

DIFI'S "SURVEILLANCE" DICTIONARY MAKES HER BELOVED PHONE DRAGNET ILLEGAL

Ut oh.

Dianne Feinstein's been [writing op-eds](#) again.

This one mostly rehashes the old arguments.

There's the claim that stopping a guy less dangerous than [Peter King once was](#) is worth creating a database of all the phone-based relationships in the United States.

In fact, since its inception, this program has played a role in stopping roughly a dozen terror incidents in the United States. And it continues to contribute to our safety.

There's the claim her deceitful legislation would make things better. (See [here](#), [here](#), [here](#), [here](#), and [here](#) for some details of why it will make things worse.)

On Oct. 31, the Senate Intelligence Committee took the first step to restore that confidence and bridge the gap between preventing terrorism and protecting civil liberties by passing the bipartisan Foreign Intelligence Surveillance Act Improvements Act.

And there's the claim that "drip, drip, drip" and a higher standard of honesty that government officials has the ability to erode the mighty US military's credibility.

This drip, drip, drip of disclosures – often without proper context and frequently just plain wrong – has eroded the confidence of the American people in the dedicated men and women of our

intelligence community and the strong legal and constitutional protections already in place to prevent improper behavior.

But those arguments have all gotten stale by now.

What's truly amusing is DiFi's attempt to rebut the well-deserved mockery for her claim that creating a database of every phone-based relationship in the US [to catch just two people with terrorist ties](#) does not constitute surveillance.

This is not a surveillance program.

Merriam-Webster's dictionary defines "surveillance" as "the act of carefully watching someone or something especially in order to prevent or detect a crime."

In the case of the call-records program, neither individuals nor their phone conversations are being listened to. No one is being monitored. And no one is being watched under the call-record program.

Nevermind that [Merriam-Webster provides this](#), as an example:

▪ *government
surveillance of
suspected terrorists*

What's so funny about DiFi's op-ed is her desperate reliance on Merriam-Webster to defuse mockery.

Because – [as I've noted](#) – if the Administration had to rely on Merriam-Webster for their own definitional claims, it would destroy their claims that "substantially all" phone records in the United States are "relevant" – that is, "having significant and demonstrable bearing on

the matter at hand” – to the hunt for terrorists.

To create this dragnet, after all, the Administration has had to blow up the meaning of “relevant” beyond all meaning. And they had to dig up an old British tome for this particular, all-important definition?

So I looked up how the American Merriam-Webster online dictionary defines “relevant.” Here are the [first two definitions](#):

a : having significant and demonstrable bearing on the matter at hand

b : affording evidence tending to prove or disprove the matter at issue or under discussion
<relevant testimony>

“Having significant and demonstrable bearing on the matter and hand.” Not, “possibly maybe having a teeny fraction bearing on the matter and hand.” But a “significant and demonstrable bearing” on a terrorist investigation, in context.

The same dictionary that DiFi clings to to justify her “surveillance” claim also shows why her beloved dragnet is illegal, a stretch of the word “relevant” so absurd that only old Englishmen would buy it.

So which is it DiFi? Your “not-surveillance” claim, or your dragnet?