

PCLOB ADOPTS THE DRIP DRIP DRIP APPROACH TOO

As Charlie Savage and Ellen Nakashima report, PCLOB will release a report on the phone dragnet today calling the program illegal. I'll report more on the report after it gets released this afternoon.

In the meantime, note that it appears PCLOB is only reporting on the Section 215 phone dragnet with this report. They're not reporting on Section 702.

Yet they were supposed to be. They told the President and Congress in November they would produce one report.

Met with officials of the Department of Justice (DOJ), Office of the Director of National Intelligence (ODNI), Federal Bureau of Investigation (FBI), and the National Security Agency (NSA) on several occasions to discuss the operation and oversight of programs under Section 215 of the USA PATRIOT Act (telephone metadata) and Section 702 of the Foreign Intelligence Surveillance Act. These discussions covered collection, use and dissemination practices, compliance measures, including internal and external oversight, and the implementation guidelines governing collection and use of intelligence pursuant to Sections 215 and 702. These discussions commenced prior to June 2013 as part of the Board's basic oversight responsibilities, and then evolved, after the Snowden leaks, into a more in-depth review of the programs operated pursuant to Sections 215 and 702. The review, which is intended to culminate in a **public report** as requested by the

President and Members of Congress, is addressing the history, legality, necessity, and effectiveness of these programs. [my emphasis]

And that was even Nakashima's understanding just hours before she got this report. Spencer Ackerman reports they will issue the Section 702 report in the coming weeks.

The PCLOB is not finished with its assessment of NSA surveillance. It plans in the coming weeks to issue another report evaluating the NSA's collection of bulk foreign Internet communications, which have included those with Americans "incidentally" collected.

Drip ... drip ... drip ...

Already, several weeks ago, anonymous sources were repeating anonymous White House staffers bitching that PCLOB would not be done before the President gave his speech last Friday.

It's unclear why Obama will announce his recommendations before receiving the report from the privacy and civil liberties board. One official familiar with the review process said that some White House officials were puzzled by the board's delay.

Now, the PCLOB is taking at least two bites at the dragnet, which will keep problems with the dragnet in the news.

I guess those anonymous White House complainers are going to have a harder time achieving closure on the discussions about the dragnet.