

DOJ RESPONDS TO NON-INTELL COMMITTEE MEMBER OF OPPOSITION PARTY, BUT NOT INTELL COMMITTEE MEMBER OF PRESIDENT'S PARTY

On June 20, Rand Paul started seeking more information about how the FBI used drones. On July 9, he sent a second letter to find out about the FBI's use of drones. After placing a hold on Jim Comey's nomination to be FBI Director, Paul got results, with an unclassified letter admitting FBI had used drones 10 times, and a classified letter that presumably provided more detail. While Paul wasn't satisfied with that information – he sent a follow-up asking when the FBI considers drones to impinge on reasonable expectations of privacy – he at least did get a letter. He released his hold and voted against Comey's nomination.

Compare that to Ron Wyden, a member of the Intelligence Committee and of the President's own party.

After meeting with Comey on July 18, Wyden sent Comey (care of DOJ's Legislative Affairs Office) a letter on July 22 asking:

- Whether the program that led to the hospital confrontation was the Internet metadata program and whether his concerns about it had been adequately address
- Whether the Comey was satisfied with the way the government carried out

surveillance activities during his tenure as Deputy Attorney General or whether he wished he had done more to rein them in

- Whether the 2001 AUMF allowed the President to collect communications of Americans inside the US without a warrant
- Whether collection of Americans' phone record has any impact on their privacy and whether it is justified even if does not provide unique value
- Whether he commits to giving a straight answer about how much evidence the FBI needs to track geolocation

DOJ's Office of Legislative Affairs wrote Wyden back on July 29, basically saying, "Mr. Comey is not in a position to respond to the additional questions in your letter" in part because he "is not able to determine whether your questions implicate information that remains classified."

Of course, several of these questions go to Comey's fitness to be FBI Director and pertain to activities he knows better than anyone else. Others ask about his belief, something that doesn't require classified information to share.

Wyden voted "present" for Comey's nomination.

Mind you, Wyden didn't wait as long as Paul before he got a far less responsive response. And he didn't place a hold on Comey's nomination (though given the almost unanimous support for Comey, a hold really wouldn't have done much to delay the nomination).

Still, Wyden asked Comey questions that go far more directly to Comey's own qualifications to be FBI Director. He asked Comey questions that he, as a member of the Intelligence Committee, should be able to get answers on.

And he got squat.