

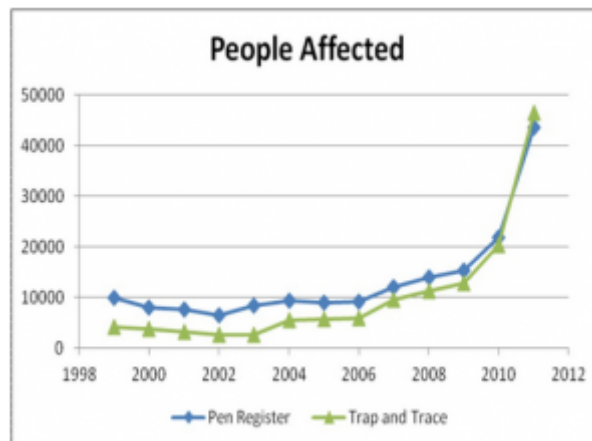
MAYBE CONGRESS DOESN'T WANT CONSTITUENTS TO KNOW SURVEILLANCE HAS SPIKED UNDER OBAMA?

The ACLU sued the government to get it to release the report

s on how much DOJ has used Pen Registers and Trap and Trace devices to get criminal suspects' phone and email call records.

The records show a sharp increase in the use of PR/TT requests. Of particularly note, three times as many people have had their records turned over to DOJ under Obama.

In its post on the topic, ACLU notes that whereas, under Bush, neither Congress nor the public were getting these records, Obama's Administration has submitted the reports in timely fashion, but Congress has not released the reports.



When no reports surfaced in 2010 and 2011, the ACLU filed a FOIA request to obtain them. After our request received no response, we filed suit to enforce it.

Although the Justice Department has in the past repeatedly failed to submit the

annual reports to Congress, it appears that it has now cleaned up its act. Both the 2010 and 2011 reports were submitted to Congress in compliance with the reporting requirement. Unfortunately, Congress has done nothing at all to inform the public about the federal government's use of these invasive surveillance powers. Rather than publishing the reports online, they appear to have filed them away in an office somewhere on Capitol Hill.

This is unacceptable. Congress introduced the pen register reporting requirement in order to impose some transparency on the government's use of a powerful surveillance tool. For democracy to function, citizens must have access to information that they need to make informed decisions—information such as how and to what extent the government is spying on their private communications. Our representatives in Congress know this, and created the reporting requirement exactly for this reason.

It shouldn't take a FOIA lawsuit by the ACLU to force the disclosure of these valuable reports. There is nothing stopping Congress from releasing these reports, and doing so routinely. They could easily be posted online, as the ACLU has done today.

Of course, Congress didn't require DOJ to share this information with actual citizens; it only required DOJ share the information with Congress. Republicans have no incentive to turn over records that show Obama's DOJ has investigated crime (in particularly the drug trafficking these records are most often used to investigate) more aggressively than Bush did. And Democrats have no incentive to show their President has trampled privacy. And given the likelihood these records are being used in

creative new ways, neither party has an incentive giving people more reason to question how PR/TT are being used (I've long noted that their use started to rise after Bush's illegal wiretap program got exposed, and suspect there may be a connection).

In short, Congress is complicit in hiding the extent to which increasing numbers of Americans are being surveilled by the government.

But that shouldn't be a surprise at this point.