

Memo Reading for Non-Partisans – Kimberly Strassel, WSJ, 2feb18

The White House looks set to release the House Intelligence Committee memo on 2016 government surveillance abuses, which means the attacks on the document by Democrats, the Federal Bureau of Investigation and the media are going to get wilder. To help navigate through the spin, here's a handy guide for what to look for, and what to ignore:

- **Rationale.** Did the FBI have cause to open a full-blown counterintelligence probe into an active presidential campaign? That's a breathtakingly consequential and unprecedented action and surely could not be justified without much more than an overheard drunken conversation or an unsourced dossier. What hard evidence did the FBI have?
- **Tools and evidence.** Government possesses few counterintelligence tools more powerful or frightening than the ability to spy on American citizens. If the FBI obtained permission from the Foreign Intelligence Surveillance Court to monitor Trump aide Carter Page based on information from the Christopher Steele dossier, that in itself is a monumental scandal. It means the FBI used a document commissioned by one presidential campaign as a justification to spy on another. Ignore any arguments that the dossier was not a "basis" for the warrant or only used "in part." If the FBI had to use it in its application, it means it didn't have enough other evidence to justify surveillance.

Look to see what else the FBI presented to the court as a justification for monitoring, and whether it was manufactured. Mr. Steele and his client, Fusion GPS, ginned up breathless news stories about the dossier's unverified accusations in September 2016 in order to influence the election. The FBI sometimes presents news articles to the court, but primarily for corroboration of other facts. If the FBI used the conspiracy stories Mr. Steele was spinning as actual justification—evidence—to the court, that's out of bound

- **Omissions and misdirection.** What else did the FBI tell the court? One would presume the bureau did its due diligence and knew Mr. Steele ultimately worked for the Hillary Clinton campaign and the Democratic National Committee. The FISA court puts considerable emphasis on the credibility of sources. Did the FBI inform the court of the Clinton connection? Or did it lean on the claim that the Fusion project was originally funded by Republicans? Such a claim might diminish the partisan stench. But it would also be a falsehood, since the dossier portion of the project was purely funded by Clinton allies. And if the FBI didn't bother to ask who hired Mr. Steele or Fusion, that's a scandal all its own.

Also, look to see whether the FBI informed the court that Mr. Steele was blabbing to the press. When he first approached the bureau in July, he hadn't yet briefed the media. But by September he and Fusion were publicly spinning the dossier for their Democratic client, and the FBI would have known who was generating the stories. Did the FBI continue to attest something that clearly was no longer true?

- **Duration of surveillance.** The FBI may argue it had good cause to look into Mr. Page. But if months of wiretaps didn't turn up anything (and surely we'd have heard if they did), the FBI also had a duty to cease such a liberty-busting intrusion. Ask how long this probe went on and

whether it was justified, or if the FBI was simply giving itself an open-ended license to spy on a campaign.

Expect Trump critics to renew their effort to turn Mr. Page into a Manchurian aide, seizing on his every action or word while ignoring the small role he played in the campaign, not to mention his obvious oddness. This will be designed to make people forget that for all the focus on Mr. Page, he was and remains a private citizen, who apparently was subject to months of government monitoring based on what may prove nothing more than the gossip of a rival campaign.

- Team Obama. Somewhat lost in this narrative is what role if any the broader Obama administration might have played with regard to the dossier. What actions were taken by former CIA Director John Brennan, or former Director of National Intelligence James Clapper ? Also don't forget Bruce Ohr, the Justice Department official whose wife worked for Fusion GPS, and who himself met with Fusion cofounder Glenn Simpson. Or the Justice Department officials who approved court filings. If there was surveillance abuse, accountability shouldn't stop with the FBI.

Mostly, ignore what is certain to be a nonstop shriek that this memo is out of context, that it omits facts or cherry-picks data or makes unfair allegations. You know, sort of like what Democrats and the media did this past year in their "Russia investigation." The difference here is that the memo only needs to provide a few facts for the country to understand if there was FISA abuse.

The rest is noise.

Write to kim@wsj.com.

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