

GOVERNMENT

5 Things The FBI Never Told The FISA Court About The Trump Dossier

The memo asserts the FBI and DOJ scrubbed the Steele dossier of relevant political context when presenting it to the FISA court as a basis for a surveillance warrant.

The memo from House Intelligence Committee Republicans outlining how the FBI and Department of Justice secured a warrant to spy on a Trump campaign official alleges the agencies scrubbed highly relevant political context when presenting it to the secret court as a basis for the warrant.

Anonymous sources previously claimed the agencies used the unverified dossier produced by Christopher Steele on behalf of Hillary Clinton as a basis for the warrant, and confirmation of that is deeply troubling. But the revelation that the FBI and DOJ deliberately withheld information about the dossier that would have undermined their case before the court — that it was opposition research paid for by the target's rival campaign — is stunning.

Here are five things the FBI and DOJ never told the court when asking for multiple warrants, according to the memo.

1. The dossier was funded by Hillary Clinton and The Democratic National Committee.

Although the false claim that Republicans helped pay for the dossier is still circulating, the dossier was commissioned by Fusion GPS only after Republican funding ceased. The Clinton campaign and the DNC were the sole source of funds to the opposition research firm for the entire duration of Steele's work on the dossier.

The FBI and DOJ knew this, but didn't tell the FISA court that Trump's rival campaign paid for the document they were submitting as a basis for spying on a member of Trump's campaign. They didn't mention the DNC, the Clinton campaign, or any political party in the first application for a warrant, or in any of the three applications to renew the warrant, according to the memo.

2. The FBI terminated Steele as a source for “what the FBI defines as the most serious of violations.”

Steele was terminated as a source to the FBI after he **disclosed his relationship** with the bureau to the press in October 2016. He should have been fired sooner for other unauthorized disclosures to the press, but he lied about them to the FBI, which delayed their discovery of this fact. Yet the FBI never disclosed to the FISA court any issues with Steele’s credibility, the memo says, even after they fired him because he broke their trust. Instead, the bureau used his history of credible reporting in the FISA application to firm up their argument for a warrant.

The FBI also had reason to believe Steele might be politically biased. They learned shortly after the election he told a senior DOJ official in September 2016 that he was “desperate that Donald Trump not get elected and was passionate about him not being president.” The FBI noted this indication of Steele’s bias at the time and in following official files, but never disclosed it to the FISA court.

3. The dossier had not been independently verified.

The head of the FBI’s counterintelligence division assessed corroboration of the dossier as in its “infancy” when the first surveillance application was submitted to the FISA court in October. After Steele was fired for disclosing his relationship with the FBI to the press, an independent unit inside the FBI reviewed his reporting and assessed the document as “minimally corroborated.” FBI Director James Comey later referred to the dossier as “salacious and unverified” in testimony before Congress.

4. A news story purporting to corroborate the dossier actually came directly from the dossier.

The FBI “cited extensively” from a Yahoo news report in its initial application to the FISA court that turned out to be based in part on information Steele leaked to the reporter, Michael Isikoff. So the FBI effectively used the dossier to corroborate the dossier, and incorrectly told the court Steele was not the source for the Yahoo news article. It’s unclear when exactly the FBI found out Steele was the unnamed source of the Yahoo report, but they fired him for a separate unauthorized disclosure to the press just a few weeks later, shortly after obtaining the first of four warrants.

5. Some of the information provided to the court came from

a senior DOJ official's wife, who was getting paid by Clinton campaign's opposition research firm.

In addition to Steele, Fusion GPS employed the wife of a senior DOJ official to assist in gathering opposition research on Trump. The official, then-Associate Deputy Attorney General Bruce Ohr, later provided the FBI with his wife's opposition research, and it was apparently included in the information provided to the FISA court as a justification for authorizing surveillance.

The FBI never disclosed the couple's connection to the Clinton campaign-funded Fusion GPS, so the court didn't know some of the information came from the wife of a DOJ official ultimately working for the Clinton campaign.

Bottom line: The FBI and DOJ had four opportunities to disclose some or all of this information to the FISA court. Steele was fired for proving untrustworthy just nine days after the FISA court approved the first warrant in October, and the claims in his dossier quickly proved unverifiable. But according to the memo, the FBI chose not to disclose these developments to the court — nor the specific political context of his research — in three subsequent renewals of the warrant for 90 days each.

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