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www.afgazad.com

afgazad@gmail.com

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Jacob Crosse

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Trump's Justice Department seized phone records of Democratic lawmakers during Russia probe

On Thursday, the *New York Times* reported that during the Democrats' investigation into former President Donald Trump's alleged ties to Russia, the Trump Justice Department subpoenaed Apple and other tech companies for the metadata of Democratic lawmakers, aides and even family members.



Donald Trump [Credit: AP Photo/Alex Brandon]

In a gross violation of the separation of powers enumerated in the US Constitution, the data was seized as part of a leak probe, first initiated under Trump Attorney General Jeff Sessions and then revived once Trump appointed William Barr as attorney general after firing Sessions in November 2018.

House Intelligence Committee Chairman Adam Schiff and fellow California Democrat and committee member Eric Swalwell have confirmed that Apple informed them that their metadata, which can include phone records, were provided to the Trump Justice Department without their knowledge or consent, beginning in February 2018.

According to reporting by the *Washington Post* and CBS News, Apple informed at least 12 people, including one minor, this past May, after the Justice Department gag-order had been lifted, that their data had been subpoenaed. The Justice Department prosecutors who seized the data were reportedly looking for the sources of leaks behind news stories that insinuated contact between the Russian government and Trump associates during the 2016 presidential election.

The FBI first issued a subpoena to Apple in February 2018 which included a gag order, for more than 100 accounts as part of investigation into the alleged disclosure of classified information, an anonymous source told CNN.

On Friday, the *New York Times* reported that Apple was unaware that the subpoena they had received in February 2018 included members of Congress, their families and staffers. Fred Sainz, a spokesperson for Apple, said in statement that the subpoena “was issued by a federal grand jury and included a nondisclosure order signed by a federal magistrate judge, provided no information on the nature of the investigation and it would have been virtually impossible for Apple to understand the intent of the desired information without digging through users’ accounts.”

Sainz admitted that Apple complied with the request, allegedly limiting the information provided to the government to “account subscriber information” and not providing “any content such as emails or pictures.”

The *Times* reported that other tech companies were also issued subpoenas by the Justice Department as part of a wide dragnet into alleged leaks, which included the phone records of *Times* reporters. The *Times* wrote that Google resisted the gag order due to the fact that the *Times* was one of its clients, while Microsoft provided the metadata to the government and complied with the gag order.

Schiff, Swalwell, House Speaker Nancy Pelosi and the Senate Democratic leadership, including Majority Leader Chuck Schumer and Majority Whip Dick Durbin, responded to the revelations with demands for an investigation, with Schumer and Durbin insisting that Barr and Sessions testify about the seizures.

In a joint statement, Durbin and Schumer wrote: “The revelation that the Trump Justice Department secretly subpoenaed metadata of House Intelligence Committee Members and staff and their families, including a minor, is shocking. This is a gross abuse of power and an assault on the separation of powers.”

The statement continued: “This appalling politicization of the Department of Justice by Donald Trump and his sycophants must be investigated immediately by both the DOJ Inspector General and Congress.” They added that this issue should “not be partisan; under the Constitution, Congress is a co-equal branch of government and must be protected from an overreaching executive, and we expect that our Republican colleagues will join us in getting to the bottom of this serious matter.”

On Friday, the Justice Department inspector general, Michael Horowitz, announced that he would be launching an investigation into the department’s “use of subpoenas and other legal authorities to obtain communication records of Members of Congress and affiliated persons, and the news media in connection with recent investigations of alleged unauthorized disclosures of information to the media by government officials.”

Testifying to the raging conflict within the ruling class, the ranking Republican on the Senate Judiciary Committee, Chuck Grassley, responded to the announcement of the investigation by the inspector general with a statement acknowledging that “both classified leaks and abuses of power are serious offenses that must be met with strict consequences.”

Grassley added: “We know that the Justice Department is capable of abusing its power, as it did when it secretly spied on and ran intelligence operations against the Trump campaign.”

On Friday, White House Communications Director Kate Bedingfield called the reports “appalling,” while claiming that such activity would not occur under a Biden

administration. Biden, Bedingfield said, “respects the independence of the Justice Department, and it’s a critically important part of how he governs.”

Despite the talk by Biden administration officials of their commitment to the separation of powers, it should be noted that during the Obama/Biden administration, then-CIA Director John Brennan, with the support of Obama, not only delayed the release of a Senate Intelligence Committee report on the results of its investigation into the post-9/11 torture program initiated by the Bush administration, but also authorized the hacking of the computers of committee staffers who were working on the torture report.

Moreover, after Trump assumed power and began directing those loyal to him within the Justice Department and the FBI to spy on Democrats leading the investigation into his phantom ties to Russian President Vladimir Putin, the FBI was at the same time engaged in a counterintelligence operation against Trump. This was initiated after Trump had fired then-FBI Director James Comey and made clear his lack of zeal for continuing the Obama administration’s offensive against Russia.

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