

“SECTION 215 IS SILENT”

Justin Amash has a useful fact sheet on the Amash-Conyers amendment that would defund dragnet 215 collection. (If you haven't yet called your Congressperson and told her to support the amendment, please do so!)

As a whole, the fact sheet clears up some misconceptions about the amendment, making it clear, for example, that the amendment only returns the meaning of Section 215 to the intent Congress had when it first passed.

Given that the fact sheet – dated today – appears to post-date yesterday's TS/SCI briefing by Keith Alexander and James Clapper, I am particularly interested in these two sentences.

The administration has not provided a public explanation as to how the telephone records of all Americans are “relevant” to a national security investigation. Similarly, Sec. 215 is silent as to how the government may use these records once it has obtained them.

The language seems to suggest the Administration has provided a classified explanation as to how phone records became “relevant to” a massive terrorism investigation.

More interestingly, the next sentence points to the Administration's silence about how the government can use this dragnet collection.

That's a concern I've long had. After all, only FISA Court minimization might, with very strict language, prevent the National Counterterrorism Center from simply copying the dragnet database and data mining it with abandon. And so I find it interesting that a document released after yesterday's TS/SCI hearing mentions the possibility the government does something with it beyond what they've stated publicly.

If this were a Ron Wyden statement, I'd take it as a big hint. I'm not sure it is meant as such here, but it does heighten my concerns that this data is circulated far more widely than the government has admitted.