

RON WYDEN TO DIANNE FEINSTEIN: PANTS ON FIRE

While the language about the FISA Amendments Act that Ron Wyden just got James Clapper to clear for release (first reported by Spencer Ackerman) doesn't exactly call Dianne Feinstein a liar, it comes close.

Wyden got the following three statements cleared:

- A recent unclassified report noted that the Foreign Intelligence Surveillance Court has repeatedly held that collection carried out pursuant to the FISA Section 702 minimization procedures used by the government is reasonable under the Fourth Amendment.
- It is also true that on at least one occasion the Foreign Intelligence Surveillance Court held that some collection carried out pursuant to the Section 702 minimization procedures used by the government was unreasonable under the Fourth Amendment.
- I believe that the government's implementation of Section 702 of FISA has sometimes circumvented the spirit of the law, and on at

least one occasion, the FISA Court has reached this same conclusion. [my emphasis]

The unclassified report in question is the Senate Intelligence Committee's report from the FISA Amendments Act extension mark-up.

Third, the numerous reporting requirements outlined above provide the Committee with extensive visibility into the application of these minimization procedures and enable the Committee to evaluate the extent to which these procedures are effective in protecting the privacy and civil liberties of U.S. persons. Notably, the FISA Court, which receives many of the same reports available to the Committee, has repeatedly held that collection carried out pursuant to the Section 702 minimization procedures used by the government is reasonable under the Fourth Amendment. [my emphasis]

The passage in question comes from DiFi's additional views.

With this declassified language, Wyden is making clear how incomplete DiFi's claims about the law are.

But don't worry, James Clapper's office says. They've rectified the problems. Of NSA violating minimization requirements, that is, not of the Senate Intelligence Committee Chair making grossly misleading comments to push for passage of the extension.