

# **ACLU TO JIM COMEY: WELCOME. NOW FIX THIS.**

Jim Comey has officially been in charge of the FBI for less than two weeks.

Today, in honor of Constitution Day, the ACLU just released a report showing how the FBI's expanded mandate since 9/11 has led to Constitutional abuses.

Most of the details of the report have been reported here in depth. But the Big Data section includes some details I haven't covered. It explains:

**FBI collects Suspicious Activities Reports that duplicate – but lower the standard for – an existing database**

Another major problem is that eGuardian effectively competes with another federal government SAR. The Intelligence Reform and Terrorism Prevention Act of 2004 established the Information Sharing Environment (ISE) to serve as the conduit for terrorism-related information sharing between state and local law enforcement and the federal government.<sup>114</sup> A March 2013 Government Accountability Office report found that though the two programs share information between them, eGuardian uses a lower evidentiary threshold for inclusion of SARs, which creates risks and privacy problems.

The Government Accountability Office found that “many fusion centers have decided not to automatically share all of their ISE-SARs with eGuardian” because eGuardian doesn’t meet ISE standards.<sup>115</sup> One fusion center said it would never provide SARs to eGuardian because of the fusion center’s privacy

policy.<sup>116</sup> The Government Accountability Office also found that the two systems "have overlapping goals and offer duplicative services."<sup>117</sup>

**FBI will soon have the equivalent of 20 pieces of intelligence on every American – and they share this broadly**

An FBI budget request for fiscal year 2008 said the FBI had amassed databases containing 1.5 billion records, and two members of Congress described documents predicting the FBI would have 6 billion records by 2012, which they said would represent "20 separate 'records' for each man, woman and child in the United States."<sup>119</sup>

[snip]

According to a 2012 Systems of Records Notice covering all FBI data warehouses, the information in these systems can be shared broadly, even with foreign entities and private companies, and for a multitude of law enforcement and non-law enforcement purposes.<sup>133</sup>

There's far more in the report, chronicling the slow creep of abusive FBI techniques since 9/11.

Sadly, given that this has all been treated as legal, I doubt that Comey will do anything about it, even with ACLU's demonstration that the dragnet has led FBI to miss real crimes.