

IF WANTING TO REVEAL THAT ALL AMERICANS' METADATA GETS SWEEP UP IS TREASON, EDWARD SNOWDEN IS IN DISTINGUISHED COMPANY

Earlier this evening, Dianne Feinstein called Edward Snowden's decision to leak NSA documents an act of treason.

"I don't look at this as being a whistleblower. I think it's an act of treason," the chairwoman of the Senate Intelligence Committee told reporters.

The California lawmaker went on to say that Snowden had violated his oath to defend the Constitution.

"He violated the oath, he violated the law. It's treason."

Perhaps DiFi can be excused for her harsh judgment. After all, in addition to exposing the sheer range of surveillance our government is doing, Snowden made it very clear that DiFi allowed Director of National Intelligence James Clapper to lie to her committee.

And continues to allow Clapper's lie to go unreported, much less punished.

But I thought it worthwhile to point out the many people who have committed to make the FISA Court Opinions describing, among other things, how the government's abuse of Section 215 violated the Constitution.

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In 2010, as part of the same effort, Clapper's office promised to try to declassify important rulings of law.

In 2011, prior to be confirmed as Assistant Attorney General, now White House Homeland Security Advisor Lisa Monaco promised, "I will work to ensure that the Department continues to work with the ODNI to make this important body of law as accessible as possible."

All these people claimed they wanted to make FISC's opinion, among other things, on the secret use of Section 215 public.

What Snowden released on Section 215 – just a single 215 order to Verizon, without details on how this information is used – is far, far less than what DOJ and ODNI and Lisa Monaco pledged to try to release. Given that the collection is targeted on every single American indiscriminately, it won't tell the bad guys anything (except that they've been sucked into the same dragnet the rest of us have). And while it shows that FBI submits the order but the data gets delivered to NSA (which has some interesting implications), that's a source and method to game the law, not the source or method used to identify terrorists.

So if Snowden committed treason, he did so doing far less than top members of our National Security establishment promised to do.

Wait.

There's one more member of this gang of – according to DiFi – **traitors** committed to tell Americans how their government spies on them. There's the Senator who said this on December 27, 2012.

I have offered to Senator *Merkley* to write a letter requesting declassification of more FISA Court opinions. If the letter does not work, we will do another intelligence authorization bill next year, and we can discuss what can be added to that bill

on this issue.

Oh, wait! That was Senator Dianne Feinstein, arguing that they didn't have time to pass an actual amendment, attached to the actual FISA Amendments Act renewal, forcing the government to turn over this secret law.

But she promised to write a letter!

And even, DiFi claimed (though similar promises to John Cornyn to obtain the OLC memo authorizing Anwar al-Awlaki's killing went undelivered), to include a requirement in this year's intelligence authorization requiring the government to turn over far more information on the government's use of Section 215 than Snowden did.

I get that DiFi doesn't agree with his method – that he leaked this rather than (!) write a letter. I get that Snowden has exposed DiFi for allowing Clapper lie to her committee, in part to hide precisely this information.

But in debates in the Senate, at least, DiFi has claimed to support releasing just this kind of information.