

WERE DIFI'S AIDES WHO CLAIMED "ONLY A SMALL NUMBER" OF BACK DOOR SEARCHES IGNORANT OR LYING?

Yesterday, we learned:

- NSA conducted unwarranted back door searches on 198 US persons' content last year and 9,500 back door searches on US person metadata
- CIA conducted around 1,900 unwarranted back door searches on US person content, and an uncounted number of back door searches on US person metadata
- FBI conducted a substantial number of unwarranted back door searches on US person content and metadata – so much so it doesn't count it

Back in November, when Dianne Feinstein was trying to codify these unwarranted back door searches explicitly into law, here's what anonymous sources described as Senate Intelligence Committee aides told the WaPo:

They say that there have been only a "small number" of such queries each year. Such searches are useful, for instance, if a tip arises that a terrorist group is plotting to kill or kidnap an American, officials have said.

"Only a small number."

Over 2,000 counted searches between the CIA and NSA. Uncounted, but substantial, number of searches by FBI. "Only a small number."

Were these anonymous sources ignorant – relying on false information from the Agencies? The actual number of unwarranted back door searches doesn't appear in the unredacted portions of the one Semiannual Section 702 Compliance report we've seen (see page 13); there doesn't appear to be a redacted section where they would end up.

So have the Agencies (CIA and NSA in this case; FBI's back door searches get audited in a different way) simply hidden from their Congressional overseers how frequently they were doing these searches?

Or were these aides trying, once again, to pass legislation permitting the nation's spy agencies to conduct intrusive searches on Americans by lying?

One way or another, it's a damn good thing Ron Wyden asked for and insisted on getting an answer to his question of how common these back door searches are (even if the FBI still refuses to count them). Because the key people who are supposed to oversee them are either ignorant or lying about them.