

THE IMMEDIATE PHONE DRAGNET FIXES OBAMA REJECTED

In its report, PCL0B makes it clear that President Obama had most of its recommendations before he gave his speech last Friday.

PCL0B briefed senior White House staff on the Board's tentative conclusions on December 5, 2013. The PCL0B provided a near final draft of the Board's conclusions and recommendations on Section 215 and the operations of the FISA court (Parts 5, 7 and 8 of this Report) to the White House on January 3, the transparency section (Part 9) on January 8, 2014, and additional statutory analysis on January 14, 2014 (Part 5). On January 8, the full Board met with the President, the Vice President and senior officials to present the Board's conclusions and the views of individual Board members.

Which means Obama was well aware of the four recommendations PCL0B made on immediate privacy fixes (they emphasize these recommendations don't require Congressional or FISC action).

The Board recommends that the government immediately implement several additional privacy safeguards to mitigate the privacy impact of the present Section 215 program. The recommended changes can be implemented without any need for congressional or FISC authorization. Specifically, the government should:

- (a) reduce the retention period for the bulk telephone records program from five years to three years;
- (b) reduce the number of "hops" used in contact chaining from three to two;

(c) submit the NSA's "reasonable articulable suspicion" determinations to the FISC for review after they have been approved by NSA and used to query the database; and

(d) require a "reasonable articulable suspicion" determination before analysts may submit queries to, or otherwise analyze, the "corporate store," which contains the results of contact chaining queries to the full "collection store."

So it's safe to assume President Obama affirmatively rejected the 2 recommendations he did not adopt in any form: reducing the retention period for dragnet data and requiring RAS to search the corporate store.

Noted.