



Written by [C. Mitchell Shaw](#) on March 1, 2018

Will DOJ Probe Into FISA Abuses Just Go Through the Motions?

Attorney General Jeff Sessions confirmed Tuesday that the Justice Department will investigate allegations that the Obama-era DOJ and FBI abused the Foreign Intelligence Surveillance Act (FISA) to spy on the Trump campaign. But President Trump believes the probe could be sabotaged.

Sessions' confirmation comes after his announcement February 18 on Fox News that his office would look into the claims of FISA abuses listed in the memo released by House Intelligence Committee Chairman Devin Nunes (R-Calif.). It also comes on the heels of the public release of the Democratic memo disputing the claims of the Nunes memo. The Democratic memo — authored by Representative Adam Schiff (D-Calif.) — claims that no such abuses ever took place. The facts, though, clearly favor the Republican memo, and Sessions has committed his office to getting to the bottom of the scandal.



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During his February 18 appearance on Fox News' *Sunday Morning Futures*, Sessions addressed the FISA abuse issue, saying, "Let me tell you, every FISA warrant based on facts submitted to that court has to be accurate." His remarks were a clear reference to the claims of the Nunes memo, which documented a series of inaccuracies and material omissions in the initial FISA application and three subsequent renewal applications for a surveillance warrant allowing the DOJ and FBI to spy on Carter Page. Page — a U.S. citizen — was a foreign policy advisor for the Trump campaign.

As this writer [reported](#) when the Nunes memo was made public despite Democrats' effort to block its release, that memo — based on intelligence that is not publicly available, but is referenced in general terms in the memo — shows:

- The "FBI and DOJ obtained one initial FISA warrant targeting Carter Page and three FISA renewals from the FISC";
- The government "omitted" certain "material and relevant information" when requesting the warrant and renewals; and
- These omissions were made despite the government's legal obligations to "include information potentially favorable to the target of the FISA application that is known by the government," and despite the fact that the FBI and DOJ "had at least four independent opportunities before the FISC to accurately provide an accounting of the relevant facts."



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The [Democratic memo, released Saturday](#), attempts to dispute those charges, but lacks anything resembling evidence to the contrary.

Sessions also told Fox News that the claims of the Nunes memo “will be investigated and looked at.” He added, “we are not going to participate at the Department of Justice in providing anything less than the proper disclosure to the court before they issue a FISA warrant.”

On Tuesday, Sessions confirmed that commitment. He told reporters, “Yes, it will be investigated.” And while that is good news for those concerned about politically-motivated surveillance abuses by government agencies, the route he has initially chosen to take is, well, maybe not so good. His announcement on February 18 was met with approval from the White House with White House Press Secretary Sarah Huckabee Sanders saying, “I think that’s the role of the Department of Justice, and we’re glad that they’re fulfilling that job.” However, for reasons that are not immediately clear, Sessions said Tuesday that he will hand the matter over to his department’s inspector general. He said, “We believe the Department of Justice must adhere to the high standards in the FISA court and, yes, it will be investigated. And I think that’s just the appropriate thing,” adding, “The inspector general will take that as one of the matters they’ll deal with.”

Inspector General of the U.S. Justice Department of Justice Michael Horowitz has served in that office since April 2012 when he was appointed by President Obama. Since the Obama-era DOJ and FBI are the very agencies in question, it makes sense that some feathers would be ruffled by Sessions’ choice to hand this investigation over to an Obama-era left-over IG who was in that office when the FISA abuses took place.

IG Horowitz has already been tasked with investigating “allegations of misconduct” in relation to former-FBI Director James Comey’s handling (or mishandling) of the investigation into Hillary Clinton’s illegal use of an unsecured, unauthorized, private e-mail server and account during her tenure as secretary of state. President Trump has been critical of the fact that nothing has come of Horowitz’s Comey probe, though it has been ongoing since January 2017.

Trump, who has been pushing for months for an investigation of the FBI and DOJ illegally spying on his campaign, responded to Sessions’ announcement by taking to his favorite social media platform, Twitter. Wednesday morning, Trump [tweeted](#):

Why is A.G. Jeff Sessions asking the Inspector General to investigate potentially massive FISA abuse. Will take forever, has no prosecutorial power and already late with reports on Comey etc. Isn’t the I.G. an Obama guy? Why not use Justice Department lawyers? DISGRACEFUL!

Sessions — in a move that shows he believes he knows what he is doing — responded with a statement Wednesday afternoon. He wrote, “We have initiated the appropriate process that will ensure complaints against this Department will be fully and fairly acted upon as necessary.” The statement went on to say, “As long as I am the Attorney General, I will continue to discharge my duties with integrity and honor, and this Department will continue to do its work in a fair and impartial manner according to the law and Constitution.”

When asked about the plans to investigate the claims of the memo, all Horowitz’s office would say is, “We’ve received the referral and decline to comment further.”

Considering Horowitz’s apparent lack of speediness in handling the Comey matter, and his non-committal answer to questions regarding this matter, Trump seems to have good reason for his frustration. If this investigation gets filed away somewhere near the bottom of Horowitz’s growing and



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neglected to-do list and left to die of benign neglect, the American people will have good reason to share the president's frustration.

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