

JOHN BRENNAN: NOT ONLY DRONE ASSASSINATION CZAR, BUT ELIMINATE AMERICAN PRIVACY CZAR

The most interesting line of this WSJ article—describing the dissent to the Administration’s plan to give the National Counterterrorism Center any government database it wants for five years—is this one.

Mr. Brennan considered the arguments. And within a few days, the attorney general, Eric Holder, had signed the new guidelines.

The story suggests that the way the Administration resolved objections from people within Department of Homeland Security (as well as DOJ) to giving NCTC Americans’ flight data in ways they hadn’t been informed of when the data was collected was to have a meeting at the White House Situation Room at which John Brennan would decide whether to heed those objections.

John Brennan. Not the President, not the Attorney General, not even National Security Advisor Tom Donilon, but instead John Brennan (not coincidentally, a former contractor on data mining and before that in charge of targeting for Dick Cheney’s illegal wiretap program).

Much of the rest of the story rehearses what I reported (among other places) here and here and here and here. It describes how the NCTC will have access to any database it claims contains terrorist information.

What’s new in this story is the reason NCTC demanded a policy granting them broad access to these databases—because it had not complied with

an agreement made with DHS regarding one of its databases.

Late last year, for instance, NCTC obtained an entire database from Homeland Security for analysis, according to a person familiar with the transaction. Homeland Security provided the disks on the condition that NCTC would remove all innocent U.S. person data after 30 days.

After 30 days, a Homeland Security team visited and found that the data hadn't yet been removed. In fact, NCTC hadn't even finished uploading the files to its own computers, that person said. It can take weeks simply to upload and organize the mammoth data sets.

Homeland Security granted a 30-day extension. That deadline was missed, too. So Homeland Security revoked NCTC's access to the data.

To fix problems like these that had cropped up since the Abdulmutallab incident, NCTC proposed the major expansion of its powers that would ultimately get debated at the March meeting in the White House. [my emphasis]

And it describes how, primarily, former DHS Privacy Officer Mary Ellen Callahan fought the changes.

In May 2011, Ms. Callahan and Ms. Schlanger raised their concerns with the chief of their agency, Janet Napolitano. They fired off a memo under the longwinded title, "How Best to Express the Department's Privacy and Civil Liberties Concerns over Draft Guidelines Proposed by the Office of the Director of National Intelligence and the National Counterterrorism Center," according to an email obtained through

the Freedom of Information Act. The contents of the memo, which appears to run several pages, were redacted.

The two also kept pushing the NCTC officials to justify why they couldn't search for terrorism clues less invasively, these people said.

[snip]

To resolve the issue, Homeland Security's deputy secretary, Jane Holl Lute, requested the March meeting at the White House.

[snip]

Ms. Callahan argued that the rules would constitute a "sea change" because, whenever citizens interact with the government, the first question asked will be, are they a terrorist?

It also describes how all these people who not only championed privacy, but also pointed out our targeting failures in the past came from not investigating quickly, not lacking the data to find those people.

This feels very similar to the same argument that Thomas Drake fought at NSA. He, like these former DHS and DOJ people, fought for a way to find terrorists that didn't also infringe on the privacy of Americans. And he, like these DHS people, was overruled.

The difference, of course, is that this abuse of privacy came under Barack Obama, who never seems to get criticized for showing the same disdain for privacy that Dick Cheney did.

Though, insofar as John Brennan is making all the decisions in Obama's war on terror, I'm not sure there's a real difference between the two.