

# *The Atlantic*

## **The White House Declines to Substantiate Trump's Wiretapping Claims**

*A day after the Trump charges “Nixon/Watergate” level misconduct by his predecessor, the administration says that “neither the White House nor the president will comment further.”*

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A day after President Donald Trump charged that President Obama had tapped his phones in advance of the November election, his spokesperson indicated that the White House did not intend to offer any evidence to substantiate that remarkable claim—and would not be offering further comment in the near future.

The statement capped 24 hours of intense speculation, as the administration and its allies sought to shift the focus of attention from reported contacts between Trump aides and Russia, to questions about how such contacts had been uncovered. Earlier in the week, Trump and his aides had blasted the leaks which had disclosed the contacts, and the news outlets which reported them; on Saturday, the president shifted to attack the basis of the electronic surveillance that reportedly documented the contacts.

Later on Saturday, *The New York Times* reported that “two people close to Mr. Trump said they believed he was referring to a Breitbart News article,” and not to any classified briefings or other intelligence reports to which he might have been privy. Several of his advisers, the *Times* reported, were “stunned by the president’s morning Twitter outburst,” left scrambling to substantiate the claims, for which the president provided no sources.

On Sunday morning, instead of offering evidence that Obama had ordered the wiretapping of Trump’s phones, White House Press Secretary Sean Spicer issued a formal statement—in what is becoming a pattern for the administration on matters of particular import—broke it apart and tweeted it for good measure:

Reports concerning potentially politically motivated investigations immediately ahead of the 2016 election are very troubling.

President Donald J. Trump is requesting that as part of their investigation into Russian activity, the congressional intelligence committees exercise their oversight authority to determine whether executive branch investigative powers were abused in 2016.

Neither the White House nor the President will comment further until such oversight is conducted.

In place of the president's clear and affirmative claims of "Nixon/Watergate" level abuse of executive power, the statement cites only "reports" of "potentially politically motivated investigations." It does not explain the basis for the president's dramatic claims.

It also reverses the administration's position on the utility of congressional investigations. Spicer has repeatedly dismissed questions about contacts between Trump affiliates and Russia, insisting that press reports based largely on anonymous sources were too flimsy to justify a probe. Just last week, he said that "Russia's involvement and activity has been investigated up and down," adding that "the question becomes at some point: If there's nothing further to investigate, what are you asking people to investigate?" On Sunday, however, Spicer said that unspecified "reports" were a sufficient basis to request that "congressional intelligence committees exercise their oversight authority."

Spicer's statement also fails to specify why, if the president possesses evidence that Obama abused his power, he wouldn't release it to aid that investigation. On *Lawfare*, Benjamin Wittes posed ten questions to Trump—reminders of the awkward queries the White House seems likely to face in the coming days, and which its position that it will not to "comment further until such oversight is conducted" will excuse it from answering.

It remains unclear what precisely what this pledge will mean, in practice; minutes after vowing no further comment from the White House, Spicer encouraged his followers to watch his principal deputy, Sarah H. Sanders, weigh in on the matter on ABC News's *This Week*, and then tweeted approvingly that former Attorney General Michael Mukasey had said he thought the president was right that there was surveillance at the behest of the Obama Department of Justice.

Prior to the White House statement, several observers had raised questions about the breadth of the president's claims, while simultaneously pointing to narrower concerns about media reports about surveillance that was allegedly authorized under the Foreign Intelligence Surveillance Act. On Saturday, the Cato Institute's Julian Sanchez highlighted the possibility that law enforcement might have engaged in "reverse targeting"—monitoring foreign individuals or entities primarily to gain information about American citizens.

Nebraska Republican Senator Ben Sasse issued a statement on Saturday outlining his own concerns, including the prospect of an illegal wiretap. But he primarily focused on reports that some surveillance that intercepted communications from Trump associates was legally authorized. "If it was with a legal FISA Court order, then an application for surveillance exists that the Court found credible," he said, in part. "The President should ask that this full application regarding surveillance of foreign operatives or operations be made available, ideally

to the full public, and at a bare minimum to the U.S. Senate.” America, he said, faces “a civilization-warping crisis of public trust.”

If Spicer’s statement on Sunday is any indication, that crisis has no imminent path to resolution.