

A KEY PART OF RUPPROGE'S FAKE DRAGNET FIX REFORM: PAY THE TELECOMS

Here's an interesting "reform" in the RuppRoge's Fake Dragnet Fix. It pays the telecoms.

COMPENSATION AND ASSISTANCE.—The Government shall compensate, at the prevailing rate, an electronic communications service provider for providing records in accordance with directives issued pursuant to [their bill].

Section 215 does not include such a payment provision. And while the first two phone dragnet orders included provision for such payments, that was probably illegal.

Don't get me wrong. I'm sure the government has found some way to pay the telecoms, either through added payments for AT&T's Hemisphere program or gifts in kind. (Though given the timing of DOJ's suit against Sprint for over-billing, I do wonder whether the government is retaliating for something.) Telecoms don't spy for free, so I'm sure they've been getting paid, illegally, for the last 8 years of dragnet spying they've been doing.

But the lack of such provision in Section 215 should have limited the scope of the dragnet. It should have required that requests be so narrow no telecom was going to send big bills to the government every month. And it presumably made the telecoms (well, except for AT&T, which never met a spying request it didn't love) less willing to interpret orders from the government expansively.

The inclusion of such a compensation clause in the RuppRoge "reform" makes it even more likely

this dragnet will expand with the now well-oiled willingness of the telecoms to go above and beyond the letter of the request.

Which is presumably just how the NSA wants it to be.