THE SECTION 215 PHONE DRAGNET IS JUST A FRACTION OF THE DRAGNET

I've been harping on the Review Group (and Leahy-Sensenbrenner's) recommendation to end bulk collection with National Security Letters. I've also noted the Review Group's nod to EO 12333 in its use of the phrase "or under any other authority" when recommending limits to Section 702.

So I wanted to draw attention to this language from Tuesday's Senate Judiciary Committee hearing with the Review Group, in which Chris Coons asks Richard Clarke what other authorities the Review Group had considered. Clarke notes that the phone dragnet provides a small fraction of the data collected.

> COONS: The review, if I might, Mr. Clarke, my last question, it looks at two authorities, Section 702 and Section 215. And these are both sections about which there's been a lot of public debate and discussion.
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> But the review group also recommends greater government disclosure about these and other surveillance authorities it possesses. But the report, appropriately and understandably, does not itself disclose any additional programs.
>
> What review, if any, did the group make of undisclosed programs or could you at least comment about whether lessons learned from such review is, in fact, reflected in the report?
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> CLARKE: Well, there was a great deal of metadata collected by the national security letter program. And we do speak

> to that in the recommendations.
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> There was also a great deal of communications-related information collected under the executive order 12333.
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> Public attention is focused on 215, but 215 produces a small percentage of the overall data that's collected.

That's consistent with what this post shows — that the US based metadata collection is just a small fraction of a large collection of metadata, and the 12333 collected data is at least partly duplicative of (but not subject to the same protections as) the Section 215 dragnet (and NSLs are subject to even less protection).

But I'm glad to see someone like Clarke echoing the warnings I've been giving.