

THE NATIONAL INTEREST

How the Media Has Whitewashed FBI Abuses in the Russia Probe

October 14, 2020

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It's hard to decide which development is worse: the FBI's lengthy pattern of arrogant misconduct, or the mainstream media's willingness to be an accomplice in excusing such misconduct. Either behavior undermines government accountability and the protection of civil liberties. The entire episode is a sobering example of irresponsibility on the part of institutions that nevertheless insist on respect from the public.

The mainstream media not only continues to parrot the narrative that President Donald Trump is a Russian asset who collaborated with Moscow to steal the 2016 presidential election, but journalists have also minimized or dismissed evidence about FBI abuses during the course of the investigation into those allegations.

One point that emerged clearly when Justice Department Inspector General Michael Horowitz issued his report in December 2019 was that the FBI had committed serious violations of its own procedures and basic requirements of due process. The scope and severity of that misconduct have become even more apparent with the passage of time.

Although Horowitz did not endorse the Trump White House's core allegation that the FBI had initiated the "Crossfire Hurricane" investigation of the Trump campaign out of political bias, the IG report identified 17 major instances of improper behavior, including violations of standard procedures and safeguards for the rights of individuals targeted in an investigation. Most of the abuses occurred with respect to investigative warrants aimed at Carter Page, a foreign policy adviser to the Trump campaign. Especially disturbing violations included the withholding of exculpatory evidence in warrant applications to the Foreign Intelligence Surveillance Act (FISA) court. Among the offenses was the repeated failure to disclose that Page was working for the CIA during the period he was making contact with Russian diplomatic and intelligence officials. In one instance, FBI assistant general counsel Kevin Clinesmith even altered a document to make it state the opposite of its original language about Page's role.

Despite the damaging revelations in the IG report, most of the initial accounts in the mainstream media echoed the arguments that former FBI director James Comey and other agency defenders made. News stories emphasized the rejection of the political bias charge, with that aspect eclipsing all other conclusions that placed the FBI in a less favorable light. *NBC News* opted for

the headline “Internal Justice watchdog finds that Russia probe was justified, not biased against Trump.” *PBS NewHour*’s headline was “DOJ inspector general finds no bias in FBI’s Russia probe.” Other outlets were at least as flagrant in their spin of the IG’s report. *New York Magazine*’s headline blared that “Inspector General Finds Russia Investigation Wasn’t an FBI Witch Hunt,” “So much for the Deep State Plot against Donald Trump,” proclaimed an article in *Wired*.

Even when news stories acknowledged problems with the FBI’s behavior, writers and reporters attributed those actions to “errors” and “missteps,” not misconduct or abuses. But Horowitz himself pushed back on the notion that he had exonerated the FBI. A week later, he clarified that his investigation into the FBI’s FISA warrants “did not reach” the conclusion that the bureau was unaffected by political bias during its Russia investigation. In response to questioning from Senator Josh Hawley (R- MO.), Horowitz explained that his investigation did leave the door open to possible political bias, because his team could not accept the explanations FBI members gave about why there were “so many errors” in their investigation. As reasons for caution, he specifically cited “the alteration of the email, the text messages associated with the individual who did that, and our inability to explain or understand, to get good explanations so that we could understand why this all happened.” Such caveats indicated that the Horowitz report was far from being an exoneration of the FBI.

Since then, the media’s favorable spin on the FBI’s performance has become even more difficult to sustain. That was especially true once the FISA court forcefully rebuked the FBI for its actions, and then retroactively invalidated two of four warrants issued in the Page investigation. That move was virtually unprecedented. So too was a subsequent move in March 2020, when the court barred any agents involved in the original warrant applications from submitting future surveillance applications.

Such measures were stunning since the FISA court was notorious over the years for rubber-stamping warrant requests from national security agencies. Sharp criticism from the FISA court of such an agency, much less the imposition of sanctions against that agency’s personnel, was only a little less startling than if the Chinese People’s Congress had criticized President Xi Jinping and curtailed his powers.

Yet another blow to the media narrative came in early June 2020 when former Deputy Attorney General Rod Rosenstein stated in congressional testimony that he never would have signed the FISA warrant renewal application if he had known how unreliable was the Steele dossier and the other underlying evidence. On this occasion, his statement received a respectable amount of attention in the mainstream media, including the *Washington Post*, CBS News, and Yahoo News. Most of them also acknowledged that the admission was the main thrust of Rosenstein’s testimony. *NBC News*, though, went out of its way to put a different spin on that testimony, with the utterly misleading headline: “Rod Rosenstein defends Mueller appointment, approval of FISA applications in Russia probe.”

The prevailing, but increasingly strained, media narrative that any problems with the FBI’s Crossfire Hurricane investigation suffered another blow in August 2020 when former assistant

general counsel Kevin Clinesmith pled guilty to the document alteration charge in the FISA warrant applications for the continuing surveillance of Carter Page. Mainstream press stories acknowledged the guilty plea, but they carefully avoided drawing any wider conclusions about Crossfire Hurricane abuses.

Indeed, some of the accounts went out of their way to assert that Clinesmith's offense was nothing more than an isolated incident. CNN's treatment was typical. The network's analysis contended that "court documents laying out the single charge against Clinesmith don't make any broader allegation of a conspiracy by FBI investigators against Trump, an accusation Trump has frequently made. Instead, it shows another FBI official who signed the fourth FISA warrant raising a concern about whether Page was a CIA source and seeking email proof when Clinesmith downplayed the CIA relationship with Page."

Only a few analyses in conservative publications pointed out that the forgery episode was part of a larger pattern of FBI procedural violations during Crossfire Hurricane. Andrew McCarthy's article in *National Review* explicitly concluded that Clinesmith's plea was a "perfect snapshot of Crossfire Hurricane's duplicity." It was a valid point; Clinesmith's conduct was merely the most egregious case among numerous episodes of FBI misconduct during that probe, as Horowitz's report had already documented.

Subsequent Senate hearings in September and October 2020 have cast further doubt on the thesis that there was enough evidence to justify commencing the Russia collusion investigation in the first place. The *Wall Street Journal's* Kimberley A. Strassel provided a blunt assessment of the excesses. "Chairman Lindsey Graham hauled the former FBI director in front of the Senate Judiciary Committee ostensibly to answer for stunning new details in the bureau's Trump-Russia probe. But the hearing more broadly resurrected the breathtaking arrogance of the swamp. This was the crew that in 2016—based on the thinnest of tips—launched a counterintelligence investigation into a presidential campaign, complete with secret surveillance warrants and informants."

Strassel added: "FBI agent Peter Strzok in 2018 lectured Congress that the bureau had too many "safeguards" and "procedures" ever to allow "improper" behavior. Yet this past week provided evidence the FBI leaders blew through red light after red light. We already knew they based the probe on a dossier that came from a rival campaign. We knew the bureau was warned early on that the dossier was potential Russian disinformation. And now we know it discovered that the man who was the dossier's primary source had been under FBI investigation as a suspected agent for Moscow. The bureau hid all of this from the surveillance court."

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