

THE BUSINESS AS USUAL BRIGADE

I missed the CATO surveillance event today (they'll have video up soon, Julian Sanchez promises), but here's the speech Ron Wyden gave.

I'm amused by this line:

We wanted to put this marker down early because we know in the months ahead we will be up against a "business-as-usual brigade" – made up of influential members of the government's intelligence leadership, their allies in thinktanks and academia, retired government officials, and sympathetic legislators.

Wyden, a politician, can't name these people.

But I would suggest they are all immediately identifiable as an archetype:

Influential members of the government's intelligence leadership: Keith Alexander and James Clapper

Their allies in thinktanks and academia: Ben Wittes

Retired government officials: Michael Hayden

Sympathetic legislators: Dianne Feinstein

Indeed, further in his speech, he repeats claims these people have made, without identifying the speaker.

Some of the "business as usual" arguments have something of an Alice in Wonderland flavor.

We have heard that surveillance of Americans' phone records, aka metadata, is not actually surveillance at all –

it's simply the collection of bits of information. [DiFi]

We've been told that falsehoods aren't falsehoods – they are simply imprecise statements. [Clapper]

We've been told that rules that have been repeatedly broken are a valuable check on government overreach. [Wittes]

And we've been told that codifying secret surveillance laws and making them public surveillance laws is the same as actually reforming these overreaching surveillance programs. [Hayden]

And Wyden is absolutely correct. DiFi has submitted changes to Section 215 and 702 that ... don't change a single solitary thing, except that they (1) write down what the FISA Court has already mandated and (2) **expand** surveillance by authorizing the wiretapping of roamers for a period in the US.

So maybe Wyden isn't correct? Maybe this is not the "Business as Usual Brigade," but the "Use a crisis to authorizing phone wiretapping in the US brigade"?

Whatever it is, these are recognizable people. And the press should be focusing on the many ways in which their legislation actually **increases** surveillance.