

FOUR DETAILS ABOUT SURVEILLANCE AND THE FLYNN OUSTER

It turns out Trump is on pace to fire a person every week, just like in his reality show. As you surely know, Mike Flynn has been ousted as National Security Advisor, along with his Deputy, KT McFarland.

There has been some confusion about what intelligence the spooks who just caused Flynn to be fired relied on. So let's start with this detail from last night's WaPo story:

After the sanctions were rolled out, the Obama administration braced itself for the Russian retaliation. To the surprise of many U.S. officials, Russian President Vladimir Putin announced on Dec. 30 that there would be no response. Trump praised the decision on Twitter.

Intelligence analysts began to search for clues that could help explain Putin's move. The search turned up Kislyak's communications, which the FBI routinely monitors, and the phone call in question with Flynn, a retired Army lieutenant general with years of intelligence experience.

From that call and subsequent intercepts, FBI agents wrote a secret report summarizing Flynn's discussions with Kislyak.

That is, in response to questions elicited by Putin's response, analysts actually read the intercepts of the Flynn-Kislyak call, which led to further monitoring of the conversations. And contrary to what HPSCI Chair Devin Nunes is whining, FBI would have access to Flynn's side of the call right away, because they would own the tap (and in any case, they'd get unminimized

copies of anything from NSA).

Some have pointed to this passage to suggest that the FBI was always listening in.

U.S. intelligence reports during the 2016 presidential campaign showed that Kislyak was in touch with Flynn, officials said. Communications between the two continued after Trump's victory on Nov. 8, according to officials with access to intelligence reports on the matter.

It's quite likely that's not the case. After all, even Michael McFaul (who served as Ambassador to Russia at the beginning of the Obama Administration) said it was normal to have such calls before inauguration. Moreover, the FBI wouldn't need to access the content of communications to learn that they were taking place. The metadata would be enough. And the actual content of the contacts would remain in some server in Utah.

Also, some have suggested that Flynn must be the Trump associate against whom a single FISA order was obtained in October. That's unlikely, first of all, because if there were a FISA order on Flynn, then the FBI wouldn't have needed the weird Putin response to lead them to read the actual content of calls (not to mention, the WaPo is clear that the contacts were collected as a result of normal monitoring of a foreign diplomat). Furthermore, most reports of that FISA order suggest the FBI first asked for four orders (in June and July) but only got one, in October. So it's likely that FISA order covers another of Trump's Russian buddies.

Finally, remember that for a great deal of SIGINT, FBI wouldn't need a warrant. That's because Obama changed the E.O. 12333 sharing rules just 4 days after the IC started getting really suspicious about Flynn's contacts with Russia. That would make five years of intercepts available to FBI without a warrant in any

counterintelligence cases, as this one is.

Update: Corrected KT McFarland instead of KC.
Also, I've been informed she'll stick around
until Trump names a new NSA.