



## Meet the ‘Special Master’ in Trump Mar-a-Lago Case, a Judge Who Approved ‘Invalid’ FISA Warrant on Carter Page

### Description

**USA: Judge Raymond J. Dearie may be a highly accomplished and fair federal judge, according to many accounts, but his judgment was pivotal in at least one controversial decision that will go down in infamy: The ‘invalid’ FISA warrant for Carter Page.**

Judge Dearie has been selected as the “special master” to review former President Donald Trump’s Mar-a-Lago documents, which were seized by the FBI in an invasive raid on August 8. The Department of Justice has agreed to Judge Dearie’s appointment to the post and will review the sensitive documents to be sequestered by attorney-client privilege and executive privilege.

The Department of Justice said it would accept Judge Dearie, a Trump nomination, and offered two government selections: Barbara S. Jones, Thomas B. Griffith, both retired judges.

A former chief federal judge in New York, appointed by President Ronald Reagan, the 76-year-old Dearie has been entrusted to render judgments in the secretive court that was established by the Foreign Intelligence Surveillance Act of 1978. It was in this capacity, serving on the FISA court, that Judge Dearie approved the fourth-and-final Carter Page surveillance warrant for the FBI’s ‘Crossfire Hurricane’ operation.

“One of former President Donald Trump’s two suggestions to serve as special master related to the FBI’s Mar-a-Lago raid is a former Foreign Intelligence Surveillance Court judge linked to warrants against Carter Page,” [reported](#) the Washington Examiner’s Jerry Dunleavy.

“Judge Raymond Dearie, a longtime judge for the Eastern District of New York, was among two picks by Trump, alongside two suggestions by the Justice Department, to serve as special master and independently review evidence the bureau had seized from Trump’s Florida resort home,” the report continued.

“The choice raised eyebrows because Dearie served as a FISC judge who signed off on the final FISA warrant against Page,” the report added. “The surveillance was eventually ruled to be invalid by the

DOJ.”

Andrew Weissmann, who was a lead prosecutor in Robert Mueller’s Special Counsel investigation into alleged Trump-Russia collusion, and dubbed by his critics as Mueller’s “pit bull,” crowed about the court’s selection of the special master.

“Going out in a limb here, and taking nothing away from the other judges proposed to be Special Master, but DOJ would be wise to agree to Judge Dearie on the Trump list — and I bet DOJ will. He is a beloved judge in the EDNY — absolute integrity and fairness,” Weissmann [tweeted](#).

“I completely understand people who don’t know Judge Dearie being highly suspicious of anyone who Trump wants. I would be too. But this is actually a Trump team (unsurprising) screw up: having their own Special Master choice rule against them will be fun to watch,” Weissmann crowed. “Dearie is a model judge.”

The “model judge,” however, may have arguably displayed at least one error in judgment, according to a Department of Justice case review. In the DOJ’s Inspector General report on the FBI’s ‘Crossfire Hurricane’ operation, [revised edition](#) in December 2019, the IG report notes that the discredited Steele dossier, a Clinton campaign opposition research dump, was used to justify the “sensitive and intrusive” surveillance of Trump adviser Carter Page during the 2016 election.

“Shortly after opening the Carter Page investigation in August 2016, the Crossfire Hurricane team discussed the possible use of FISA-authorized electronic surveillance targeting Page, which is among the most sensitive and intrusive investigative techniques. As we describe in Chapter Five, the FBI ultimately did not seek a FISA order at that time because OGC, NSD’s Office of Intelligence (OI), or both determined that more information was needed to support probable cause that Page was an agent of a foreign power. However, immediately after the Crossfire Hurricane team received Steele’s election reporting on September 19, the team reinitiated their discussions with OI and their efforts to obtain FISA surveillance authority for Page, which they received from the FISC on October 21.”

The FISA warrant renewals contained false and misleading information, as the IG report notes. These include: “Omitted the fact that Steele’s Primary Subsource, who the FBI found credible, had made statements in January 2017 raising significant questions about the reliability of allegations included in the FISA applications”; “Omitted Page’s prior relationship with another U.S. government agency [[CIA](#)], despite being reminded by the other agency in June 2017, *prior to the filing of the final renewal application*, about Page’s past status with that other agency” [emphasis added]; “Omitted information from persons who previously had professional contacts with Steele or had direct knowledge of his work-related performance, including statements that Steele had no history of reporting in bad faith but ‘[d]emonstrates lack of self-awareness, poor judgment,’ ‘pursued people with political risk but no intelligence value,’ ‘didn’t always exercise great judgment,’ and it was ‘not clear what he would have done to validate’ his reporting.”

“According to the DIOG, search warrants, wiretaps, and undercover operations are considered to be very intrusive, while database searches and communication with established sources are less intrusive,” the Department of Justice’s Inspector General noted in a review of the FBI’s surveillance of Carter Page.

The Department of Justice’s Inspector General report remains as relevant today as the day it was

issued. The DOJ IG report highlights that FBI search warrants and surveillance are “sensitive and intrusive” tools that should only be used as a last resort to substantiate allegations of criminal wrongdoing.

This week, 40 more extremely broad search warrants and subpoenas were issued to allies and advisers of former President Donald Trump regarding the January 6 riots. This is an extension of the same case the House of Representatives had prosecuted publicly in January 2020 and had failed to accomplish a Senate conviction. This follows upon reports of the FBI issuing dozens of subpoenas and search warrants to Trump allies last week regarding Save America PAC, a Trump campaign arm.

The Mar-a-Lago documents case that is being adjudicated in Florida court was preceded by an FBI raid in early August. The FBI’s unprecedented action was ultimately carried out after a June meeting with former President Donald Trump, followed by weeks of deliberation until it was “personally approved” by Attorney General Merrick Garland.

by Kyle Becker

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