

IF BY “NEW” IG INVESTIGATION YOU MEAN 1,155 DAYS OLD

Shane Harris reads the DOJ IG Report on its civil liberties related work and reports that it is investigating the use of Section 215 of the PATRIOT Act.

The Department of Justice Inspector General, which has issued several critical reports over the years about FBI surveillance, is again looking into the bureau’s use of powerful and secretive orders for information about Americans.

A new review is examining “any improper or illegal uses” of the FBI’s surveillance authorities under Section 215 of the Patriot Act. That’s the portion of the law that allows the government to collect Americans’ phone records en masse. And in what appears to be a first review of its kind, the IG will also look at the FBI’s use of pen register and trap-and-trace authority under the Foreign Intelligence Surveillance Act. These are the authorities that allow the bureau to track the metadata of communications made to and from phone numbers and email accounts.

Only this is not a new review. Now-retired DOJ IG Glenn Fine first laid out his plans for the investigation on June 15, 2010 in a letter to Pat Leahy. I reported on the April update on that investigation and the related back story here, 6 weeks ago.

By my math, that means this IG Investigation of abuses we know occurred in 2009 has been going on 1,155 days. And the investigation remains focused on abuses that happened 2 PATRIOT Act

extensions ago, rather than what is going on with the program now.

DOJ's IG, at least under Fine, was very good at rooting out problems with intelligence programs. But we have yet to hear much from his replacement, Michael Horowitz (who has been on the job for 16 months after a long delay in both nominating and confirming him), to indicate one way or another whether he'll be as good as Fine.

We do know he's taking his sweet time reviewing problems that happened 4 years ago.