

SECTION 215 DRAGNET: AGAIN WITH THE PASSIVE VOICE OVERSIGHT

The NSA released a more-detailed sheet on the Section 215 dragnet which provides a number of details that are more troubling than what got presented in front of the TV cameras earlier today.

As always, I'm particularly interested in the documentation process. And once again, unnamed passive-voiced actors do the critical audits.

- *This metadata may be queried only when there is a reasonable suspicion, based on specific and articulated facts, that the identifier that will be used as the basis for the query is associated with specific foreign terrorist organizations.*
- *The basis for these queries must be documented in writing in advance.*
- *Fewer than two dozen NSA officials may approve such queries.*
- *The documented basis for these queries is*

*regularly audited by
the Department of
Justice*

Here's how the transmission of aggregate numbers of the queries looks.

Every 30 days, the government must file with the Foreign Intelligence Surveillance Court a report describing the implementation of the program, to include a discussion of the application of the Reasonable Articulable Suspicion (RAS) standard, the number of approved queries and the number of instances that query results that contain U.S. person information were shared outside of NSA in any form.

And, in spite of the fact that several people have said all three branches can audit these numbers (as Adam Schiff noted today, the court can't, because they only get the aggregate numbers), there's not mention of Congress' oversight role.