

PCLOB TOLD MIKE ROGERS THEY WOULD DISCUSS LEGALITY OF DRAGNET

Mike Rogers is outraged! outraged! that PCLOB overstepped what he sees as their mandate to talk about the illegality of the phone dragnet.

Defenders of the program reacted sharply to the report's findings on Thursday. Rep. Mike Rogers (R-Mich.), chairman of the House Intelligence Committee, said he agreed with the two dissenters "that the board should ... not partake in unwarranted legal analysis."

I find this hysterical not just because Rogers has spent the last 7 months weighing in the program's legality. I'll take Retired Appeals Court Judge Patricia Wald's opinion on legality over Rogers' any day.

But it's also funny because PCLOB **told** Rogers (as well as the President and the rest of Congress) they were going to report on the program's legality back in their November report to the President and Congress.

Met with officials of the Department of Justice (DOJ), Office of the Director of National Intelligence (ODNI), Federal Bureau of Investigation (FBI), and the National Security Agency (NSA) on several occasions to discuss the operation and oversight of programs under Section 215 of the USA PATRIOT Act (telephone metadata) and Section 702 of the Foreign Intelligence Surveillance Act. These discussions covered collection, use and dissemination practices, compliance measures, including internal and external oversight, and the implementation

guidelines governing collection and use of intelligence pursuant to Sections 215 and 702. These discussions commenced prior to June 2013 as part of the Board's basic oversight responsibilities, and then evolved, after the Snowden leaks, into a more in-depth review of the programs operated pursuant to Sections 215 and 702. The review, which is intended to culminate in a public report as requested by the President and Members of Congress, is addressing the history, **legality**, necessity, and effectiveness of these programs. [my emphasis]

He didn't object at the time.

He's only objecting now that the Board has found the program illegal.

Rogers might complain that he didn't notice this warning back then and therefore shouldn't be held accountable for not objecting back when he was told they were going to review the legality of the program. But to make that argument, Rogers would have to admit he's inattentive to matters concerning the programs he has primary oversight responsibility over.

While there's abundant evidence that's true, I doubt Rogers is prepared to admit it.