

OBVIOUSLY BOGUS CLAPPER EXONERATION ATTEMPT 5.0 DOESN'T EXACTLY LINE UP WITH OBCEA 4.0

Office of Director of National Intelligence
General Counsel Robert Litt, 45 days ago:

Senator Ron Wyden asked about collection of information on Americans during a lengthy and wide-ranging hearing on an entirely different subject. While his staff provided the question the day before, Mr. Clapper had not seen it. As a result, as Mr. Clapper has explained, he was surprised by the question and focused his mind on the collection of the content of Americans' communications. In that context, his answer was and is accurate.

When we pointed out Mr. Clapper's mistake to him, he was surprised and distressed. I spoke with a staffer for Senator Wyden several days later and told him that although Mr. Clapper recognized that his testimony was inaccurate, it could not be corrected publicly because the program involved was classified.

This incident shows the difficulty of discussing classified information in an unclassified setting and the danger of inferring a person's state of mind from extemporaneous answers given under pressure.

Director of National Intelligence James Clapper,
today:

But Clapper told The Daily Beast that he

simply misunderstood Wyden's question. At the time of the hearing last March, Congress had just finished consideration of a bill to renew the Foreign Intelligence Surveillance Act (FISA). Section 702 of that legislation gives the National Security Agency the authority to collect the electronic communications of non-U.S. persons. In his question, Wyden asked initially if the United States had collected "dossiers" on American citizens and referred to an answer to this question by then NSA director, Keith Alexander.

"I was not even thinking of what he was asking about, which is of course we now all know as section 215 of the Patriot Act governing the acquisition and storage of telephony business records metadata," Clapper said. "Wasn't even thinking of that." The director of national intelligence said he thought Wyden's question was actually about section 702 of FISA.

"The allegation about my lying and committing perjury I think are disproven by my labored amplification when I said, 'if there is, it's inadvertent collection,' meaning when we're collecting overseas under section 702, and if we inadvertently collect which we may not know at the time, U.S. persons data, that's what I meant by inadvertent. That comment would make absolutely no sense whatsoever in the context of section 215."

At the time of the Mitchell interview, the U.S. government was still in the process of declassifying elements of the FISA 702 program. "There is only one person on the planet who actually knows what I was thinking," Clapper said of his testimony from last March. "Not the media, and not certain members of

■ Congress, only I know what I was thinking.”

If only one person knows what he was thinking, then how was Robert Litt in any position to tell us Clapper was “surprised”?

And has Clapper decided he wasn’t “surprised” (perhaps because he had been briefed, not to mention had received months and months of letters, about the question), but instead simply “misunderstood” the intent of a question he had received months of letters about?