



**emptywheel** @emptywheel *Mon Oct 17 22:16:40 +0000 2022*

This is my biggest puzzle abt the Danchenko case. It is 100% false that what Danchenko told the FBI caused the surveillance on Carter Page. It is uncontested that the language in the Page apps is language Steele wrote, not what Danchenko told the FBI.

<https://t.co/yItqUqMc8t> <https://t.co/Awva5iWOuy>

In the closing arguments, a prosecutor working for Mr. Durham asserted that Mr. Danchenko had clearly lied to the F.B.I. and that his false assertions had a material effect. He pointed to part of the dossier that the F.B.I. cited to bolster applications to wiretap a former Trump campaign adviser with ties to Russia.

“This defendant’s lies caused intensive surveillance on a U.S. citizen,” said Michael Keilty, an assistant special counsel.

Durham misstated that at least twice during the trial and WaPo wrote that as fact, incorrectly. But RE Millian there's nothing FROM Danchenko's interviews in the apps. Nothing.

Durham has insinuated, with no evidence, that Danchenko lied to Steele. Maybe he did!! But that's not what he charged, at all. So any lie he told Steele could not be material.

But Danchenko also declined to present evidence from DOJ IG that when Danchenko DID tell the FBI that he wasn't sure it was Millian, FBI did nothing about that. Durham screamed at Auten that they didn't, tho.

Finally, if your materiality argument is the Page FISA, then why did you charge alleged lies in October and November, when the surveillance had been discontinued? Nothing Danchenko said in October could affect an approval in June. Basic physics, Johnny D.

IMO, the one close call on Millian charges (tho who knows how the jury will see them) is the October interview, where Danchenko said he had spoken to Millian a couple times.

BUT; If your materiality claims is FISA, it is literally impossible for that alleged lit to be material.