold. The USDOT announcement also stated Sechin was formerly the Deputy Prime Minister of the Russian Federation from 2008 until 2012, and from 2004 until 2008, Sechin was the Deputy Chief of Staff for Russian President Putin. The USDOT sanctions announcement identified Sechin as someone who has "shown utter loyalty to Vladimir Putin – a key component to his current standing."

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that, during the meeting, Page and Sechin discussed future bilateral energy cooperation and the prospects for an associated move to lift Ukraine-related Western sanctions against Russia. Although Sub-Source [REDACTED] reported that Page had reacted positively to the discussions, Sub-Source [REDACTED] commented that Page was generally non-committal in a response.

(U) ~~(S//NF)~~ As discussed below, the FBI believes that it has obtained additional information consistent with the above-described reporting from Sub-Source [REDACTED] that Page met with Sechin while Page was in Moscow in July 2016. Specifically, in or about June 2017, the FBI interviewed [REDACTED] and individual [REDACTED] who is closely tied to the president of the New Economic School in Moscow. During this interview, [REDACTED] the individual informed the FBI that an individual identified as Andrej Krickovic<sup>13</sup> presented the idea of Page giving the New

[REDACTED] Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Sensitive Information [REDACTED]

[REDACTED] the FBI determined [REDACTED] Sensitive Information [REDACTED]  
[REDACTED] Krickovic had contact with Russian intelligence officers,  
[REDACTED] Sensitive Information [REDACTED] The FBI believes [REDACTED] Sensitive Information [REDACTED]  
[REDACTED] was attempting to recruit Krickovic to wittingly or unwittingly work for the RIS.

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Economic School commencement address. Although individual [REDACTED] characterization of Page was negative, and the commencement speakers were typically heads of state and Nobel Laureates, nevertheless individual [REDACTED] said they invited Page because Page was "[Candidate #1's] Russia-guy." individual [REDACTED] also informed the FBI that Sensitive Information [REDACTED] of Page's July 2016 trip to Moscow, and while individual [REDACTED] individual [REDACTED] recalled an instance where Page was picked-up in a chauffeured car and that it was rumored at that time that Page had met with Igor Sechin.

(U) (S//XNF) Second, according to Source #1, Sub-Source [REDACTED] reported that, in or about July 2016, an official close to S. Ivanov, who the FBI assesses to be Sergey Ivanov, the Head of the Russian Presidential Administration, confided to a compatriot that Divyekin [who is assessed to be Igor Nikolayevich Divyekin], a

Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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senior colleague in the Internal Political Department of the PA [assessed to be a reference to the Russian Presidential Administration], had met secretly with Page and that their agenda for the meeting included Divyekin raising a dossier or "kompromat"<sup>15</sup> that the Kremlin possessed on Candidate #2 and the possibility of it being released to Candidate #1's campaign.<sup>16</sup> According to reporting from Sub-Source [REDACTED] this dossier had been compiled by the RIS over many years, dating back to the 1990s. Further, according to Sub-Source [REDACTED] this dossier was, by the direct instructions of Russian President Putin, controlled exclusively by Senior Kremlin

(U) <sup>15</sup> ~~(S//NF)~~ Kompromat is a Russian term for compromising material about a politician or political figure, which is typically used to create negative publicity or blackmail.

(U) <sup>16</sup> ~~(S//NF)~~ As noted above, in or about April 2016, Papadopoulos suggested, during a meeting with a friendly foreign government, that Russia could assist with the anonymous release of information that would be damaging to Candidate #2. The FBI assesses that Divyekin planned to offer the "kompromat" to Page during their July 2016 meeting to further influence the 2016 U.S. Presidential election by providing derogatory information about Candidate #2 to Candidate #1's campaign.

■ Source Descriptive

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

■ Source Descriptive

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Spokesman Dmitry Peskov. Accordingly, the FBI assesses that Divyekin received direction by the Russian Government to disclose the nature and existence of the dossier to Page. In or about June 2016, Sub-Source [REDACTED] reported that the Kremlin had been feeding information to Candidate #1's campaign for an extended period of time. Sub-Source [REDACTED] also reported that the Kremlin had been feeding information

[REDACTED]  
■ Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

■ [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Source Descriptive [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(U) (~~S//NF~~) Of note [REDACTED] denies having any compromising information regarding the President. [REDACTED] states that aides to the President [REDACTED] reject this individual's claims to have had close access to the President.

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to Candidate #1's campaign for an extended period of time and added that the information had reportedly been "very helpful." The FBI assesses the information funneled by the Russians to Page was likely part of Russia's efforts to influence the 2016 U.S. Presidential election.

(U) ~~(S//NF)~~ According to information provided by Sub-Source [REDACTED] there was "a well-developed conspiracy of co-operation between them [assessed to be individuals involved in Candidate #1's campaign] and the Russian leadership." Sub-Source [REDACTED] reported that the conspiracy was being managed by Candidate #1's then campaign manager, who was using, among others, foreign policy advisor Carter Page as an intermediary. Sub-Source [REDACTED] further reported that the Russian regime had been behind the above-described disclosure of DNC e-mail messages to WikiLeaks. Sub-Source [REDACTED] reported that WikiLeaks was used to create "plausible deniability," and that the operation had been conducted with the full knowledge and support of Candidate #1's team, which the FBI assessed to include at least Page. In return, according to Sub-Source [REDACTED] Candidate #1's team, which the FBI assessed to include at least Page, agreed to sideline Russian intervention in Ukraine as a campaign issue

(U) ~~(S//NF)~~ The FBI is investigating what, if any, of the reporting discussed herein and in Source Descriptive [REDACTED] can be attributed to the identified individual.

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and to raise U.S./NATO defense commitments in the Baltics and Eastern Europe to deflect attention away from Ukraine.

(U) (~~TS//NF~~) Notably, following Page's July 2016 meeting with Sechin during which he discussed prospects for lifting Ukraine-related Western sanctions against Russia, a July 2016 article in an identified news organization reported that

Candidate #1's campaign worked behind the scenes to make sure Political Party #1's platform would not call for giving weapons to Ukraine to fight Russian and rebel forces, contradicting the view of almost all Political Party #1's foreign policy leaders in Washington. The article stated that Candidate #1's campaign sought "to make sure that [Political Party #1] would not pledge to give Ukraine the weapons it has been asking for from the United States." Further, an August 2016 article published by an identified news organization, which characterized Candidate #1 as sounding like a supporter of Ukraine's territorial integrity in September [2015], noted that Candidate #1 had recently adopted a "milder" tone regarding Russia's annexation of Crimea. The August 2016 article further reported that Candidate #1 said Candidate #1 might recognize Crimea as Russian territory and lift punitive U.S. sanctions against Russia. The article opined that while the reason for Candidate #1's shift was not clear, Candidate #1's more conciliatory words, which contradict Political Party #1's official platform, follow Candidate #1's recent association with several people

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sympathetic to Russian influence in Ukraine, including foreign policy advisor Carter Page. Thus, the FBI assesses that, following Page's meetings in Russia, Page helped influence Political Party #1 and Candidate #1's campaign to alter their platforms to be more sympathetic to Russia.

(U) ~~(S//NF)~~ In addition to the foregoing, in or about August 2016, Sub-Source [REDACTED]

reported that the above-described leak of the DNC e-mails to WikiLeaks had been done, at least in part, as an attempt to swing supporters of an identified individual, who had been running against Candidate #2 for their political party's nomination, away from Candidate #2 and to Candidate #1. Sub-Source [REDACTED] reported that this objective had been conceived and promoted by, among others, Page, who had discussed the objective directly with Sub-Source [REDACTED]

(U) ~~(S//NF)~~ [REDACTED] Based on reporting from another FBI confidential human source (Source #2),<sup>21</sup> as well as information obtained through [REDACTED]

## FISA-Acquired Information Subject to Sequestration

<sup>21</sup> [REDACTED]

Sensitive Information [REDACTED]

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~~FISA-Acquired Information Subject to Sequestration~~ Specifically, on or about August 20, 2016, Page met with Source #2 ~~Sensitive Information~~, which meeting was consensually monitored and recorded. During the course of their meeting, Source #2 discussed the 1980 "October Surprise" [in context, the FBI believes this refers to the conspiracy theory that, in October 1980, a candidate for U.S. President conspired with Iran to beat his opponent in the election by making a deal with Iran by which Iran would continue to hold hostages at the U.S. Embassy in Tehran until after the election]. Page claimed that there would be a "different October surprise" this year. Later, according to Source #2,

~~Sensitive Information~~ 

Page responded, "No well I – well I want to have the conspiracy theory about the, uh, the Ru- the next email dump with these, uh 33 thousand, you know."

(U) ~~(S//NF)~~  ~~FISA-Acquired Information Subject to Sequestration~~

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FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. (U) ~~(S//NF)~~ Page's Denial of Cooperation with the Russian Government to Influence the 2016 U.S. Presidential Election.

(U) ~~(S//NF)~~ On or about September 23, 2016, an identified news organization published an article (September 23rd News Article), which was written by the news organization's Chief Investigative Correspondent, alleging that U.S. intelligence officials are investigating Page with respect to suspected efforts by the Russian Government to influence the U.S. Presidential election. According to the September 23rd News Article, U.S. officials received intelligence reports that when Page was in Moscow in July 2016 to deliver the above-noted commencement address at the New Economic School, he met with two senior Russian officials. The September 23rd News Article stated that a "well-placed Western intelligence source" told the news organization that Page met with Igor Sechin, a longtime Putin associate and former

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Russian deputy minister who is now the executive chairman of Rosneft. At their alleged meeting, Sechin raised the issue of the lifting of sanctions with Page.

According to the September 23rd News Article, the Western intelligence source also reported that U.S. intelligence agencies received reports that Page met with another top Putin aide - Igor Divyekin, a former Russian security official who now serves as deputy chief for internal policy and is believed by U.S. officials to have responsibility for intelligence collected by Russian agencies about the U.S. election.<sup>22</sup>

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(U) <sup>22</sup> ~~(S)~~ 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 provided by a "well-placed Western intelligence source." The FBI does not believe that Source #1 directly provided this information to the identified news organization that published the September 23rd News Article.

(U) ~~(TS//SI)~~ 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

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(U) ~~(S//NF)~~ According to the September 23rd News Article, certain members of Congress were "taken aback" after being briefed on the alleged meetings between Page and Russian officials and viewed the meetings as a possible back channel to the Russians that could undercut U.S. foreign policy. The September 23rd News Article also stated that, following the briefing, the Senate Minority Leader wrote to the FBI Director, and citing the reports of meetings between an advisor to Candidate #1 [the advisor was unnamed in the letter, but the article indicated that the advisor is Page] and "high ranking sanctioned individuals" [in context, likely a reference to Sechin] in Moscow over the summer as evidence of "significant and disturbing ties" between Candidate #1's campaign and the Kremlin that needed to be investigated by the FBI.

(U) ~~(S//NF)~~ Based on statements in the September 23rd News Article, as well as in other articles published by identified news organizations, Candidate #1's campaign repeatedly made public statements in an attempt to distance Candidate #1's campaign from Page. For example, the September 23rd News Article noted that Page's precise role in Candidate #1's campaign is unclear. According to the article, a spokesperson for Candidate #1's campaign called Page an "informal foreign

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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.

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advisor" who "does not speak for [Candidate #1] or the campaign." In addition, another spokesperson for Candidate #1's campaign said that Page "has no role" and added "[w]e are not aware of any of his activities, past or present." However, the article stated that the campaign spokesperson did not respond when asked why Candidate #1 had previously described Page as an advisor. In addition, on or about September 25, 2016, an identified news organization published an article that was based primarily on an interview with Candidate #1's then campaign manager. During the interview, the campaign manager stated, "[Page is] not part of the campaign I'm running." The campaign manager added that Page has not been part of Candidate #1's national security or foreign policy briefings since he/she became campaign manager. In response to a question from the interviewer regarding reports that Page was meeting with Russian officials to essentially attempt to conduct diplomatic negotiations with the Russian Government, the campaign manager responded, "If [Page is] doing that, he's certainly not doing it with the permission or knowledge of the campaign . . . ." Although it appears that Candidate #1's campaign was attempting to publicly distance itself from Page, the FBI assesses, based on the totality of circumstances described herein, that Page was engaged in efforts to influence U.S. foreign policy on behalf of the Russian Government.

(U) ~~(S//NF)~~ On or about September 25, 2016, Page sent a letter to the FBI Director.

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In this letter, Page made reference to the accusations in the September 23rd News Article and denied them. Page stated that the source of the accusations was nothing more than completely false media reports and that he did not meet with any sanctioned official in Russia. Page also stated that he would be willing to discuss any "final" questions the FBI may have.<sup>23</sup>

(U) ~~(S//NF)~~ Additionally, on or about September 26, 2016, an identified news organization published an article that was based on an interview with Page (September 26th News Article). In the September 26th News Article, Page stated that all of the accusations were complete "garbage" and that he did not meet with Sechin or Divyekin. Page also stated that he was taking a leave of absence from his work with Candidate #1's campaign because the accusations were a "distraction." Similar to the above-noted comments from officials with Candidate #1's campaign, the FBI believes that Page's comments were self-serving and, based on the source reporting described above, untrue. At the time, notwithstanding public comments from officials affiliated with Candidate #1's campaign that distanced the campaign from Page, Page's public denial about the accusations in the September 23rd News Article, and Page's subsequent statement about taking a leave of absence from his

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(U) <sup>23</sup> ~~(S//NF)~~ As discussed below, the FBI conducted a series of interviews with Page in or around March 2017.

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work with the campaign, because Page was one of the first identified foreign policy advisors for Candidate #1's campaign, the FBI believes that Page likely established close relationships with other members of Candidate #1's campaign and likely would have continued to have access to members of Candidate #1's campaign, which he could exploit to attempt to exert influence on foreign policy matters, regardless of whatever formal role he played in the campaign.

V. (U) ~~(S//NF)~~ Page's Additional Interactions with Source #2.

(U) ~~(S//NF)~~ On or about October 17, 2016, Page met with Source #2, which meeting the FBI consensually monitored and recorded. According to the FBI's review of the recorded conversation, Source #2 made general inquiries about the media reporting regarding Page's contacts with Russian officials. Although Page did not provide any specific details to refute, dispel, or clarify the media reporting, he made vague statements that minimized his activities. Page also made general statements about a perceived conspiracy against him mounted by the media. However, notwithstanding these vague and general statements, Page admitted that he has had a "longstanding constructive relationship with the Russians, going back, throughout my life." In addition to this statement, Page made comments that lead the FBI to believe Page continues to be closely tied to Russian officials. Specifically, Page mentioned a foreign policy think tank project (but did not disclose the specifics

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of the project to Source #2). With respect to funding the project, Page said, "I don't want to say there'd be an open checkbook, but the Russians would definitely [fund it] ... but, that has its pros and cons, right?" The FBI believes this statement reflects Page's belief that he has significant relationships with Russian officials who will provide financial support for this foreign policy project.

(U) ~~(S//NF)~~ During this meeting with Source #2, Page said that he was no longer officially affiliated with Candidate #1's campaign, but added that he may be appearing in a television interview within the next week when he travels to the United Kingdom. According to Page, the interview was to discuss the potential change in U.S. foreign policy as it pertains to Russia and Syria if Candidate #1 won the election. Accordingly, although Page claimed that he was no longer officially affiliated with the campaign, the FBI assesses that Page continued to coordinate with the Russian Government, and perhaps others, in efforts to influence U.S. foreign policy.

VI. (U) Additional Investigative Results.

(U) ~~(S//NF)~~ [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//FISA~~**FISA-Acquired Information Subject to Sequestration**

[REDACTED] Now that the 2016 U.S. Presidential election is over, the FBI believes that Russia will shift its focus from the short-term goal of influencing the election to engaging in long-term perception management activities that are directed by the Russian Government. [REDACTED]

**FISA-Acquired Information Subject to Sequestration**

[REDACTED]

(U) A. ~~(S//NF)~~ Page [REDACTED] Meeting with Russian Officials in July 2016.

(U) ~~(S//NF)~~ [REDACTED] Although Page publicly, and in interviews with the FBI, has denied meeting with Sechin and Divyekin during his July 2016 trip to Moscow,

**FISA-Acquired Information Subject to Sequestration**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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FISA-Acquired Information Subject to Sequestration [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) B. ~~(S)~~ Page's Security Conscious Behavior.

(U) ~~(S//NF)~~ [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S//NF)~~ [REDACTED] The FBI believes that Page may have taken steps to destroy evidence of his involvement with Russian efforts to undermine and influence the outcome of the 2016 U.S. Presidential election. During the above-referenced March 2017 interviews, Page informed the FBI that, in or about mid-October 2016, his cell phone had been accidentally destroyed and that as a result he lost all of

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[REDACTED] communications Sensitive Information [REDACTED] Specifically, Page said that he dropped his cell phone while crossing a street, but did not realize that he had dropped the cell phone until after it was run-over by a vehicle. The FBI finds this suspicious because this is around the same time that Page was being explicitly referenced in media reports as possibly being investigated for his ties to Russia. FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S//NF) [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

<sup>24</sup> Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//KSA~~

FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//ISA~~

(U) ~~(S//NF)~~ In or about June 2017, the FBI interviewed Klimentov. During this interview, Klimentov revealed that he believed that Page was in Moscow for only two and a half days on the July 2016 trip.<sup>25</sup> When asked if he was aware of any meeting between Page and Sechin, Klimentov said that he did not think it was likely that the two met. Notwithstanding Klimentov's statement that he does not think that Page met with Sechin during Page's July 2016 trip to Moscow, the FBI believes, based on the above-described information provided by Sensitive Information that it was rumored that Page met with Sechin, that Page and Sechin likely met prior to the time that Page joined Klimentov at the New Economic School.

(U) ~~(S//NF)~~ [REDACTED] The FBI also assesses that Klimentov does not know about all of the meetings that Page had when he was in Moscow in July 2016. For example, during the FBI's interview of Klimentov, the FBI asked him if he had any knowledge about a meeting between Page and Arkadiy Dvorkovich, who is the Russian Deputy Prime Minister. Klimentov said that he knew Page attempted to schedule a meeting with the New Economic School board, which would have included Dvorkovich, but the meeting never took place. Klimentov told the FBI that he had no memory of any meeting between Page and Dvorkovich. [REDACTED]

<sup>25</sup> Sensitive Method

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~~TOP SECRET//NOFORN//FISA~~

FISA-Acquired Information Subject to Sequestration

(U) C. ~~(S//NF)~~ Page's International Travel.

(U) ~~(S//NF)~~ FISA-Acquired Information Subject to Sequestration

the FBI believes that the RIS and Page may have previously met face-to-face. According to the FBI's Sensitive Information

Based on information developed through its ongoing investigation, the FBI believes that Page works in the New York City metropolitan area, and, Sensitive Information,

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Sensitive Information [REDACTED]. Additionally, the FBI's ongoing investigation has revealed that Page has moved out of his Sensitive Information [REDACTED]

[REDACTED]. Thus, the FBI assesses that the New York City metropolitan area provides the RIS and Russian officials with a viable area to clandestinely meet with Page.

(U) ~~(S//NF)~~ Sensitive Information [REDACTED]

[REDACTED] The FBI assesses, based on Page's self-admitted meetings with FISA-Acquired Information [REDACTED] " during his July 2016 travel to Russia, that he has already displayed a willingness to use his international travel to meet with Russian officials. FBI investigation has revealed that Page traveled internationally at least three times since October 2016. First, Page traveled to the United Kingdom and South Africa on or about October 22 – November 3, 2016. Second, and more notably because the travel occurred after the conclusion of the 2016 U.S. Presidential election, Page traveled to Moscow in or about December 2016. Third, Page traveled to Singapore in or about February 2017. As discussed below, during at least two of these trips, the FBI believes that Page met with Russian Government officials.

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(U) ~~(S//NF)~~ As discussed in greater detail below, the FBI conducted a series of interviews with Page in or about March 2017. During the course of these interviews, Page discussed his December 2016 travel to Moscow. Page informed the FBI that, during this trip, he unexpectedly met the Russian Deputy Prime Minister Arkadiy Dvorkovich. According to Page, Dvorkovich is on the Board of the New Economic School and, like Page, Dvorkovich delivered remarks at the New Economic School graduation in July 2016. Page stated that Dvorkovich congratulated Page for Candidate #1's election and asked how to connect for future cooperation. [REDACTED]

**Sensitive Information**

[REDACTED], the FBI believes that Dvorkovich's request to connect for "future cooperation" reveals Russia's continued interest in using Page as an influence agent.

(U) ~~(S//NF)~~ [REDACTED] FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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(U) (~~S//NF~~) In addition, during his interviews with the FBI, Page also revealed that he had traveled to Singapore to participate in the 2017 Gazprom Investor Day, which occurred on February 28, 2017. Page disclosed that while he was at the Gazprom Investor Day, Sensitive Information and they scheduled a breakfast in New York, NY for later in March [2017]. According to Page, he thought that the breakfast meeting would be about future business ventures, but there was no specific agenda. As with Dvorkovich's outreach, the FBI assesses that [REDACTED] is interested in continuing to develop a relationship with Page in order to use Page as an influence agent for or on behalf of Russia. The FBI also assesses that "future business ventures" may include ventures with Page that the Russian Government could exploit to engage in influence operations against the United States, like the proposed think tank discussed immediately below.

<sup>26</sup> Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]

The FBI assesses that this is likely the same individual who Page interacted with in Singapore.

(U) (~~S//NF~~) According to information on its website, Gazprombank was founded by Gazprom to provide banking services for gas industry enterprises. The authorized capital of Gazprombank is divided into ordinary shares, Type A preferred shares, and Type B preferred shares. The Russian Federation owns 100% of the Type A preferred shares and the State Corporation Deposit Insurance Agency owns 100% of the Type B preferred shares.

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(U) D. ~~(S//NF)~~ Page's Russian-Funded Think Tank.

(U) ~~(S//NF)~~ [REDACTED] As discussed above, Page appeared to be interested in establishing a Russian-funded think tank. Page approached Source #2 about being part of this project, and, as mentioned above, told Source #2 that the Russians would be willing to fund it. According to more recent reporting from Source #2, who met with Page shortly after Page's return from Moscow in or about December 2016, Source #2 asked Page for additional information regarding the financials for the proposed think tank. According to Source #2, Page initially attempted to distance the think tank from Russian funding. When Source #2 reminded Page of his previous statement regarding the "open checkbook," Page did not refute his previous comment and provided some reassurance to Source #2 about the likelihood of Russian financial support. The FBI assesses that Page's attempts to downplay Russian funding for the think tank can be attributed to Page likely trying to distance himself from Russia due to media reporting that continues to tie Page to Russia, Page's desire to appear to be separate and independent, or perhaps Page was instructed by Russian officials during his recent meetings with them that he should not discuss any possible Russian financial involvement.

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(U) ~~(S//NF)~~ Based on more recent information developed through its ongoing investigation of Page, the FBI now assesses that Page is no longer interested in establishing a think tank, likely due to the lack of funding.

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(U) ~~(S//NF)~~ ~~TOP SECRET//NOFORN/FISA~~ FISA-Acquired Information Subject to Sequestration

[REDACTED]

(U) ~~(S//NF)~~ [REDACTED]

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FISA-Acquired Information Subject to Sequestration

[REDACTED]

(U) ~~(S)~~ [REDACTED]

[REDACTED]

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FISA-Acquired Information Subject to Sequestration

(U) (S//XX) [REDACTED]

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~~TOP SECRET//NOFORN//FISA~~**FISA-Acquired Information Subject to Sequestration**  
[REDACTED]

(U) ~~(S//NF)~~ **FISA-Acquired Information Subject to Sequestration**, the FBI assesses that Page continues to have access to senior U.S. Government officials. Moreover, the FBI further assesses that Page is attempting to downplay his contacts with the Russian Government and to dispel the controversy surrounding him, so as to make him more viable as a foreign policy expert who will be in a position, due to his continued contacts with senior U.S. Government officials, to influence U.S. foreign policy towards Russia.

(U) F. ~~(S//NF)~~ Page's Perception Management Efforts.

(U) ~~(S//NF)~~ **FISA-Acquired Information Subject to Sequestration**  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**FISA-Acquired Information Subject to Sequestration**  
[REDACTED]

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~~TOP SECRET//NOFORN//FISA~~

FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) G. ~~(S//NF)~~ Page's Letter to the U.S. Department of Justice.

(U) ~~(S//NF)~~ In or around February 2017, Page sent a letter to the U.S. Department of Justice, Civil Rights Division, Voting Section, urging the review of what Page claimed was "severe election fraud in the form of disinformation, suppression of dissent, hate crimes and other extensive abuses led by members of [Candidate #2's] campaign and their political allies last year." In his letter, Page claims that he has

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not directly supported a political campaign since September 2016, but continues to be subjected to personal attacks by former members of Candidate #2's campaign based on fictitious information. Page wrote that his academic lecture and related meetings with scholars and business people in Moscow had no connection to the U.S. election. Page attributes the assertions in the September 23rd News Article that Page met with two senior Russian officials (i.e., Sechin and Diveykin) while he was in Moscow in July 2016 to give the commencement address at the New Economic School, which Page claims is "false evidence," to Candidate #2's campaign. Page further claims that the information relied on by Candidate #2's campaign, certain members of the U.S. Congress, and the media are lies that were completely fabricated by Candidate #2's paid consultants and private investigators. Notwithstanding Page's assertions that the claims against him are false, baseless, and completely fabricated, based on information developed by the FBI through its ongoing investigation of Page that is described herein, the FBI believes that Page's claims in this letter are self-serving and untrue.

(U) H. ~~(S//NF)~~ The FBI's Interviews of Page.

(U) ~~(S//NF)~~ In or about March 2017, the FBI met with Page for a series of interviews. At the start of these interviews, Page provided the FBI with a written outline of the facts and events he believed to be pertinent to the FBI's investigation.

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The FBI assesses that Page was not completely forthcoming during his interviews. For example, one of the topics Page covered with his prepared comments was his previous experience with Evgeny Buryakov, Igor Sporyshev, and Victor Podobnyy [these individuals are discussed above on pgs. 15-17]. In a reference to the Buryakov complaint, Page stated that "nobody knows that I'm Male-1 in this report," and also added that he never told anyone about this. As discussed above however, during a March 2016 interview with the FBI regarding his relationship with Podobnyy, Page told the FBI that he informed a group of Russian officials that he (Page) was "Male-1" in the Buryakov complaint. Thus, during the March 2017 interview, the FBI specifically asked Page if he told any colleague that he (Page) was "Male-1." In response, Page stated that there was a conversation with a Russian Government official at the United Nations General Assembly. The FBI again asked Page if he had told anyone that he was "Male-1." Page responded that he "forgot the exact statement."

(U) ~~(S//NF)~~ Additionally, the FBI questioned Page about his previous relationship with Aleksandr Bulatov. [As discussed above, Bulatov is believed to be **Sensitive Information**; during a June 2009 interview with the FBI, Page stated that he formed a professional relationship with Bulatov in or around 2007-2008.] Initially, Page claimed to not recall the name, but after further FBI questioning and

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looking in his phone contact list, Page claimed that he and Bulatov may have had lunch in New York.

(U) ~~(S//NF)~~ At a later point in the interviews, after the FBI explained to Page how Page could be viewed as having a source-handler or co-optee relationship with the Russian intelligence officers, Page claimed that he believed that he was "on the books," but that he only provided the Russian intelligence officers with "immaterial non-public" information. Page further explained, "the more immaterial non-public information I give them, the better for this country." In the context of this part of the interview, during which the FBI was specifically discussing [REDACTED] intelligence officers and their patterns of recruitment, the FBI assesses that Page was referring to the [REDACTED] when he said that he was "on the books." Although the FBI asked Page to explain any current contact he had with any possible Russian intelligence officers, Page would only discuss the time frame 2008 to 2013.

(U) ~~(S//NF)~~ ~~XXXX~~ Also during the interviews, Page denied ever meeting with Sechin or Divyekin, but, as discussed above, admitted to meeting with Russian Deputy Prime Minister Arkadiy Dvorkovich. The FBI assesses Page made this disclosure because it was publicly known that Dvorkovich was at the July 2016 graduation and that the two would have likely interacted at that time. Also, because Dvorkovich is the Russian Deputy Prime Minister, the FBI assesses that Page, by making this

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~~TOP SECRET//NOFORN//FISA~~

admission, believed he could explain the media claims that Page met with Russian officials in July 2016.

(U) ~~(S//NF)~~ With respect to Page's associations with Russian officials, the FBI believes that Page's strategy during these interviews was to initially deny an inculpatory allegation regarding such associations until Page could determine the extent of the FBI's knowledge. If the FBI appeared to know more about the allegation, the FBI believes that Page would then make a partial admission but also downplay its importance.

(U) ~~(S//NF)~~ For example, Page downplayed his interactions with Dvorkovich during his March 2017 interviews with the FBI. During these interviews, Page characterized his interaction with Dvorkovich in July 2016 as a simple introduction in passing and a brief handshake. FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//FISA~~



~~TOP SECRET//NOFORN//USA~~**FISA-Acquired Information Subject to Sequestration**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S//NF)~~ Page's strategy of initially denying an inculpatory allegation regarding his associations and then making a partial admission also appears to be Page's approach to interviews he has conducted with the news media. For example, in or about February 2017, Page was interviewed by a national news organization and was asked specifically if he had any meetings last year with Russian officials in Russia or elsewhere. Page replied that he had no meetings but may have greeted a few people as they walked by him at the graduation [in context, a reference to the commencement ceremony at the New Economic School]. Then, in or about March 2017, Page was interviewed by a different national news organization and was

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directly asked if he had met with the Russian Ambassador to the United States in July 2016 during a political function held in Cleveland, OH. Initially, Page said he would not comment on meetings that took place there due to confidentiality rules. The interviewer continued to press this line of questions, and Page eventually admitted that he talked "off-the-record" with the Russian Ambassador.

(U) (~~S//NF~~) During these March 2017 interviews, the FBI also questioned Page about the above-referenced reports from August 2016 that Candidate #1's campaign worked to make sure Political Party #1's platform would not call for giving weapons to Ukraine to fight Russian and rebel forces [this matter is discussed above on pgs. 25-26]. According to Page, he had no part in the campaign's decision. Page stated that an identified individual (who previously served as manager of Candidate #1's campaign) more likely than not recommended the "pro-Russian" changes. As the FBI believes that Page also holds pro-Russian views and appears to still have been a member of Candidate #1's campaign in August 2016, the FBI assesses that Page may have been downplaying his role in advocating for the change to Political Party #1's platform.

(U) (~~S//NF~~) Finally, during these interviews, the FBI questioned Page about his removal from Candidate #1's campaign. According to Page, on or about September 24, 2016, Page was told by an identified member of Candidate #1's campaign that

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Page was no longer part of the campaign. However, Page added that another identified member of the campaign told Page that he would still be in the "orbit" of the campaign. FISA-Acquired Information Subject to Sequestration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) (S//NF) FISA-Acquired Information Subject to Sequestration

[REDACTED] the FBI believes this may be the result of multiple factors, such as the media exposure that Page has received in relation to the FBI's investigation into allegations of Russian Government interference into the 2016 U.S. Presidential election as well as multiple media reports from in or about April 2017 that the FBI obtained a FISA warrant to surveil Page. Additionally, based on Page's history of willingness to assist Russian IOs, which as discussed above the FBI believes began as early as 2007 (see page 14), and his comment to the FBI that he believes he is "on the [REDACTED] books," the FBI believes that Page remains favorable to future RIS taskings.

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(U) ~~(S//NF)~~ The FBI also notes that Page continues to be active in meeting with media outlets to promote his theories of how U.S. foreign policy should be adjusted with regard to Russia and also to refute claims of his involvement with Russian Government efforts to influence the 2016 U.S. Presidential election. [REDACTED]

Sensitive Information [REDACTED]

[REDACTED] The FBI believes this approach is important because, from the Russian Government's point-of-view, it continues to keep the controversy of the election in the front of the American and world media, which has the effect of undermining the integrity of the U.S. electoral process and weakening the effectiveness of the current U.S. Administration. The FBI believes Page also may be seeking media attention in order to maintain momentum for potential book contracts.

(U)  
VII. ~~(S)~~ Facilities Used by Page.

Sensitive Information [REDACTED]

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Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Sensitive Information [REDACTED]

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**Sensitive Information**

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**Sensitive Information**

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**Sensitive Information**

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~~TOP SECRET//NOFORN//FSA~~

Sensitive Information



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Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

VIII. (U) Conclusion.

(U) ~~(S//NF)~~ As discussed above, the FBI believes that Page has been collaborating and conspiring with the Russian Government, to include elements of the RIS, to influence public opinion and affect the course of the U.S. Government. Based on the foregoing facts and circumstances, the FBI submits that there is probable cause to believe that Page knowingly aids or abets other persons, who, pursuant to the

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direction of an intelligence service or network of Russia, knowingly engage in clandestine intelligence activities (other than intelligence gathering activities) for or on behalf of such foreign power, or knowingly conspires with other persons to engage in such activities and, therefore, is an agent of a foreign power as defined by 50 U.S.C. § 1801(b)(2)(E).

(U) ~~(S//NF)~~ As the activities discussed herein involve Page aiding, abetting, or conspiring with Russian Government officials and elements of the RIS in clandestine intelligence activities, the FBI submits that there is probable cause to believe that such activities involve or are about to involve violations of the criminal statutes of the United States, including 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951 (Agents of Foreign Governments), and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act).

Sensitive Information

[50 U.S.C.  
§ 1823(a)(3)(B)]

(U) b. ~~(S)~~ The premises or property to be searched contains foreign intelligence information.

(U) ~~(S)~~ The premises or property to be searched contains foreign intelligence information, in that investigation by the FBI has determined that there is probable cause to believe that Page is an agent of Russia, a foreign power, all as described

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herein. Based upon its investigations of this foreign power and its agents, the FBI believes that this target maintains information, material, and/or property related to such activities secreted in the premises or property specified herein. Thus, the FBI expects that foreign intelligence information, such as that described herein, will be contained in the premises or property to be searched.

[50 U.S.C.  
§§ 1804(a)(3)(B)  
and  
1823(a)(3)(C)]

(U) c. ~~(S)~~ The facilities or places at which electronic surveillance will be directed, and the premises or property to be searched.

**Sensitive Information**

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Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//ISA~~

~~TOP SECRET//NOFORN//FSA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//FSA~~

~~TOP SECRET//NOFORN//ISA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] New

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//ISA~~

XXXXXXXXXXXXXXXXXXXX  
~~TOP SECRET//NOFORN//RISA~~

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[50 U.S.C.  
§§ 1804(a)(4)  
and  
1823(a)(4)]

4.(U~~S~~) Proposed Minimization Procedures As to all information acquired  
through the authorities requested herein, the FBI will follow its [REDACTED]

Sensitive Information [REDACTED]

[REDACTED]

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~~XTOP SECRET//NOFORN//RSA~~

**Sensitive Information**

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1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

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[illegible][illegible]

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~~TOP SECRET//NOFORN//RISAX~~



~~TOP SECRET//NOFORN//KISA~~

**Sensitive Information**

~~TOP SECRET//NOFORN//SI~~

~~TOP SECRET//NOFORN//RISA~~Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]

[50 U.S.C.  
§§ 1804(a)(5)  
and  
1823(a)(5)]

5. (U)<sup>X</sup> Nature of the Information Sought Through the authorities requested herein, the United States is seeking foreign intelligence information with respect to the activities of the target described above and detailed further in the certification set forth below. As indicated by the facts set forth herein, the FBI is seeking foreign intelligence information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and information with respect to a foreign power or foreign territory that relates and is necessary to the national defense, security, and the conduct of the foreign affairs of the United States. These same authorities may also incidentally acquire other foreign intelligence information, as defined by the Act.

Sensitive Information [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]~~TOP SECRET//NOFORN//RISA~~

~~TOP SECRET//NOFORN//USA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//USA~~

~~TOP SECRET//NOFORN//TSA~~

[50 U.S.C.  
§§ 1804(a)(6)(A)-  
(E)  
and  
1823(a)(6)(A)-(E)]

6. (U)(S) Certification The certification of the Assistant to the President for National Security Affairs or an Executive branch official duly designated by the President as a certifying official in Executive Order Numbers 12139 (electronic surveillance) and 12949 (physical search), as amended, is set forth below.

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) The Purpose of the Authorities Requested

(U) (S) The FBI's foreign intelligence goals for this investigation are set forth in the certification of the Executive Branch official contained herein. However, the authorities requested in this application may produce information and material which might, when evaluated by prosecutive authorities, constitute evidence of a

~~TOP SECRET//NOFORN//TSA~~







~~TOP SECRET//NOFORN//SI~~

**Sensitive Information**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//SI~~

~~XXXXXXXXXXXXXXXXXXXX~~  
~~TOP SECRET//NOFORN//RISX~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//RISX~~

**Sensitive Information**

-80-

~~TOP SECRET//NOFORN//EKS~~

**Sensitive Information**

~~TOP SECRET//NOFORN//TSA~~

XXXXXXXXXXXXXXXXXXXX  
~~TOP SECRET//NOFORN//SI~~

(U) (S) Specific Authorities Requested Based upon the foregoing information, the United States requests that this Court authorize the FBI to conduct the activities described immediately below for the period requested herein.

(U) (S) Carter W. Page:

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//SI~~

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
TOP SECRET//NOFORN//FISA

**Sensitive Information**

[illegible]~~TOP SECRET//NOFORN//SI~~



~~TOP SECRET//NOFORN//TSA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//TSA~~

~~TOP SECRET//NOFORN//USA~~

Sensitive Information [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//USA~~

~~TOP SECRET//NOFORN//ISA~~

Sensitive Information

[50 U.S.C.  
§ 1805(j)]

[See 50 U.S.C.  
§ 1842(d)(2)(C)]

~~TOP SECRET//NOFORN//ISA~~

~~TOP SECRET//NOFORN//SI~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//SI~~



~~TOP SECRET//NOFORN//FISX~~  
XXXXXXXXXXXXXXXXXXXX

(U) VERIFICATION

(U) (S) I declare under penalty of perjury that the foregoing information regarding Carter W. Page is true and correct. Executed pursuant to Title 28, United States Code, § 1746 on 06/28/2017.

**Non-SES PII**

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XXXXXXXXXXXXXXXXXXXX



~~TOP SECRET//NOFORN//RISA~~

(U) CERTIFICATION

(U) ~~(S)~~ I, the undersigned, having been designated as one of the officials authorized to make the certifications required by the Foreign Intelligence Surveillance Act of 1978, as amended, do hereby certify with regard to the electronic surveillance and physical search requested in this verified application targeting **Carter W. Page**, an agent of the Government of Russia, a foreign power, as follows:

[50 U.S.C.  
§§ 1804(a)(6)(A)  
and  
1823(a)(6)(A)]

(A) (U) The information sought through the authorities requested herein is foreign intelligence information.

[50 U.S.C.  
§§ 1804(a)(6)(B)  
and  
1823(a)(6)(B)]

(B) (U) At least a significant purpose of the authorities requested herein is to obtain foreign intelligence information and, notwithstanding the related criminal matters described in this application, the primary purpose of the authorities requested herein is not to obtain information for the prosecution of crimes other than those referred to in the Act, 50 U.S.C. § 1801(a)-(e), or related to such foreign intelligence crimes.

[50 U.S.C.  
§§ 1804(a)(6)(C)  
and  
1823(a)(6)(C)]

(C) (U) The foreign intelligence information sought by the authorities requested herein cannot be reasonably obtained by normal investigative techniques.

[50 U.S.C.  
§§ 1804(a)(6)(D)  
and  
1823(a)(6)(D)]

(U) (D) ~~(S)~~ The type of foreign intelligence information being sought through the authorities requested herein is that described in 50 U.S.C. § 1801(e)(1)(C), i.e.,

~~TOP SECRET//NOFORN//RISA~~

~~TOP SECRET//NOFORN//SI~~

information that relates and is necessary to the ability of the United States to protect against clandestine intelligence activities by an intelligence service or network of this foreign power or by agents of this foreign power, and 50 U.S.C. § 1801(e)(2)(A)-(B), i.e., information with respect to a foreign power or foreign territory that relates and is necessary to the national defense or security, and the conduct of the foreign affairs of the United States. These same authorities may also incidentally acquire foreign intelligence information as defined by other subsections of 50 U.S.C. § 1801(e).

[50 U.S.C.  
§§ 1804(a)(6)(E)  
and  
1823(a)(6)(E)]

(U) (E) (S) The basis for my certification that the information sought is the type of foreign intelligence information specified herein and that such information cannot be obtained by normal investigative techniques is as follows.

(U) (S) Foreign Intelligence Information The foreign intelligence information sought through the authorities requested herein is the type specified herein because it may, among other things, enable the U.S. Government to:

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//SI~~

~~TOP SECRET//NOFORN//FISA~~

**Sensitive Information**

~~TOP SECRET//NOFORN//SI~~

~~TOP SECRET//NOFORN//TSA~~Sensitive Information  
[REDACTED]

(U) (S) Potential for Use in Criminal Proceedings Another purpose of the authorities requested herein is to obtain information which may assist at some future time in the criminal prosecution of Page or others, including possibly U.S. persons. Such assistance may include:

~~TOP SECRET//NOFORN//TSA~~

~~TOP SECRET//NOFORN//TSA~~

(1) obtaining information to support a prosecution, or a legitimate threat of prosecution, of Page for federal foreign intelligence-related criminal offenses, including, but not limited to, 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 951 (Agents of Foreign Governments), and 22 U.S.C. §§ 612, et seq. (Foreign Agents Registration Act); and/or

(2) obtaining information to support prosecutions of others, including U.S. persons, for federal foreign intelligence-related criminal offenses.

(U) (S) Limitations of Normal Investigative Techniques Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN//TSA~~

~~TOP SECRET//NOFORN//EXA~~

**Sensitive Information**

~~TOP SECRET//NOFORN/PIS~~



**Sensitive Information**

~~TOP SECRET//NOFORN//FISA~~

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) ~~(S)~~ In short, none of these normal investigative techniques, or others like them, can provide the same kind of information, with the same reliability and safety, as the authorities requested herein.

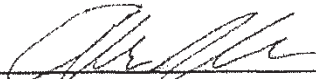
(U) ~~(S)~~ Based upon the foregoing information, it is the Government's belief that the authorities requested herein targeting Page are critical investigative means for obtaining the foreign intelligence information identified herein.

~~TOP SECRET//NOFORN//FISA~~

~~TOP SECRET//NOFORN//SI~~

(U) ~~(S)~~ Accordingly, I execute this certification regarding Carter W. Page in accordance with the requirements of the Foreign Intelligence Surveillance Act of 1978, as amended.

\_\_\_\_\_  
Director  
Federal Bureau of Investigation

  
\_\_\_\_\_  
Andrew G. McCabe  
Deputy Director  
Federal Bureau of Investigation

\_\_\_\_\_  
Michael Pompeo  
Director of the Central  
Intelligence Agency

\_\_\_\_\_  
Daniel R. Coats  
Director of National Intelligence

\_\_\_\_\_  
Principal Deputy Director of  
National Intelligence

06/28/2017  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Rex Tillerson  
Secretary of State

\_\_\_\_\_  
John J. Sullivan  
Deputy Secretary of State

\_\_\_\_\_  
James N. Mattis  
Secretary of Defense

\_\_\_\_\_  
H.R. McMaster  
Assistant to the President for  
National Security Affairs

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~~TOP SECRET//NOFORN//FISA~~

## (U) APPROVAL

(U) (S) I find that this application regarding Carter W. Page satisfies the criteria and requirements for such applications set forth in the Foreign Intelligence Surveillance Act of 1978, as amended, and hereby approve its filing with this Court.

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

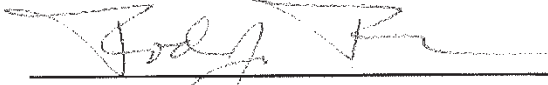
[REDACTED]

[REDACTED]

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~~TOP SECRET//NOFORN//SI~~

(Sensitive Information)

  
Rod J. Rosenstein  
Deputy Attorney General of the United States

6/29/17  
Date

~~TOP SECRET//NOFORN//SI~~

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~~TOP SECRET//NOFORN//TSA~~

(U)(S) WHEREFORE, the United States submits that this application regarding Carter W. Page satisfies the criteria and requirements of the Foreign Intelligence Surveillance Act of 1978, as amended, and therefore requests that this Court authorize the activities described herein, and enter the proposed orders and warrants which accompany this application.

Respectfully submitted,

**Non-SES PII**

Attorney  
U.S. Department of Justice

~~TOP SECRET//NOFORN//TSA~~

-101-



~~XXXXXX~~  
~~SECRET~~Filed  
United States Foreign  
Intelligence Surveillance Court

JUN 29 2017

LeeAnn Flynn Hall, Clerk of Court

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D. C.

IN RE CARTER W. PAGE, A U.S.

Docket Number:

PERSON

17 - 679

## PRIMARY ORDER AND WARRANT

1. An application having been made by the United States of America pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, 50 U.S.C. §§ 1801-1812 and 1821-1829 (FISA or the Act), for an order and warrant (hereinafter "order") for **electronic surveillance and physical search**, and full consideration having been given to the matters set forth therein, the Court finds as follows:

50 U.S.C.  
§ 1805(a)(1) and  
824(a)(1)]

2. The application has been made by a Federal officer and approved by the Attorney General;

50 U.S.C.  
§ 1805(a)(2) and  
824(a)(2)]

3. On the basis of the facts submitted in the verified application, there is probable cause to believe that:

~~XXXXXX~~  
~~SECRET~~~~XXXXXXXXXX~~  
Derived from:

Classification Determination Information

~~XXXXXXXXXX~~  
DeclassificationDeclassified by C28W34B64 on 3/6/2020  
This redacted version only

~~SECRET~~

(A) The Government of the Russian Federation (Russia) is a foreign power and Carter W. Page is an agent of Russia, as defined by 50 U.S.C. § 1801(b)(2)(E);

(B) as specified herein, the facilities or places at which electronic surveillance will be directed are being used or are about to be used by, and the premises or property to be searched is or is about to be owned, used, possessed by, or is in transit to or from, this target;

50 U.S.C.  
§ 1805(a)(3) and  
824(a)(3)]

4. The minimization procedures proposed in the application have been adopted by the Attorney General and meet the definition of minimization procedures under 50 U.S.C §§ 1801(h) and 1821(4);

50 U.S.C.  
§ 1805(a)(4) and  
824(a)(4)]

5. The application contains all statements and certifications required by 50 U.S.C. §§ 1804 and 1823, and the certification is not clearly erroneous on the basis of the statements made under 50 U.S.C. §§ 1804(a)(6)(E) and 1823(a)(6)(E), and any other information furnished under 50 U.S.C. §§ 1804(c) and 1823(c).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to the authority conferred on this Court by the Act, that the application of the United States is GRANTED, and it is

FURTHER ORDERED, as follows:

~~SECRET~~

-2-

~~SECRET~~

50 U.S.C.  
§ 1805(c)(1) and  
824(c)(1)

1. The United States is authorized to conduct electronic surveillance and physical search of the target as follows; provided that the electronic surveillance shall be directed only at the facilities and places described below, using for each only the means specified below for such particular facility or place, and the physical search shall be conducted only of the premises or property described below, using for each only the manner specified below for such particular premises or property.

Sensitive Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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~~SECRET~~

[REDACTED]

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[REDACTED]

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-7-

~~SECRET~~

[REDACTED]

50 U.S.C.  
1805(j)]

[REDACTED]

See 50 U.S.C.  
1842(d)(2)(C)]

[REDACTED]

[REDACTED]

~~SECRET~~

-8-

XSECRET

[REDACTED]

[REDACTED]

I [REDACTED]

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I [REDACTED]

[REDACTED]

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-9-

~~SECRET~~

[REDACTED]

50 U.S.C.

§ 1805(c)(1)(C)

and

824(c)(1)(C)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

50 U.S.C.

1805(c)(1)(D)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~SECRET~~

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~~SECRET~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

50 U.S.C.  
1824(c)(1)(D)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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-11-

~~SECRET~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

50 U.S.C.  
§ 1805(c)(1)(E)  
and  
824(c)(1)(E)

6. The authorities approved are for the period indicated below unless  
otherwise ordered by this Court.

50 U.S.C.  
§ 1805(c)(2)(A)  
and  
824(c)(2)(A)

As to all information acquired through the authorities approved herein,  
the FBI shall [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~SECRET~~

-12-



~~SECRET~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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-14-

~~SECRET~~

50 U.S.C.  
§ 1805(c)(2)(B)-  
(D)  
and  
824(c)(2)(B)-(D)]

~~SECRET~~

-15-

~~SECRET~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 U.S.C.  
1824(c)(2)(E)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~SECRET~~

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[illegible]

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. The following table shows the number of people who have been convicted of a crime in the United States since 1990. The data is presented in millions of people.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

-17-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[illegible]

100% (100%)

[illegible]

\_\_\_\_\_

[illegible]

-18-



~~SECRET~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- The remainder of this page is intentionally left blank. -----

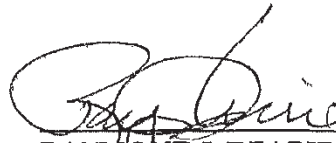
~~SECRET~~

-19-

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This authorization regarding Carter W. Page expires at 3:00 p.m. Eastern Time  
on the 22nd day of September, 2017.

Signed \_\_\_\_\_ 06-29-2017 P12:41 Eastern Time  
Date Time



RAYMOND J. DEARIE

Judge, United States Foreign  
Intelligence Surveillance Court

[REDACTED] Deputy Clerk,  
FISC, certify that this document  
is a true and correct copy of the  
original.  
[REDACTED]

~~SECRET~~

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