



Time for President Trump to provide full disclosure of the documents that prove FISA court abuse and spying by Obama in 2016

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The four-page House Permanent Select Committee on Intelligence memorandum has been available since Feb. 2, detailing abuse by Obama era Justice Department and intelligence officials to illegally spy on the Trump campaign in 2016.

In Oct. 2016, the FBI used the unverified Democratic National Committee (DNC) and Clinton campaign paid for Christopher Steele-Fusion GPS dossier falsely alleging Trump campaign-Russia collusion to obtain a Foreign Intelligence Surveillance Act (FISA) court warrant against Trump campaign advisor Carter Page — and concealed that information from the court.

The American people can read it for themselves, but the nation is no closer to real reforms of the FISA system. To get there, full disclosure is needed. We need to see the underlying documents that support the very serious charges from the memo.

The case for reform must be undeniable.

Underscoring the need for disclosure can be gleaned from the responses from normally civil liberties-minded groups to the memo.

The libertarian Cato Institute's Patrick Eddington openly mocked the memo as "a purely partisan document," and a "political 'nothingburger,'" all the while acknowledging the need to address the real problems posed by the memo: "The specific legal requirements for an application for electronic surveillance do not mandate that explicitly political/campaign-related conflicts of interest or similar politically sensitive information be included in the application. Should it? Absolutely."

The American Civil Liberties Union's (ACLU) Christopher Anders, for its part, said that the memo "makes serious charges of FBI and Justice Department misconduct in obtaining a warrant to surveil an American citizen," stating "[t]he completeness and accuracy of government representations to the FISA court are longstanding concerns."

The ACLU also, fairly, calls for the underlying documents to be released. Anders added, “on its own [the memo] does not contain the facts needed to substantiate its charges... all Americans deserve to see all of the facts, including both the minority report and the underlying documents.”

This acknowledges that if substantiated, a political campaign being able to manipulate federal agencies to open an investigation into their opponents, and then hiding that information from the court, would pose a major problem in our system of government. And the call for fuller disclosure is perfectly reasonable.

So far, the House Intelligence Committee has voted to release the Democrat version of their own memo. But it has gotten held up in the disclosure process. On Saturday President Trump tweeted, “The Democrats sent a very political and long response memo which they knew, because of sources and methods (and more), would have to be heavily redacted, whereupon they would blame the White House for lack of transparency. Told them to re-do and send back in proper form!”

For his part, Chairman Nunes told Fox News he’d still like the Democrat memo to be released: “We actually want the Democratic memo out. We think it’s ridiculous on the face of it.”

But more information is still coming. A Senate Judiciary Committee-released companion memo by committee chairman Sen. Chuck Grassley (R-Iowa) and Sen. Lindsey Graham (R-S.C.) corroborates the House memo’s key charge: That an unverified political hit piece by the Democrats was used as evidence before the FISA court to spy on the opposition party, and that fact was hidden from the court.

As for the underlying documents, however, the House is not in possession of those. They are at the Justice Department.

In an interview on the John Batchelor Show on Feb. 7, committee chairman Rep. Devin Nunes (R-Calif.) spoke of his months-long battle just to get access to the documents: “We had to go to war with DOJ and FBI in order to get the truth out so the public could learn exactly what had happened here and what and what a scandal this really is.”

And even then, committee investigators were only able to visit the Justice Department to view the documents to prepare the memo.

In other words, it is not up to the House to release documents belonging to the executive branch. It is the executive branch’s, meaning faulting Nunes for not releasing those documents is a bit disingenuous. He doesn’t have them and is in no position to declassify them. He couldn’t release them if he wanted to.

The documents should be released, not by Congress, but by President Donald Trump. The FBI and Fusion GPS never verified Steele’s sources, but Trump can surely corroborate the memo — by declassifying everything.

And they should answer key outstanding questions, namely:

Who were Christopher Steele's sources? Were they really Russian intelligence, or somebody else?

Was the Sept. 2016 Yahoo! News Michael Isikoff story on the Carter Page investigation placed with the intent to assist in obtaining the FISA warrant before it was used as evidence before the court to get one? Who was Isikoff's top Justice Department official source for the story?

When did the Trump-Russia investigation really begin? Was it in 2016 or months earlier when the British intelligence service GCHQ tipped of then-CIA Director John Brennan, as reported by the Guardian in April 2017?

Was the Justice Department aware of key inaccuracies in the Steele dossier, for example, that Trump lawyer Michael Cohen was never in Prague talking with Russian agents as alleged? Were those inaccuracies ever reported to the court?

Who else from the Trump campaign was surveilled? What other FISA court warrants were there?

There's more that could be asked, certainly, and as we get closer to full disclosure, even more questions will emerge. The bottom line is the American people have the right to know if the federal government's vast surveillance powers were used for political ends against the opposition party in an election year. Agree or disagree with President Trump's policies, one thing every American should agree on is that this should not be happening in a free society.

But to get there, to get real reform to the FISA court system, the American people need to see these underlying documents and transcripts — so that this never happens again.