

# DOJ IG MICHAEL HOROWITZ POINTS OUT HOW PREMATURE 215 REAUTHORIZATION WOULD BE. AGAIN.

Back in November, I pointed out how batshit crazy it was to rush to pass USA Freedom Act – legislation purporting to provide new transparency requirements and requiring new IG Reports – when a report that was pending for 1,616 days was being held up in declassification review.

Today, in a **report** on the most significant challenges faced by the government, the IG explains what happened to the review: it is caught up in declassification review.

Ongoing OIG work, such as our reviews of the Department's requests for and use of business records under Section 215 of the USA PATRIOT Reauthorization Act and the Department's use of pen register and trap-and-trace devices under the Foreign Intelligence Surveillance Act (FISA), also address privacy concerns implicated by the use of national security authorities to collect data. Although the OIG completed both of these reviews months ago, and we have provided classified briefings to Congress regarding them, we have been unable to release the classified reports to Congress or non-classified reports to the public because the classification review being conducted by the intelligence

community, which includes the FBI, is still ongoing.

This is craziness! Congress is actively legislating on this topic ... tomorrow! There's also the matter of the secret FBI PRTT program, that I strongly suspect is a location dragnet, which this report likely covers.

But the IC is suppressing a report that has been in the works for over 4 years with a slow declassification review?

My common sense observation that we should not pass new legislation on Section 215 without benefitting from an independent review of what really happened back in 2009 (and to a lesser degree, what was going on now, and what has been going on with PRTT) was met with a remarkable din of crickets.

Today, DOJ Inspector General Michael Horowitz made the same point again.

Department of Justice Inspector General Michael E. Horowitz today issued a classified report entitled, *The Federal Bureau of Investigation's Use of Section 215 Orders: Assessment of Progress in Implementing Recommendations and Examination of Use in 2007 through 2009*. The Department of Justice (DOJ) Office of the Inspector General (OIG) provided a final draft of the report to the Intelligence Community in June 2014 for a classification review, but the OIG has not been informed of when that review will be completed. We have therefore provided today's classified report, with certain information redacted, to the relevant Congressional oversight and intelligence committees, as well as to DOJ leadership offices. We will issue a public, unclassified version of the report, with any

necessary redactions, at the conclusion of a separate and final classification review currently being conducted by the FBI.

If anyone is counting (well, I am) that review has now been pending for 1,701 days.

Um, hello??? How can the IC be considered a good faith partner in passing dragnet reform, including requirements for IG review, if by stalling for over 6 months on declassification it can make such IG review useless?