

WITH RELEASE OF DOJ IG FISA REPORT, DEMOCRATS SHOULD PAUSE ON IMPEACHMENT

Democrats are going to roll out at least two articles of impeachment today.

But I think, in the wake of the release of the DOJ IG FISA Report, they should take a brief pause.

Don't get me wrong. I think impeachment is necessary and urgent. I can see why Democrats might want to impeach even as Trump meets with Sergei Lavrov – particularly given Trump's assault on Chris Wray for making some honest comments about the IG Report yesterday.

But I've gotten far enough into the IG Report to believe that it merits a pause for both sides to consider what it says. That's because it basically says both parties were right. Democrats were right to think the investigation into Trump was fair and legitimately predicated. The Mueller Report has provided abundant evidence not only that Paul Manafort and Roger Stone (at a minimum) were willing to "collude" in the Russian hack-and-leak, but that they both took affirmative efforts to prevent Mueller from finding out whether they succeeded in doing so. Trump was a key player in that effort to obstruct the investigation. So the investigation was warranted, fairly predicated, and produced results that confirmed Trump's people wanted to conspire with the Russian operation, whether or not they succeeded.

Republicans, however, were right that the Steele dossier was not adequately vetted by the FBI, and the FISA on Carter Page may not have been adequately substantiated (and the vetting on the follow-ups was even worse). That doesn't mean

Page shouldn't have been investigated; he was already being investigated in April 2016, and things he did through December 2016 provided more cause for concern.

But neither of those things – the dossier's shoddy vetting or the Page FISA – were key to the more substantive investigation into Trump. Indeed, Stone wasn't even a subject in this early process; the first big investigative steps on him took place in August 2017, under Mueller.

I've got some quibbles with the report (mostly about how it treats exonerating information and Bruce Ohr and information sharing).

That said, the report should be an opportunity to step back and reflect on how the key issue – that Russia aggressively interfered in the US and a number of Americans embraced that effort – has gotten lost. That focus might make a few people, including Republicans who otherwise would not support impeachment but are appalled by the way Rudy has doubled down on his Ukrainian escapades, even meeting with KGB trained thugs, rethink the investigation into Trump.

Plus, the FISA Report provides one basis for bipartisan work in the near term.

Section 215 of the PATRIOT Act was due to get reauthorized on December 15. That got extended 3 months in the continuing resolution, but it will need reauthorized at that point. Meanwhile, over the past year, evidence that FBI misused FISA under both Jim Comey (with this IG Report) and Chris Wray (with the earlier report on problems with 702).

I've been arguing since at least February – and more aggressively since September, when I got the first concrete descriptions of how much this report would focus on process issues at FBI – that this IG Report would present an opportunity to call for more substantive review of FISA. I got pushback among allies, because Carter Page is such an unsympathetic person to Democrats. But I think the report really demonstrates that, no

matter how unsympathetic he is, no matter how warranted the investigation into him, the FISA process used against him was appalling.

So the surveillance community, which previously was able to unite Jim Jordan and the most Progressive Dems, really ought to take a step back and propose a three-part fix for FISA, one that could guide the further audit of FISA Michael Horowitz announced and one that might implement immediate legislative fixes to known FISA problems. At least beginning those conversation would provide some of the people yelling most loudly at each other a chance to talk about something they claim to agree on.

Let me be clear: I'm just arguing for a pause – maybe a week. Trump has violated every word of his oath of office and he threatens to undo our Constitution. But let's take a few days and reflect on the way that the events of 2016 have sown division without getting us to do the things to prevent further Russian aggression. It won't happen, but it's what I think should happen.