

HOW TRUMP'S TANTRUM MAY LEAD TRUMP TRANSITION OFFICIAL DEVIN NUNES TO DELEGITIMIZE THE INVESTIGATION

There are three developments in the wake of President Trump's twitter rant claiming "Obama had my 'wires tapped' in Trump Tower" yesterday.

James Clapper denies a wiretap on Trump or his campaign

First, James Clapper went on Meet the Press and denied there was FISA-authorized wiretap activity mounted against Trump or his campaign.

CHUCK TODD: Let me start with the President's tweets yesterday, this idea that maybe President Obama ordered an illegal wiretap of his offices. If something like that happened, would this be something you would be aware of?

JAMES CLAPPER: I would certainly hope so. I can't say— obviously, I'm not, I can't speak officially anymore. But I will say that, for the part of the national security apparatus that I oversaw as DNI, **there was no such wiretap activity mounted against— the president elect at the time, or as a candidate, or against his campaign.** I can't speak for other Title Three authorized entities in the government or a state or local entity.

CHUCK TODD: Yeah, I was just going to say, if the F.B.I., for instance, had a

FISA court order of some sort for a surveillance, would that be information you would know or not know?

JAMES CLAPPER: Yes.

CHUCK TODD: You would be told this?

JAMES CLAPPER: I would know that.

CHUCK TODD: If there was a FISA court order—

JAMES CLAPPER: Yes.

CHUCK TODD: —on something like this.

JAMES CLAPPER: Something like this, absolutely.

CHUCK TODD: And at this point, you can't confirm or deny whether that exists?

JAMES CLAPPER: I can deny it.

CHUCK TODD: There is no FISA court order?

JAMES CLAPPER: Not— not to know my knowledge.

CHUCK TODD: **Of anything at Trump Tower?**

JAMES CLAPPER: No.

As always with Clapper, it pays to look at what he denies: “wiretap activity” of Trump or his campaign and a FISA court order “of anything at Trump Tower.” That still leaves open wiretaps directed at people deemed not to be tied to his campaign – would Paul Manafort count, for example, after he had purportedly left the campaign? It leaves open the possibility of other kinds of collection, such as financial transfers (which they have multiple other ways of getting, like SWIFT and Section 215 and SARs from banks) affecting Trump’s campaign. It also leaves open a whole range of targeting of Russians that happen to pick up Trump’s campaign officials.

Clapper also excludes, in his denial, Title III warrants. That's important because of reporting that the investigation of Manafort started as a criminal investigation.

Note, Clapper goes on to state clearly that, at least as of the time he left, there was no evidence of collusion between Trump's campaign and the Russians. "[A]t the time [of the IC report], we had no evidence of such collusion," though he allows such evidence could have "become available in the time since I left the government."

Sean Spicer asks Congress to find out which Trump aides were wiretapped

Also this morning, Sean Spicer released a curious statement. It starts by stating that certain "reports" are "very troubling."

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

Not only does this attempt to absolve the President of his unhinged tweeting, but it backs my argument that Trump was responding to the Breitbart article which was itself based off misleading information.

Spicer then states the Trump "is requesting" that the intelligence committees "determine whether executive branch investigative powers were abused in 2016."

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.

White House Counsel Don McGahn reportedly spent yesterday trying to chase down a purported FISA warrant targeting Trump. Trump has the ability to do this himself (though it would be improper). Either McGahn learned there was nothing, or Trump wants to have the Intelligence Committees – led by Trump national security advisor Richard Burr and Trump transition official Devin Nunes – check into his claims.

And with that, Spicer says neither Trump nor anyone else will comment on Trump's unhinged twitter rant until the intelligence committees are done.

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

Let's see whether Spicer can prevent Trump from going on another rant.

Devin Nunes takes up Trump's request

Finally, Devin Nunes released a statement saying that the House Intelligence Committee would do what the President asked.

One of the focus points of the House Intelligence Committee's investigation is the U.S. government's response to actions taken by Russian intelligence agents during the presidential campaign. As such, the Committee will make inquiries into whether the government was conducting surveillance activities on any political party's campaign officials or surrogates, and we will continue to investigate this issue if the evidence warrants it.

In fact, that category "the U.S. government's

response” was supposed to be geared towards preventing a future attack; that bullet ended “what do we need to do to protect ourselves and our allies in the future?” in the scope of investigation agreed on with Adam Schiff just earlier this week.

Plus, what happened to the previously emphasized part of the HPSCI investigation, leaks?

What possible leaks of classified information took place related to the Intelligence Community Assessment of these matters?

After all, if Trump’s twitter rant yesterday had any basis in truth, he just told a bunch of people about a FISA wiretap.

But Nunes doesn’t appear to think Trump’s twitter rant did reveal classified information. Huh.

In any case, let’s review what has happened.

On Thursday, Jeff Sessions recused from the election-related parts of this investigation. In response, Trump went on a rant (inside the White House) reported to be as angry as any since he became President. The next morning, Trump responded to a Breitbart article alleging a coup by making accusations that suggest any wiretaps involved in this investigation would be improper. Having reframed wiretaps that would be targeted at Russian spies as illegitimate, Trump then invited Nunes to explore any surveillance of campaign officials, even that not directly tied to Trump himself.

And Nunes obliged.

If I’m someone tied to the Hillary campaign, here’s what I do: I immediately call on Devin Nunes to explain how a second set of Huma Abedin’s emails involving the Hillary server got targeted just days before the election. We still don’t know the circumstances of that discovery.

And if Nunes is concerned about inappropriate surveillance, surely he'll want to get to the bottom of that potentially election-altering surveillance.