



Trump allies see vindication in reports on Manafort wiretapping

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For some of President Trump's staunchest allies, reports that former campaign chairman Paul Manafort was under U.S. surveillance are nothing short of vindication of the president's widely-dismissed claims that former President Obama wiretapped Trump Tower.

Although surveillance experts from both sides of the aisle say the claims mischaracterize reports about the order on Manafort, that hasn't stopped Trump allies from saying the president was right all along.

Longtime advisor Roger Stone has gleefully circulated a segment from Tucker Carlson's show on Fox News in which the host says "all those patronizing assurances that nobody is spying on political campaigns were false" and "it looks like Trump's tweet may have been right."

When Trump made his claim in March, it was rejected by members of both parties. The Justice Department later stated that it had no evidence to back them up.

While there have been some conflicts in the reports on surveillance of Manafort by both CNN and The Wall Street Journal, they have been consistent in stating that officials obtained a lawful order from a clandestine court to target Trump's former campaign chief as part of the counterintelligence probe into Russian interference in the election.

CNN reports that the order allowed officials to place a wiretap on Manafort, while the Journal reports that it covered only stored communications and did not allow officials to intercept his phone communications in live time.

But in either case, experts say, the reporting provides no justification for Trump's claim that Obama had his "wires tapped" in Trump Tower.

“No — no — absolutely none,” said David Shedd, a Heritage Foundation fellow who was Deputy Director of National Intelligence for Policy, Plans and Requirements under former President George W. Bush.

Under U.S. surveillance law, the government can target an American citizen if it can show probable cause that that person is knowingly acting as an agent of a foreign government. Manafort has reportedly drawn federal interest for years related to his work for a Russian-backed political candidate in Ukraine — although it is unclear what information sparked the warrant investigators obtained as part of the Russia probe.

CNN reported that investigators obtained a warrant related to his work in Ukraine that lapsed in 2016 due to lack of evidence, but that interest in Manafort was “reignited” due to “intercepted communications between Manafort and suspected Russian operatives, and among the Russians themselves.”

It is possible, experts say, that if Manafort spoke to President Trump during the period he was under surveillance, that the president’s communications may have been collected as well — a legal practice known as “incidental collection.”

According to the Journal, the surveillance began after Manafort was ousted by the Trump campaign in August. CNN reports only that it covered a period before and after the Nov. 8 election but notes that it was conducted at a time when Trump was known to talk to Manafort.

Still, there is no new evidence in the two reports to suggest that Trump himself was under surveillance, experts say.

For supporters of the president — and most casual consumers of news — the distinction is immaterial between a court order targeting the president-elect and a court order under which the president’s communications may have been collected incidentally.

“That lack of understanding of the granularity is exactly what the president and his supporters are counting on,” said Pat Eddington, a surveillance policy expert at the libertarian-leaning Cato Institute.

If it turns out that any of Manafort’s communications with the president were collected at Trump Tower — which is possible given that he had an apartment in the building — “then the whole story is, ‘it’s happening every time, all the time, and I told you so,’ ” Shedd said.

But that argument is specious, he said. “Trump is only the other half of the conversation by coincidence. Obviously Manafort called people, so of course there would be coverage of the other party.”

A spokesperson for Manafort, Jason Maloni, has characterized the court orders as an abuse of power by the Obama administration, which he says wanted to spy on a political opponent.

“It’s unclear if Paul Manafort was the objective,” Maloni told the Journal. “Perhaps the real objective was Donald Trump.”

Surveillance experts are skeptical of that suggestion. For one thing, it is illegal for investigators to “reverse target” an American by spying on a person with whom they know their true target to be in communication.

If the president were in fact the oblique target of government surveillance — either as a candidate or the president-elect — both Eddington and Shedd say, it would have been so explosive that it would have almost certainly been leaked to the press.

Manafort has become increasingly central to the federal probe into Russian interference in the election. Special counsel Robert Mueller has reportedly told him to expect to be indicted and a drumbeat of headlines linking him to Russian officials have emerged in the press.

He was a participant in a highly-scrutinized meeting in 2016 between Donald Trump Jr. and a Russian government lawyer promising dirt on Democratic presidential candidate Hillary Clinton. Most recently, The Washington Post reported on Wednesday that Manafort offered to provide “private briefings” on the 2016 race to a Russian billionaire with close ties to the Kremlin.

The disclosure of the warrants targeting Manafort has drawn legitimate scrutiny as a violation of Manafort’s civil liberties and a possible criminal leak — the mere existence of a Foreign Intelligence Surveillance Act, or FISA, warrant is classified.

House Intelligence Committee chairman Devin Nunes (R-Calif.), who first raised alarm about the practice of “unmasking” the names of Americans caught up in government surveillance, is currently under investigation by the House Ethics Committee for allegedly exposing classified information when he disclosed his findings to reporters.

And many civil liberties advocates say there is a legitimate need for more limitations and transparency in the FISA process.

But, Eddington said, “We can refute the notion that the president was peddling that he was wiretapped.”

“There is nothing in evidence right now that suggests that,” he said.