

WYDEN AND UDALL: AS WITH TORTURE, INTELLIGENCE COMMITTEE LIES ABOUT EFFICACY

Mark Udall and Ron Wyden have persistently repeated one of the findings from the Senate Intelligence Committee torture report: the CIA gave inaccurate information about the program, and it wasn't very effective.

So it's unsurprising that they would go beyond their past questions whether the Section 215 dragnet of US person call records is effective to make it clear they had pushed for the Internet metadata program to be ended because it, too, is ineffective.

We are quite familiar with the bulk email records collection program that operated under the USA Patriot Act and has now been confirmed by senior intelligence officials. We were very concerned about this program's impact on Americans' civil liberties and privacy rights, and we spent a significant portion of 2011 pressing intelligence officials to provide evidence of its effectiveness. They were unable to do so, and the program was shut down that year.

[snip]

Intelligence officials have noted that the bulk email records program was discussed with both Congress and the Foreign Intelligence Surveillance Court. In our judgment it is also important to note that intelligence agencies made statements to both Congress and the Court that significantly exaggerated this program's effectiveness. This

experience demonstrates to us that intelligence agencies' assessments of the usefulness of particular collection programs – even significant ones – are not always accurate. This experience has also led us to be skeptical of claims about the value of the bulk phone records collection program in particular.

We believe that the broader lesson here is that even though intelligence officials may be well-intentioned, assertions from intelligence agencies about the value and effectiveness of particular programs should not simply be accepted at face value by policymakers or oversight bodies any more than statements about the usefulness of other government programs should be taken at face value when they are made by other government officials. It is up to Congress, the courts and the public to ask the tough questions and press even experienced intelligence officials to back their assertions up with actual evidence, rather than simply deferring to these officials' conclusions without challenging them.

We look forward to continuing the debate about the effectiveness of the ongoing Patriot Act phone records collection program in the days and weeks ahead.

This is actually what the Inspectors General have implied: that it's not clear these programs are effective.

So why are we collecting dragnets of American communications for no good reason?