UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES	)	
	)	
	)	
v.	)	Case No. 20-cr-165-JEB
	)	
	)	
KEVIN CLINESMITH,	)	
	)	
Defendant	)	
	)	

MOTION FOR LEAVE TO FILE

COMES NOW, Carter Page ("Dr. Page"), by and through undersigned counsel, and moves this Honorable Court for leave to file a motion confirming his status as a statutory victim under the Crime Victims' Rights Act (the "CVRA"), 18 U.S.C. § 3771, to be heard at sentencing pursuant to § 3771(a)(4), and his right to restitution pursuant to § 3771(a)(6) and 18 U.S.C. § 3663.

Dr. Page asks leave to file his motion as a victim of the offense in this matter pursuant to the statutory right of victims to enforce their rights through counsel and by motion to this Court. Section 3771(d) states:

> (1) Rights.— The crime victim or the crime victim's lawful representative, and the attorney for the Government may assert the rights described in subsection (a). A person accused of the crime may not obtain any form of relief under this chapter.
>
> . . .
>
> (3) Motion for relief and writ of mandamus.— The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion *asserting* a victim's right forthwith. (Emphasis added.)

For purposes of this motion for leave to file, Dr. Page asserts that he satisfies the statutory definition of victim found in both the CVRA and the restitution and the case law interpreting those sections, and is entitled to the rights thereunder.

The motion sought to be filed, Motion For Relief Under the Crime Victim's Rights Act, seeks the Court's confirmation of Dr. Page's status as a statutory victim and enforcement of his statutory rights, setting forth the basis for his claim.

WHEREFORE, Movant respectfully requests this Court grant him leave to file the appended motion and exhibits.

Respectfully submitted,

_____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that, on December 4, 2020, a copy of the foregoing Motion for Leave to File was served electronically on:

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	)	
Defendant	)	
	)	

ORDER

This matter comes to the Court on Dr. Carter Page's Motion for Leave to File. It is hereby:

ORDERED that Dr. Page's motion is GRANTED, and it is further

ORDERED that Dr. Page may file the motion and accompanying exhibits identified in his Motion for Leave to File in the above captioned case.

December __, 2020
Washington, D.C.

_____
Judge James E. Boasberg
United States District Judge

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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	)	
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KEVIN CLINESMITH,	)	
	)	
Defendant	)	
	)	

MOTION FOR RELIEF UNDER THE CRIME VICTIMS' RIGHTS ACT

COMES NOW, Carter Page ("Dr. Page"), as a victim of defendant's offense, to assert his rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771, and pursuant to § 3771(d)(1) moves this Honorable Court for relief. Dr. Page has the right to be heard at sentencing pursuant to § 3771(a)(4), and the right to restitution pursuant to § 3771(a)(6) and 18 U.S.C. § 3663. Dr. Page therefore respectfully moves the Court to issue an order confirming his status as a statutory victim and for the other relief described herein.[1]

[1] On today's date, undersigned counsel provided a draft version of this motion to the representatives of the United States in this matter, at the government's request, in order to ascertain the government's position on the relief requested herein. The United States has authorized counsel to advise the court that it is reviewing the motion and will file a response with the Court setting forth its position.

STATEMENT OF FACTS

A. Defendant Clinesmith's Offense

The defendant, Kevin Clinesmith, is a lawyer who was employed by the Federal Bureau of Investigation ("FBI") from July 12, 2015 to September 21, 2019. He worked in FBI's Office of General Counsel as an Assistant General Counsel in the National Security and Cyber Law Branch. The defendant assisted with applications prepared by the FBI and the National Security Division ("NSD") of the United States Department of Justice ("DOJ") to conduct surveillance under the Foreign Intelligence Surveillance Act ("FISA").

On July 31, 2016, the FBI opened the "Crossfire Hurricane" investigation and, as part of it, shortly thereafter opened an investigation into Dr. Page. Among other things, the defendant provided support to FBI agents who prepared applications to obtain FISA warrants from the United States Foreign Intelligence Surveillance Court ("FISC") to conduct surveillance on Dr. Page. The FISC approved four FISA warrants targeting Dr. Page.

To obtain those warrants, the FBI had to persuade the FISC that Dr. Page was an agent of the Russian government – which he was not. Prior to seeking the first FISA warrant, in August 2016, the FBI Crossfire Hurricane team was provided with a memorandum and other materials from a U.S. intelligence agency which showed that Dr. Page, far from being a Russian agent, was instead an approved "operational contact" for that intelligence agency from at least 2008 to 2013. The first three FISA warrant applications failed to provide this crucial information to the FISC.

In April 2017, FBI employees and other government officials leaked to the media that a FISA warrant and renewals had been issued targeting Dr. Page as an alleged Russian agent. Dr. Page received a tremendous amount of adverse publicity as a result of the leak about the FISA warrants' mere existence. Prior to the submission of the 4th application for a FISA warrant in June 2017, Dr. Page had publicly denied that he was a Russian agent and disclosed his status as a person working with U.S. government intelligence agencies.

After Dr. Page's public statements, a FBI Supervisory Special Agent ("SSA")—who would be the affiant on 4th warrant application—asked defendant Clinesmith to inquire of the U.S. intelligence agency whether Dr. Page was ever a "source" for it as he claimed.[2] Clinesmith knew that Dr. Page's status as a U.S. intelligence source was a material fact requiring disclosure in the FISA application submitted to the FISC. Indeed, Clinesmith acknowledged that there was "a big, big concern from both [the NSD's Office of Intelligence] and from the FBI that we had been targeting a source, because that should never happen without us knowing about it." *See* U.S. Dep't of Justice Office of Inspector General, 20-012, Review of Four FISA *Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation* (December 2019) at p. 249 ("Horowitz Report"). And Clinesmith knew that if Dr. Page's public statement was true, they would "need to provide [the

[2] The SSA had also been the affiant on the 2nd and 3rd warrant applications, but in light of Dr Page's media interviews since their submission indicating that Dr. Page had a relationship with the intelligence community, the SSA wanted a "definitive answer as to whether Page had a prior relationship with the [intelligence community] before SSA 2 signed the last renewal application." Horowitz Report at 248.

information] to the court" because such information would "drastically change[] the way that we would handle ...[the] FISA application." *Id.*

At the SSA's insistence for confirmation on the question whether Dr. Page was a CIA operational contact, Clinesmith sent an email on June 15, 2017, to the U.S. intelligence agency liaison stating: "We need some clarification on [Dr. Page]. There is an indication that he may be [your] source. This is a fact we would need to disclose in our next FISA renewal… To that end, can we get two items from you? 1) Source Check/Is [Dr. Page] a source in any capacity? 2) If he is, what is a [certain type of] source (or whatever type of source he is)?" Horowitz Report at 249-50; Statement of Offense in Support of Guilty Plea p. 5-6.

In response, the U.S. intelligence agency liaison sent an email to Clinesmith that same day confirming that Dr. Page had been an agency source, using the lexicon "operational contact." The liaison referenced a list of documents previously provided to the Crossfire Hurricane team in August 2016, including the memorandum that confirmed Dr. Page had been a source for the U.S. intelligence agency. These documents were accessible to the Crossfire Hurricane team and had been all along. Clinesmith claims in his sentencing memorandum that it was not his responsibility to read those documents, which were physically maintained with the investigatory team. But he fails to explain why he would not have reviewed those documents given that he was *specifically asked to determine Dr. Page's status* with the other agency, and that agency referred him to these documents in order to do so. *Cf* Defense Sentencing Memorandum at 14, *with* Defense Sentencing Memorandum at 12-13.

Moreover, the agency liaison offered Clinesmith further help, saying: "If you need a formal definition for the FISA, please let me know and we'll work up some language and get it cleared for use." Horowitz Report at p. 250. Plainly she would not have made this offer to provide a formal definition of Dr. Page's status if there was nothing to tell the FISC. Unsurprisingly, Clinesmith never took the liaison up on this offer because he was not interested in elucidating for the FISC the exact nature of Dr. Page's relationship with the intelligence agency.

Rather, in communications with the SSA on June 19, 2017, Clinesmith stated that Dr. Page "was never a source."[3] In response, the SSA asked: "Do we have that in writing." Horowitz Report at 252-53; Statement of Offense in Support of Guilty Plea p. 6. Clinesmith stated they did and said he would forward it to the SSA. That same day, Clinesmith altered the email from the U.S. intelligence agency liaison to falsely state that Dr. Page was not a source, and then forwarded it to the SSA.

Consequently, Dr. Page's true status as a U.S. government source was not disclosed to the FISC in the 4th application and the 4th FISA warrant was approved. As a result, Dr. Page's communications were surreptitiously surveilled for another three months. The DOJ has subsequently conceded to the FISC that, in reality,

[3]When confronted about this later by the OIG, Clinesmith stated that he believed his conclusion that Dr. Page was not a source was based in part on a telephone conversation with the liaison from the other agency. The liaison, however, recalled no telephone conversation with Clinesmith at all, and stated that she would not have conveyed that conclusion over the telephone because she would not have had the relevant documents in front of her. She also told the OIG that Clinesmith's interpretation of her email was exactly the opposite of what it conveys. She pointed out that she offered to provide clarifying language precisely because she was telling Clinesmith that Dr. Page was a source. Horowitz Report at p. 251.

there was insufficient evidence to support the issuance of either the 3d or the 4th FISA warrants (and the DOJ has declined to defend the legality of the first two warrants). That is, the DOJ admits that there was, in fact, no probable cause to believe Dr. Page was the agent of Russia.

B. The Harms to Dr. Page

The issuance of the 4th FISA warrant harmed Dr. Page in multiple ways. He suffered the intangible harm of being unlawfully spied upon for three months of his life. "The evil of an unreasonable search or seizure is that it invades privacy ….." *Townes v. City of New York*, 176 F.3d 138, 148 (2d Cir. 1999). "The intangible harm [caused by an unlawful search] can be severe: victims of such searches can feel 'violated' in the same sense, and to the same degree, as do victims of burglaries …." William J. Stuntz, *Warrants and Fourth Amendment Remedies*, 77 Va.L.Rev. 881, 901 (1991).

Further, Dr. Page suffered tangible harm *as a result of the 4th FISA Warrant.* It was specifically cited in federal government documents as evidence that Dr. Page is a suspect person and that the surveillance of him was warranted.

For example, on January 29, 2018, members of the House Permanent Select Committee on Intelligence circulated to all members of the House of Representative an advocacy document entitled "Correcting the Record – The Russia Investigation." (A copy is attached as Exhibit A). Assuming the legitimacy of the FISA warrants, this document argued that the FBI and DOJ did not abuse the FISA process. It said that the FBI and DOJ "would have been remiss in their duty to protect the

country had they not sought a FISA warrant and repeated renewals to conduct temporary surveillance of Carter Page, someone the FBI assessed to be an agent of the Russian government." The document asserted in bold type that the "FISA application and three subsequent renewals carefully outlined for the Court a multi-pronged rationale for surveilling Page." It further asserted that "[t]he initial warrant application and subsequent renewals received independent scrutiny and approval by four different federal judges." And it added that "[t]he Court approved three renewals – in early January 2017, early April 2017, and late June 2017 – which authorized the FBI to maintain surveillance on Page until late September 2017." In sum, the document used the imprimatur of the FISC—which had been misled by Clinesmith and the FBI *in the 4th warrant application*—to continue falsely painting Dr. Page as a traitor to his country, a depiction that was, and is, opposite of the truth.

Professor Jonathan Turley has aptly summarized what happened to Dr. Page as a result of being wrongly targeted by the FISA warrants:

> [Page was portrayed] in endless media segments [as] a shady character who was at worst a Russian spy and at best a Russian stooge. Page became the face and focus for the justification of the Russia collusion investigation. His manifest guilt and sinister work in Moscow had to be accepted in order to combat those questioning the allegations of Trump campaign collusion with the Russians. In other words, his guilt had to be indisputable in order for the Russia collusion investigation to be, so to speak, unimpeachable.

Turley, Jonathan, *An Apology to Carter Page*, The Hill (December 14, 2019), https://thehill.com/opinion/judiciary/474570-an-apology-to-carter-page. As Professor Turley noted, "Page served his purpose and the trashing of his reputation was a cost

of doing business with the federal government for many members of Congress and the media." *Id.*

Dr. Page has suffered significant reputational, emotional, and financial harm as a result of the unlawful warrant process in which Defendant Clinesmith was a full participant. No legitimate, rational person or company would associate or do business with a "documented" Russian spy. At least three banks or financial services companies have declined to do business with Dr. Page's companies as a result of his unsought notoriety. He also received death threats that caused him to repeatedly relocate. Former friends, associates, and colleagues shunned him due to their mistaken belief in the accuracy of the FISA process that labelled Dr. Page, a former Naval officer and patriotic American, as a turncoat engaged in treason.

The harm inflicted on Dr. Page remains unredressed and unacknowledged to this day. Defendant Clinesmith apologizes, through counsel, to "all those who have been affected," including his family, his colleagues, the Court, and the public, but notably not to Dr. Page. Defense Sentencing Memo at p. 1. Astonishingly, Clinesmith laments the consequences that have befallen him as a result of his own unlawful actions, while arguing that Dr. Page is not a victim of his crime. *Id.* at 34; and at 17 fn. 13.

ARGUMENT

A. Dr. Page Is a Victim of the Instant Offense

Dr. Page is a victim of defendant Clinesmith's offense. Under the Crime Victims' Rights Act ("CVRA"), a "crime victim" is "a person directly and proximately

harmed as a result of the commission of a Federal offense or an offense in the District of Columbia." 18 U.S.C. § 3771(e)(2)(A). "The requirement that the victim be 'directly and proximately harmed' encompasses the traditional 'but for' and proximate cause analyses." *United States v. Giraldo-Serna*, 118 F. Supp. 3d 377, 383 (D.D.C. 2015) (citing *In re Rendon Galvis*, 564 F.3d 170, 175 (2d Cir. 2009)). "The CVRA 'instructs the district court to look at the offense itself only to determine the harmful effects the offense has on parties. Under the plain language of the statute, a party may qualify as a victim, even though it may not have been the target of the crime, as long as it suffers harm as a result of the crime's commission.'" *In re McNulty*, 597 F.3d 344, 351 (6th Cir. 2010) (quoting *In re Stewart*, 552 F.3d 1285, 1289 (11th Cir. 2008)).

In this case, Dr. Page was the target of the crime. He was the target of the FISA warrant surveillance. Clinesmith lied to the SSA and provided an altered document to him to mislead the agent into believing that obtaining a FISA warrant against Dr. Page was legitimate, when in fact, it was not. Dr. Page suffered the direct and proximate harms discussed above because the 4th FISA warrant was issued in reliance on Clinesmith's false statement. *See United States v. Contreras,* 16-00740 HG-01, 2017 WL 2563222 (D. Haw. June 13, 2017) (a correctional officer's false statements that concealed his inappropriate relationship with an inmate from DOJ officials directly and proximately harmed the inmate); *United States v. Williams*, 811 Fed. Appx. 690 (2d Cir. 2020) (upholding the finding that a bank was the victim of false statement where loss to the bank was the foreseeable result.)

The fact that Dr. Page had already been harmed by the prior FISA warrants before the 4th warrant issued does not mean that he is not a victim of Clinesmith's false statement. Nor does the fact that the application for the 4th FISA warrant contained other misstatements and omissions sever the causal link between the offense at issue here and the harm that Dr. Page suffered. "That there could be a multiplicity of possible 'but-for' causes does not mean that [one of them] fails to qualify as a 'but-for' cause." *In re de Henriquez*, 2015 WL 10692637, at *1 (D.C. Cir. 2015).

Likewise, while the FISC was certainly a victim of the offense conduct, that does not alter the conclusion that Dr. Page was a victim for purposes of the CVRA and the restitution statute.

B. Dr. Page Has a Right to Be Heard at the Sentencing

Dr. Page has the right to be heard at sentencing pursuant to the CVRA, 18 U.S.C. § 3771(a)(4). Dr. Page and undersigned counsel plan to attend the sentencing, and Dr. Page wishes to be heard by the court. He will not seek imposition of a particular sentence but wants to underscore that Clinesmith's offense was malicious and intentional: Clinesmith altered the email in order to hide the truth about whether Dr. Page had been a source for the intelligence agency, and that the information had previously been withheld from the FISC.

Clinesmith's assertion during his plea colloquy that he believed that Dr. Page had not been a source for the agency, and that he altered the email to "correct" it, is preposterous. Had he believed the email was mistaken or unclear, he could have

easily asked the intelligence agency to correct or clarify it. And he would not have lied to the SSA about what the intelligence agency had advised the FBI.

Furthermore, Dr. Page was not simply an abstract FISA target for Clinesmith. Dr. Page had interacted directly with Clinesmith several months before Clinesmith altered the email at issue. In March 2017, during the 2nd FISA warrant surveillance period and while the 3rd application was being prepared, Dr. Page was interviewed on five occasions, for a total of about ten hours, by two FBI agents who – unbeknownst to Dr. Page – were part of the Crossfire Hurricane team.

In the course of these interviews, Dr. Page advised the agents that he was not a Russian agent and, to the contrary, that he had previously assisted the FBI and the U.S. intelligence agency in their counter-intelligence missions. He also advised the agents that he had received death threats as a result of the false accusation that he was a Russian agent. These interviews led to contact with Clinesmith after an attorney named Adam Burke began helping Dr. Page.

Mr. Burke was concerned about why the FBI had interviewed Dr. Page so often and what FBI's legal interest was in Dr. Page. When Dr. Page advised the agents he had been speaking to that he had counsel, the agents placed Dr. Page and Mr. Burke in touch with Clinesmith.[4] Mr. Burke had conversations with Clinesmith in which Mr. Burke inquired about obtaining a "proffer letter" for

[4] This was not a coincidence, but a result of Clinesmith's standing role as a legal advisor on the Crossfire Hurricane team.

Dr Page, and advised Clinesmith about the threats that Dr. Page had been receiving because of the false allegation that he was a Russian agent.

Mr. Burke and Clinesmith also discussed a prior FBI case in which Dr. Page had played a role assisting FBI. This was the case of Evgeny Buryakov, a Russian spy posing as a New York banker. Dr. Page cooperated with the FBI's investigation of Buryakov, who was prosecuted and sent to prison. In March 2017—upon Buryakov's scheduled release from prison, media interest was anticipated in the case and Dr. Page was expected to be contacted for comment. Clinesmith told Mr. Burke that he would prefer that Dr. Page not comment or hold off comment.

Clinesmith could not have had any legitimate reason for discouraging Dr. Page from speaking to the media. It appears to be a blatant attempt to discourage Dr. Page from accurately and publicly portraying himself in a favorable way which was at cross purposes with the smear campaign the Crossfire Hurricane team was pursuing as it falsely targeted Dr. Page.

Nonetheless, Dr. Page did make some comments to the media, which were reported on April 5, 2017. That same day, Mr. Burke wrote an email to Clinesmith (with a copy to Dr. Page) stating:

> As a follow up, I wanted to expand on Mr. Page's reasons for addressing the latest controversy directly with the media.
>
> In addition to being maligned by certain media outlets, he has received some thinly veiled death threats including blog post comments (see e.g., attached) and a voicemail message. For this reason, Mr. Page felt compelled to respond. He has addressed the voicemail threat with the agents who advised they were looking into it.
>
> . . .

The following morning, April 6, 2017, Dr. Page responded to this email, both to Mr. Burke and Clinesmith, but he addressed his comments directly to Clinesmith, saying, in part:

> Dear Kevin:
>
> Thanks very much for your help in advancing this important process of belatedly restoring justice in America, after the vicious campaign lies and civil rights violations that led to our discussions.
>
> …
>
> As alluded to by Adam [Burke], I have been quite overwhelmed with constant, round-the-clock media inquiries and the damage control following the belated revelations of my "idiot"-branding from the January 2015 filing, adding new fuel to the highly misleading narrative that has drastically defamed not just me but members of my family from here to the West coast, etc. Thanks for your consideration. I look forward to resolving this situation.

Copies of both of these emails are attached as Exhibit B.

For reasons that are now clear, Clinesmith never contacted Mr. Burke—much less Dr. Page—to help remedy the devastating fallout from the false portrayal of Dr. Page as a Russian agent. Unbeknownst to Dr. Page and Mr. Burke, the application for the 3rd FISA warrant was submitted and approved the very next day, April 7, 2017.

Thus, in early April 2017 Dr. Page directly appealed to Clinesmith for assistance in dispelling the false allegation that he was a Russian agent. Clinesmith did nothing to help Dr. Page and stood by while the FBI obtained the 3rd FISA warrant against Dr. Page (while actively discouraging Dr. Page from publicly denying that he was a Russian agent).

Then, a mere two months later, Clinesmith committed the instant offense by providing an altered document to the SSA who was tasked to verify the 4th FISA warrant application. Clinesmith knew —because he had to—that *if* he advised the SSA that Dr. Page had been a source for a U.S. intelligence agency, the application for the 4th warrant likely would not be submitted by DOJ or else might be denied by the FISC. Either way, disclosing this exculpatory fact would expose the material omission of this critical information from the prior three FISA warrants. This might require a corrective disclosure to the FISC, pursuant to FISC Rule 13a, with respect to the three prior warrants. Faced with this choice, Clinesmith chose to lie.

While Clinesmith claims in his sentencing memorandum that he did not intend to mislead anyone by inserting the words "not a source" into the email, this argument is not credible. In the June 2017 conversation in which Clinesmith told the affiant SSA that Dr. Page was not a source, he expressed relief that: "I mean, at least we don't have to have a terrible footnote."

When the DOJ OIG interviewed him about this comment, Clinesmith tried to explain it away as follows:

> "[Clinesmith] told us that he was referring to how "laborious" it would be to draft such a footnote for the FISA application, not that such a footnote might undermine or conflict with the overall narrative presented in the FISA applications."

Horowitz Report at p. 253. However, the SSA gave a far more realistic assessment of it to the OIG investigators:

> [H]e understood [Clinesmith's] comment about not having to draft a 'terrible footnote' to mean that the team could avoid having to explain in Renewal Application No. 3 that they had 'just now come to determine that [Page] was an asset of the [other agency] and probably

> being tasked to engage ... [with] Russians which is ... why we opened a case on him.' The SSA 2 said that he understood [Clinesmith] to be saying that 'the optic...would be terrible' if the prior FISA applications were 'dubious' in light of a relationship between Page and the other agency, and the FBI was only becoming aware of that relationship in the third renewal application and after Page's public statements.

Horowitz Report at p. 254. This interpretation hits closer to the truth. What Clinesmith was actually relieved about was that he had hit upon a flimsy excuse to avoid making this disclosure to the FISC at all.

In sum, the relevant facts show that Clinesmith's conduct was not inadvertent or mistaken. Nor was it made in good faith. It was deliberate conduct to avoid revealing to the FISC that the earlier warrant applications contained a major omission. It constituted a doubling down by again failing to advise the FISC that Dr. Page was an operational contact for the other intelligence agency.

C. Dr. Page Has a Right to Restitution

Dr. Page also has the right to "full and timely restitution as provided in law." 18 U.S.C. § 3771(a)(6). As the victim of a criminal false statement, Dr. Page is entitled to permissive restitution under 18 U.S.C. § 3663, although he is not entitled to mandatory restitution under 18 U.S.C. § 3663A. *See United States v. Dorcely,* 454 F.3d 366, 377 (D.C. Cir. 2006). Accordingly, Dr. Page submitted to the Probation Officer in this matter a Declaration of Loss and a Victim's Impact Statement.

As the FISC recognized in its order of June 25, 2020, Dr. Page also has the right to seek civil redress under the FISA for injury from the unlawful surveillance

against him. Opinion and Order Regarding Use and Disclosure of Information at 13, 16-1182,17-52, 17-375, 17-679 (FISA Ct. Jun. 25, 2020) at p. 13. In this regard, Dr. Page filed a civil action on November 27, 2020 in this Court against the United States, the DOJ, the FBI, and eight named individuals, including defendant Clinesmith, covering his conduct seeking $75 million in damages for their violations of Dr. Page's rights under FISA, the Federal Torts Claims Act, the Privacy Act, and the Constitution. *Page v. James Comey, et al.*, No. 1:20-cv-3460 (KBJ) (D.D.C. filed Nov. 27, 2020).[5] In addition, Dr. Page has a claim for the FISA violations against the United States under the Patriot Act, 18 U.S.C. § 2712, which is pending as an administrative claim, awaiting determination. Should the Government deny that claim, it will issue a "right to sue" letter and that claim will be added to the existing civil litigation.

Dr. Page pursuing his civil remedies against the United States and other defendants, including Clinesmith, does not preclude a restitution order in this case. As the FISC's June 25, 2020 order explains: "Interpreting FISA 's criminal prohibitions to hinder pursuit of its complementary civil remedies would violate the principle that"[s]tatutes should be interpreted as a symmetrical and coherent regulatory scheme." Mellouli v. Lynch, 575 U.S. 798, 135 S. Ct. 1980, 1989 (2015) (quoting FDA v. Brown & Williamson Tobacco Com., 529 U.S. 120, 133 (2000))." *Id.*

[5]Counsel would draw the Court's attention to the Complaint filed in the civil case, which contains additional information regarding Dr. Page's biography, credentials, and service to the United States.

Nevertheless, the existence of a parallel, complex, multi-defendant civil case which includes the Defendant in this matter and the United States as a defendant as well, is clearly a complicating factor in this proceeding. In this regard, the restitution statute empowers the Court to decline to enter a restitution order if it determines that the complication and prolongation of the sentencing process resulting from the fashioning of an order of restitution outweighs the need to provide restitution. *See* 18 U.S.C. § 3663(a)(1)(B)(ii).

As part of restitution, Dr. Page has additionally requested reimbursement for his expenses in attending the sentencing of this matter, pursuant to 18 U.S.C. § 3663(b)(4). This claim is described in the Declaration of Loss.

REQUEST FOR RELIEF

WHEREFORE, Dr. Page respectfully requests that the Court:

1. Confirm his status as a victim of the offense in this case under 18 U.S.C. § 3771 and 18 U.S.C. § 3663 and to the rights contained therein;
2. Permit Dr. Page to be heard at the sentencing; and
3. Award Dr. Page restitution as determined by the Court at the sentencing hearing.

Respectfully submitted,

_____/s/_____
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I hereby certify that, on December 3, 2020, a copy of the foregoing Motion for Relief Under the Crime Victims' Rights Act was served electronically on:

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_____/s/_____
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~~TOP SECRET//NOFORN~~

TO: All Members of the House of Representatives
FROM: HPSCI Minority
DATE: January 29, 2018
RE: Correcting the Record – The Russia Investigations

The HPSCI Majority's move to release to the House of Representatives its allegations against the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ) is a transparent effort to undermine those agencies, the Special Counsel, and Congress' investigations. It also risks public exposure of sensitive sources and methods for no legitimate purpose.

FBI and DOJ officials did not "abuse" the Foreign Intelligence Surveillance Act (FISA) process, omit material information, or subvert this vital tool to spy on the Trump campaign.

In fact, DOJ and the FBI would have been remiss in their duty to protect the country had they not sought a FISA warrant and repeated renewals to conduct temporary surveillance of Carter Page, someone the FBI assessed to be an agent of the Russian government. DOJ met the rigor, transparency, and evidentiary basis needed to meet FISA's probable cause requirement, by demonstrating:

- contemporaneous evidence of Russia's election interference;
- concerning Russian links and outreach to Trump campaign officials;
- Page's history with Russian intelligence; and
- [redacted] Page's suspicious activities in 2016, including in Moscow.

The Committee's Minority has therefore prepared this memorandum to correct the record:

- **Christopher Steele's raw intelligence reporting did not inform the FBI's decision to initiate its counterintelligence investigation in late July 2016.** In fact, the FBI's closely-held investigative team only received Steele's reporting in mid-September – more than seven weeks later. The FBI – and, subsequently, the Special Counsel's – investigation into links between the Russian government and Trump campaign associates has been based on troubling law enforcement and intelligence information unrelated to the "dossier."

- **DOJ's October 21, 2016 FISA application and three subsequent renewals carefully outlined for the Court a multi-pronged rationale for surveilling Page,** who, at the time of the first application, was no longer with the Trump campaign. DOJ detailed Page's past relationships with Russian spies and interaction with Russian officials during the 2016 campaign, [redacted]. DOJ cited multiple sources to support the case for surveilling Page — but made only narrow use of information from Steele's sources about Page's specific activities in 2016, chiefly his suspected July 2016 meetings in Moscow with Russian officials. [redacted]. In fact, the FBI interviewed Page in March 2016 about his contact with Russian intelligence, the very month candidate Donald Trump named him a foreign policy advisor.

  As DOJ informed the Court in subsequent renewals, [redacted] **Steele's reporting about Page's Moscow meetings** [redacted]. DOJ's applications did not otherwise rely on Steele's reporting, including any "salacious" allegations

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about Trump, and the FBI never paid Steele for this reporting. While explaining why the FBI viewed Steele's reporting and sources as reliable and credible, DOJ also disclosed:

- Steele's prior relationship with the FBI;
- the fact of and reason for his termination as a source; and
- the assessed political motivation of those who hired him.

- **The Committee Majority's memorandum, which draws selectively on highly sensitive classified information, includes other distortions and misrepresentations** that are contradicted by the underlying classified documents, which the vast majority of Members of the Committee and the House have not had the opportunity to review – and which Chairman Nunes chose not to read himself.[1]

Background

On January 18, 2018, the Committee Majority, during an unrelated business meeting, forced a surprise vote to release to the full House a profoundly misleading memorandum alleging serious abuses by the FBI and DOJ. Majority staff drafted the document in secret on behalf of Chairman Devin Nunes (and reportedly with guidance and input from Rep. Trey Gowdy), and then rushed a party-line vote without prior notice.

This was by design. The overwhelming majority of Committee Members never received DOJ authorization to access the underlying classified information, and therefore could not judge the veracity of Chairman Nunes' claims. Due to sensitive sources and methods, DOJ provided access only to the Committee's Chair and Ranking Member (or respective designees), and limited staff, to facilitate the Committee's investigation into Russia's covert campaign to influence the 2016 U.S. elections.[2] As DOJ has confirmed publicly, it did not authorize the broader release of this information within Congress or to the public, and Chairman Nunes refused to allow DOJ and the FBI to review his document until he permitted the FBI Director to see it for the first time in HPSCI's secure spaces late on Sunday, January 28 – 10 days after disclosure to the House.[3]

FBI's Counterintelligence Investigation

In its October 2016 FISA application and subsequent renewals, DOJ accurately informed the Court that the FBI initiated its counterintelligence investigation on July 31, 2016, after receiving information [redacted]. George Papadopoulos revealed [redacted] that individuals linked to Russia, who took interest in Papadopoulos as a Trump campaign foreign policy adviser, informed him in late April 2016 that Russia [redacted].[4] Papadopoulos's disclosure, moreover, occurred against **the backdrop of Russia's aggressive covert campaign to influence our elections, which the FBI was already monitoring.** We would later learn in Papadopoulos's plea that that the information the Russians could assist by anonymously releasing were thousands of Hillary Clinton's emails.[5]

DOJ told the Court the truth. Its representation was consistent with the FBI's underlying investigative record, which current and former senior officials later corroborated in extensive

Committee testimony. Christopher Steele's reporting, which he began to share with an FBI agent [redacted] through the end of October 2016, **played no role** in launching the FBI's counterintelligence investigation into Russian interference and links to the Trump campaign. In fact, Steele's reporting did not reach the counterintelligence team investigating Russia at FBI headquarters until mid-September 2016, more than seven weeks after the FBI opened its investigation, because the probe's existence was so closely held within the FBI.[6] By then, the FBI had already opened sub-inquiries into [redacted] individuals linked to the Trump campaign: [redacted] and former campaign foreign policy advisor **Carter Page.**

As Committee testimony bears out, the FBI would have continued its investigation, including against [redacted] individuals, even if it had never received information from Steele, never applied for a FISA warrant against Page, or if the FISC had rejected the application.[7]

DOJ's FISA Application and Renewals

The initial warrant application and subsequent renewals received independent scrutiny and approval by four different federal judges, ~~three~~ 2 of whom were appointed by President George W. Bush and one by President Ronald Reagan. DOJ first applied to the FISC on October 21, 2016 for a warrant to permit the FBI to initiate electronic surveillance and physical search of Page for 90 days, consistent with FISA requirements. The Court approved three renewals – in early January 2017, early April 2017, and late June 2017 – which authorized the FBI to maintain surveillance on Page until late September 2017. Senior DOJ and FBI officials appointed by the Obama and Trump Administrations, including acting Attorney General Dana Boente and Deputy Attorney General Rod Rosenstein, certified the applications with the Court.

one by George H.W Bush

FISA was not used to spy on Trump or his campaign. As the Trump campaign and Page have acknowledged, Page ended his formal affiliation with the campaign months before DOJ applied for a warrant. DOJ, moreover, submitted the initial application less than three weeks before the election, even though the FBI's investigation had been ongoing since the end of July 2016.

DOJ's warrant request was based on compelling evidence and probable cause to believe Page was knowingly assisting clandestine Russian intelligence activities in the U.S.:

- **Page's Connections to Russian Government and Intelligence Officials:** The FBI had an independent basis for investigating Page's motivations and actions during the campaign, transition, and following the inauguration. As DOJ described in detail to the Court, Page had an extensive record as [redacted][8] prior to joining the Trump campaign. He resided in Moscow from 2004-2007 and pursued business deals with Russia's state-owned energy company Gazprom—[redacted][9] As early as [redacted], a Russian intelligence officer [redacted] targeted Page for recruitment. Page showed [redacted].

Page remained on the radar of Russian intelligence and the FBI. In 2013, prosecutors indicted three other Russian spies, two of whom targeted Page for recruitment. The FBI also interviewed Page multiple times about his Russian intelligence contacts, including in March 2016.[10] The FBI's concern about and knowledge of Page's activities therefore long predate the FBI's receipt of Steele's information.

- **Page's Suspicious Activity During the 2016 Campaign:** The FISA applications also detail Page's suspicious activity after joining the Trump campaign in March 2016. [redacted] Page traveled to Moscow in July 2016, during which he gave a university commencement address – an honor usually reserved for well-known luminaries.

  - **It is in this specific sub-section of the applications that DOJ refers to Steele's reporting on Page and his alleged coordination with Russian officials.** Steele's information about Page was consistent with the FBI's assessment of Russian intelligence efforts to recruit him and his connections to Russian persons of interest.

  - In particular, Steele's sources reported that Page met separately while in Russia with Igor Sechin, a close associate of Vladimir Putin and executive chairman of Rosneft, Russia's state-owned oil company, and Igor Divyekin, a senior Kremlin official. Sechin allegedly discussed the prospect of future U.S.-Russia energy cooperation and "an associated move to lift Ukraine-related western sanctions against Russia." Divyekin allegedly disclosed to Page that the Kremlin possessed compromising information on Clinton ("kompromat") and noted "the possibility of its being released to Candidate #1's campaign."[11] [*Note*: "Candidate #1" refers to candidate Trump.] This closely tracks what other Russian contacts were informing another Trump foreign policy advisor, George Papadopoulos.

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

  - [redacted][12]

  - [redacted]

  - Page's [redacted] in Moscow with [redacted] senior Russian officials [redacted] as well as meetings with Russian officials [redacted][13]

This information contradicts Page's November 2, 2017 testimony to the Committee, in which he initially denied any such meetings and then was forced to admit speaking with

Dvorkovich and meeting with Rosneft's Sechin-tied investor relations chief, Andrey Baranov.

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

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

DOJ's Transparency about Christopher Steele

Far from "omitting" material facts about Steele, as the Majority claims,[17] DOJ repeatedly informed the Court about Steele's background, credibility, and potential bias. DOJ explained in detail Steele's prior relationship with and compensation from the FBI; his credibility, reporting history, and source network; the fact of and reason for his termination as a source in late October 2016; and the likely political motivations of those who hired Steele.

- **DOJ was transparent with Court about Steele's sourcing:** The Committee Majority, which had earlier accused Obama Administration officials of improper "unmasking," faults DOJ for not revealing the names of specific U.S. persons and entities in the FISA application and subsequent renewals. In fact, DOJ appropriately upheld its longstanding practice of protecting U.S. citizen information by purposefully not "unmasking" U.S. person and entity names, unless they were themselves the subject of a counterintelligence investigation. DOJ instead used generic identifiers that provided the Court with more than sufficient information to understand the political context of Steele's research. In an extensive explanation to the Court, DOJ discloses that Steele

  "was approached by an identified U.S. Person,[18] who indicated to Source #1[Steele][19] that a U.S.-based law firm[20] had hired the identified U.S. Person to conduct research regarding Candidate #1's[21] 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."[22]

Contrary to the Majority's assertion that DOJ fails to mention that Steele's research was commissioned by "political actors" to "obtain derogatory information on Donald Trump's ties to Russia,"[23] **DOJ in fact informed the Court accurately that Steele was hired by**

politically-motivated U.S. persons and entities and that his research appeared intended for use "to discredit" Trump's campaign.

- **DOJ explained the FBI's reasonable basis for finding Steele credible:** The applications correctly described Steele as [redacted]. The applications also reviewed Steele's multi-year history of credible reporting on Russia and other matters, including information DOJ used in criminal proceedings.[24] Senior FBI and DOJ officials have repeatedly affirmed to the Committee the reliability and credibility of Steele's reporting, an assessment also reflected in the FBI's underlying source documents.[25] The FBI has undertaken a rigorous process to vet allegations from Steele's reporting, including with regard to Page.[26]

- **The FBI properly notified the FISC after it terminated Steele as a source for making unauthorized disclosures to the media.** The Majority cites no evidence that the FBI, prior to filing its initial October 21, 2016 application, actually knew or should have known of any allegedly inappropriate media contacts by Steele. Nor do they cite evidence that Steele disclosed to *Yahoo!* details included in the FISA warrant, since the British Court filings to which they refer do not address what Steele may have said to *Yahoo!*.

  DOJ informed the Court in its renewals that the FBI acted promptly to terminate Steele after learning from him (after DOJ filed the first warrant application) that he had discussed his work with a media outlet in late October. The January 2018 renewal further explained to the Court that Steele told the FBI that he made his unauthorized media disclosure because of his frustration at Director Comey's public announcement shortly before the election that the FBI reopened its investigation into candidate Clinton's email use.

- **DOJ never paid Steele for the "dossier":** The Majority asserts that the FBI had "separately authorized payment" to Steele for his research on Trump but neglects to mention that payment was cancelled and never made. As the FBI's records and Committee testimony confirms, although the FBI initially considered compensation [redacted], **Steele ultimately never received payment from the FBI for any "dossier"-related information.**[27] DOJ accurately informed the Court that Steele had been an FBI confidential human source since [redacted], for which he was "compensated [redacted] by the FBI" – payment for previously-shared information of value unrelated to the FBI's Russia investigation.[28]

Additional Omissions, Errors, and Distortions in the Majority's Memorandum

- **DOJ appropriately provided the Court with a comprehensive explanation of Russia's election interference, including evidence that Russia courted another Trump campaign advisor, Papadopoulos, and that Russian agents previewed their hack and dissemination of stolen emails.** In claiming that there is "no evidence of any cooperation or conspiracy between Page and Papadopoulos,"[29] the Majority misstates the reason why DOJ specifically explained Russia's courting of Papadopoulos. Papadopoulos's interaction with Russian agents, coupled with real-time evidence of Russian election interference, provided the Court with a broader context in which to evaluate Russia's clandestine activities and Page's history and alleged contact with Russian officials. Moreover, since only Page [redacted]

[redacted], no evidence of a separate conspiracy between him and Papadopoulos was required. **DOJ would have been negligent in omitting vital information about Papadopoulos and Russia's concerted efforts.**

- **In its Court filings, DOJ made proper use of news coverage.** The Majority falsely claims that the FISA materials "relied heavily" on a September 23, 2016 *Yahoo!* News article by Michael Isikoff and that this article "does not corroborate the Steele Dossier because it is derived from information leaked by Steele himself."[30] In fact, DOJ referenced Isikoff's article, alongside another article the Majority fails to mention, not to provide separate corroboration for Steele's reporting, but instead to inform the Court of Page's public denial of his suspected meetings in Moscow, which Page also echoed in a September 25, 2016 letter to FBI Director Comey. [redacted][31]

- **The Majority's reference to Bruce Ohr is misleading.** The Majority mischaracterizes Bruce Ohr's role, overstates the significance of his interactions with Steele, and misleads about the timeframe of Ohr's communication with the FBI. In late November 2016, Ohr informed the FBI of his prior professional relationship with Steele and information that Steele shared with him (including Steele's concern about Trump being compromised by Russia). He also described his wife's contract work with Fusion GPS, the firm that hired Steele separately. This occurred weeks after the election and more than a month after the Court approved the initial FISA application. The Majority describes Bruce Ohr as a senior DOJ official who "worked closely with the Deputy Attorney General, Yates and later Rosenstein," in order to imply that Ohr was somehow involved in the FISA process, but there is no indication this is the case.

  Bruce Ohr is a well-respected career professional whose portfolio is drugs and organized crime, not counterintelligence. There is no evidence that he would have known about the Page FISA applications and their contents. The Majority's assertions, moreover, are irrelevant in determining the veracity of Steele's reporting. By the time Ohr debriefs with the FBI, it had already terminated Steele as a source and was independently corroborating Steele's reporting about Page's activities. Bruce Ohr took the initiative to inform the FBI of what he knew, and the Majority does him a grave disservice by suggesting he is part of some malign conspiracy.

- **Finally, Peter Strzok and Lisa Page's text messages are irrelevant to the FISA application.** The Majority gratuitously includes reference to Strzok and Page at the end of their memorandum, in an effort to imply that political bias infected the FBI's investigation and DOJ's FISA applications. In fact, neither Strzok nor Page served as affiants on the applications, which were the product of extensive and senior DOJ and FBI review.[32] In demonizing both career professionals, the Majority accuses them of "orchestrating leaks to the media" – a serious charge; omits inconvenient text messages, in which they critiqued a wide range of other officials and candidates from both parties; does not disclose that FBI Deputy Director McCabe testified to the Committee that he had no idea what Page and Strzok were referring to in their "insurance policy" texts;[33] and ignores Strzok's acknowledged role in preparing a public declaration, by then Director Comey, about former Secretary Clinton's "extreme carelessness" in handling classified information—which greatly damaged Clinton's public reputation in the days just prior to the presidential election.

[1] Letter to HPSCI Chairman Devin Nunes, Assistant Attorney General Stephen Boyd, Department of Justice, January 24, 2018.

[2] Letter to HPSCI Chairman Devin Nunes, Assistant Attorney General Stephen Boyd, Department of Justice, January 24, 2018. DOJ also confirmed in writing to Minority Staff DOJ and FBI's terms of review:

> the Department has accommodated HPSCI's oversight request by allowing repeated in camera reviews of the material in an appropriate secure facility under the general stipulations that (1) **the Chair (or his delegate) and the Ranking Member (or his delegate) and two staff each, with appropriate security clearances, be allowed to review on behalf of the Committee,** (2) that the review take place in a reading room set up at the Department, and (3) that the documents not leave the physical control of the Department, and (5) that the review opportunities be bipartisan in nature. Though we originally requested that no notes be taken, in acknowledgment of a request by the Committee and recognizing that the volume of documents had increased with time, the Department eventually allowed notes to be taken to facilitate HPSCI's review. Also, initial reviews of the material include [sic] short briefings by Department officials to put the material in context and to provide some additional information.

Email from Stephen Boyd to HPSCI Minority Staff, January 18, 2018 (emphasis supplied).

[3] Letter to HPSCI Chairman Devin Nunes, Assistant Attorney General Stephen Boyd, Department of Justice, January 24, 2018.

[4] [redacted]

[5] Papadopoulos's October 5, 2017 guilty plea adds further texture to this initial tip, by clarifying that a Russian agent told Papadopoulos that "They [the Russians] have dirt on her"; "the Russians had emails of Clinton"; "they have thousands of emails." *U.S. v. George Papadopoulos* (1:17-cr-182, District of Columbia), p. 7.

[6] [redacted]

[7] Under the Special Counsel's direction, Flynn and Papadopoulos have both pleaded guilty to lying to federal investigators and are cooperating with the Special Counsel's investigation, while Manafort and his long-time aide, former Trump deputy campaign manager Rick Gates, have been indicted on multiple counts and are awaiting trial. See *U.S. v. Michael T. Flynn* (1:17-cr-232, District of Columbia); *U.S. v. Paul J. Manafort, Jr., and Richard W. Gates III* (1:17-cr-201, District of Columbia); *U.S. v. George Papadopoulos* (1:17-cr-182, District of Columbia).

[8] [redacted]

[9] [redacted]

[10] [redacted] See also, *U.S. v. Evgeny Buryakov, a/k/a "Zhenya," Igor Sporyshev, and Victor Podobnyy*, U.S. Southern District of New York, January 23, 2015.

[11] Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, p.18. Repeated in subsequent renewal applications

[12] Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, pp. 20-21.

[13] [redacted]

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

[15] Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, pp. 36, 46, 48.

[16] Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, p. 56.

[17] HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation,* January 18, 2018, pp. 2-3 (enumerating "omissions" of fact, regarding Steele and his activities, from the Page FISA applications).

[18] Glenn Simpson.

[19] Christopher Steele.

[20] Perkins Coie LLP.

[21] Donald Trump.

[22] Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, pp. 15-16, n. 8. Repeated in subsequent renewal applications.

[23] HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation,* January 18, 2018, p. 2.

[24] Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, p. 15, footnote 8. Repeated in subsequent renewal applications.

[25] Interview of Andrew McCabe (FBI Deputy Director), House Permanent Select Committee on Intelligence, December 19, 2017, p. 46, 100; Interview of Sally Yates (former Deputy Attorney General), House Permanent Select Committee on Intelligence, November 3, 2017, p. 16; Interview with John Carlin (former Assistant Attorney General for National Security), House Permanent Select Committee on Intelligence, July, 2017, p. 35.
[26] Interview of Andrew McCabe (FBI Deputy Director), House Permanent Select Committee on Intelligence, December 19, 2017, p. 100-101, 115.

[27] Interview of FBI Agent, House Permanent Select Committee on Intelligence, December 20, 2017, p. 112.

[28] Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, pp. 15-16, n. 8. Repeated in subsequent renewal applications.

[29] HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation,* January 18, 2018, p. 4 ("The Page FISA application also mentions information regarding fellow Trump campaign advisor George Papadopoulos, but there is no evidence of any cooperation or conspiracy between Page and Papadopoulos.")

[30] HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation,* January 18, 2018, p. 2. Neither Isikoff nor *Yahoo!* are specifically identified in the FISA Materials, in keeping with the FBI's general practice of not identifying U.S. persons.

[31] Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, p. 25; Department of Justice, Foreign Intelligence Surveillance Court Application, January 12. 2017, p. 31; Carter Page, Letter to FBI Director James Comey, September 25, 2016.

[redacted]

[33] Interview of Andrew McCabe (FBI Deputy Director), House Permanent Select Committee on Intelligence, December 19, 2017, p. 157.

Exhibit B

From: Carter Page [redacted]
Date: April 6, 2017 at 7:43:51 AM EDT
To: Adam Burke <burke142@gmail.com>
Cc: kevin.clinesmith@ic.fbi.gov, Josh Mackey <Jmackey@mbwise.com>
Subject: Re: Carter Page Follow Up

Dear Kevin:

Thanks very much for your help in advancing this important process of belatedly restoring justice in America, after the vicious campaign lies and civil rights violations that led to our discussions. By way of further background, I have been exceptionally fortunate to have a great outpouring of support and love from friends and allies across the country including in the legal department. In the words of MLK:

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that."

In addition to Adam whom you've already spoken with, I would like to add to our email correspondence a close colleague who has long provided support. Included with this CC is Josh Mackey, an attorney based in New York. I have been blessed with these volunteers and other supporters may join over time, but in order to ensure everyone remains in the loop please include Adam, Josh and myself in future correspondence. Whereas each of us have busy schedules with our day jobs, it helps cover things from a time management perspective.

As alluded to by Adam, I have been quite overwhelmed with constant, round-the-clock media inquiries and the damage control following the belated revelations of my "idiot"-branding from the January 2015 filing, adding new fuel to the highly misleading narrative that has drastically defamed not just me but members of my family from here to the West coast, etc. Thanks for your consideration. I look forward to resolving this situation.

Best regards

Carter

Sent from my iPhone

On Apr 5, 2017, at 8:33 PM, Adam Burke <burke142@gmail.com> wrote:

Dear Kevin:

As a follow up, I wanted to expand on Mr. Page's reasons for addressing the latest controversy directly with the media.

In addition to being maligned by certain media outlets, he has received some thinly veiled death threats including blog post comments (see e.g., attached) and a voicemail message. For this reason, Mr. Page felt compelled to respond. He has addressed the voicemail threat with the agents who advised they were looking into it.

Sincerely yours,

Adam G. Burke, Esq.
Burke, Meis & Associates LLC

625 City Park Avenue

Columbus, Ohio 43215
(614) 280-9122 office
(614) 232-9122 cell
AttorneyAdamBurke.com

<2017.04.04 - Wonkett target slide for Adam .pdf>

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES	)	
	)	
	)	
v.	)	Case No. 20-cr-165-JEB
	)	
	)	
KEVIN CLINESMITH,	)	
	)	
Defendant	)	
	)	

ORDER

This matter comes to the Court on Dr. Carter Page's Motion for Relief Under the Crime Victims' Rights Act. It is hereby:

ORDERED that Dr. Page's motion is GRANTED; and it is further

ORDERED that the Court finds that Dr. Page is a victim of the offense in this case under the Crime Victim's Rights Act, 18 U.S.C. § 3771, and of 18 U.S.C. § 3663; and it is further

ORDERED that Dr. Page is permitted to be heard at the sentencing and to exercise all other rights afforded to a victim under the Crime Victim's Rights Act; and it is further

ORDERED that Dr. Page's right to restitution will be addressed at the sentencing hearing of this matter.

December __, 2020
Washington, D.C.

_____
Judge James E. Boasberg
United States District Judge

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States *Plaintiff* v. Kevin Clinesmith *Defendant*	)))))	Case No. 20-cr-165-JEB

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Carter Page .

Date: 12/03/2020

/s/ K. Lawson Pedigo
Attorney's signature

K. Lawson Pedigo, TX0186
Printed name and bar number

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Dallas, TX 75204
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AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States *Plaintiff* v. Kevin Clinesmith *Defendant*	)	Case No. 20-cr-165-JEB

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Carter Page .

Date: 12/03/2020

/s/ K. Lawson Pedigo
Attorney's signature

K. Lawson Pedigo, TX0186
Printed name and bar number

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