



## After release of Carter Page FISA docs, what happens next?

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The release of the classified application submitted by the FBI to monitor a former Trump campaign associate, Carter Page, has prompted renewed allegations of government misconduct from President Donald Trump and his allies in Congress.

Despite the outrage over alleged government abuses of its spy powers, there have been few calls to reform the Foreign Intelligence Surveillance Act (FISA) to protect American persons from unlawful surveillance. Instead, there has been a push to cast doubt on the credibility of the special counsel investigation into Trump and Russia and efforts to open a new investigation into possible intelligence abuses related to the Trump probe.

Over the weekend, the Trump administration released a heavily redacted version of the FBI's application to surveil Carter Page, a suspected Russian agent. After the release of the 412-page report, President Trump cited it as evidence of a "Witch Hunt" against him.

"As usual [the FISA documents] are ridiculously heavily redacted but confirm with little doubt that the Department of 'Justice' and FBI misled the courts. Witch Hunt Rigged, a Scam!" Trump tweeted.

Congratulations to @JudicialWatch and @TomFitton on being successful in getting the Carter Page FISA documents. As usual they are ridiculously heavily redacted but confirm with little doubt that the Department of "Justice" and FBI misled the courts. Witch Hunt Rigged, a Scam!

On Monday, Trump inaccurately claimed the FBI "knowingly & falsely submitted" an unverified intelligence dossier to the FISA court "which was responsible for starting the totally conflicted and discredited [Robert] Mueller Witch Hunt!" According to the document, the surveillance on Page began around October 2016, weeks after the FBI started its initial investigation of the Trump campaign and Russia on July 31.

Trump later repeated his charge that the FBI "Misled the Court to provide a pretext to SPY on the Trump Team." He concluded, "They should drop the discredited Mueller Witch Hunt now!"

....."Carter Page wasn't a spy, wasn't an agent of the Russians - he would have cooperated with the FBI. It was a fraud and a hoax designed to target Trump." Tom Fitton [@JudicialWatch](#) A disgrace to America. They should drop the discredited Mueller Witch Hunt now!

According to the portions of the FISA application that were not redacted, the FBI had sufficient evidence to claim that Page "has been the subject of targeted recruitment by the Russian Government" and that the Russian government intended to use Page "to undermine and improperly and illegally influence the 2016 U.S. Presidential election."

Page recently responded to the assertions made in the document calling them "ridiculous" and "misleading."

One of the sources of evidence submitted by the FBI was an individual believed to be Christopher Steele, author of the infamous "Steele Dossier" on alleged Trump-Russia collusion and a former British intelligence agent with a history of providing "reliable information" to the FBI.

The FBI's surveillance application stated that Steele was hired by an individual tied to a U.S.-based law-firm (presumably Fusion GPS' Glenn Simpson, tied to the Perkins Coie law firm) to research Donald Trump's ties to Russia.

Steele was "never advised" about the motivations behind the research into Trump campaign, the surveillance application said, though the FBI presumed the information was being collected "to discredit [Trump's] campaign."

According to Robert Deitz, who reviewed many FISA applications during his time as general counsel at the National Security Agency, there was nothing in the declassified FISA application to show evidence of abuse or misconduct.

"There is absolutely nothing there to criticize," he stressed.

The fact that the source on Carter Page was being paid by the Democratic National Committee and Hillary Clinton campaign would not affect the FISA judges' determination, Deitz explained. "Motivation doesn't mean jack," he said. "Your source may hate the guts of the person he's reporting on."

What matters, he continued, is having an intelligence source who has provided reliable information in the past and probable cause to believe an individual is an agent of a foreign power. Because the FISA Court is not a criminal court, the evidence does not have to meet the standards of proof beyond a reasonable doubt.

Even without the Steele Dossier, the FISA application cites Carter Page's previous interview with an FBI agent, his public statements about his role as an informal adviser to the Kremlin and then-candidate Trump's statements about Page's role as a foreign policy adviser on the campaign.

Additionally, the surveillance was reauthorized twice after the initial request was filed in October 2016, suggesting investigators found additional information to justify its concerns about Page's coordination with Russia.

In effect, the Carter Page affair has prompted calls to launch a new special counsel investigation into FISA abuses and demands to wrap up the Mueller investigation, but few lawmakers are calling to reform the process that produced the alleged misconduct by the intelligence community.

Sen. Lindsey Graham, R-S.C., seemed to be the lone voice suggesting on Sunday that Congress should reform FISA process. "The FISA warrant process needs to be looked at closely [by] Congress," Graham told CBS' Face the Nation. He went on to call the substance of the Steele Dossier "garbage." Former FBI Director James Comey dismissed parts of the dossier as "salacious and unverified."

A number of congressmen, including Devin Nunes of California, the chairman of the House intelligence committee, issued a call to action on Monday, arguing for the public release of the complete, unredacted FISA application. Nunes further claimed that the redacted documents proved the accuracy of a controversial partisan memo he authored earlier this year, claiming the surveillance of Page was almost solely based on misinformation and politicized intelligence.

In the meantime, a group of roughly a dozen House Republicans, including the chairmen of the House oversight and judiciary committees, formally requested the Department of Justice appoint a second special counsel to investigate possible misuse of government surveillance.

In the Senate, Judiciary Chairman Chuck Grassley of Iowa, along with Texas Sen. John Cornyn, North Carolina Sen. Thom Tillis and Sen. Lindsey Graham sent a letter to Attorney General Jeff Sessions also requesting the appointment of a special counsel with the ability to prosecute any mishandling of the Trump-Russia investigation, including improper FISA surveillance.

The Department of Justice has largely ignored the requests in favor of an internal investigation led by Inspector General Michael Horowitz. Horowitz began his review of possible FISA abuse in late March. It is not clear when the report will be released.

Justice watchdog to probe GOP claims of FBI surveillance abuses in Russia case.  
<https://bit.ly/2pOhC4M>

According to Patrick Eddington, a homeland security and civil liberties analyst at the Cato Institute, the current debate has little to do with the government's surveillance powers and everything to do with partisan politics.

Earlier this year, Congress was given the opportunity to reform the Foreign Intelligence Surveillance Act when parts of the law came up for reauthorization. Some of the most vocal critics of government "spying" on the Trump campaign voted to expand NSA's ability to collect data on American citizens, rather than curb those powers.

Chairman Nunes' vote to reauthorize the government's surveillance authorities was "particularly damning" in that respect, Eddington noted.

"If his concerns about the FBI's alleged overreach in the Page episode were legitimately policy-based and not purely partisan (as they clearly were), he would've offered language in the FISA Amendments Act renewal bill to address the many problems with the FISA process already documented by privacy and civil liberties advocates," he explained.

If members of Congress and the administration are concerned about surveillance abuses, there are remedies, Eddington continued, including an independent examination of the entire FISA process.

House Republicans previously asked President Trump to step in and order the public release of the FISA application. According to the White House, Trump will remain "uninvolved" regarding congressional requests to further declassify the redacted sections of the Carter Page report.