

FBI NOW HOLDING UP MICHAEL HOROWITZ' INVESTIGATION INTO THE DEA

Man, at some point Congress is going to have to declare the FBI legally contemptuous and throw them in jail.

They continue to refuse to cooperate with DOJ's Inspector General, as they have been for basically 5 years. But in Michael Horowitz' latest complaint to Congress, he adds a new spin: FBI is not only obstructing his investigation of the FBI's management impaired surveillance, now FBI is obstructing his investigation of DEA's management impaired surveillance.

I first reported on DOJ IG's investigation into DEA's dragnet databases last April. At that point, the only dragnet we knew about was Hemisphere, which DEA uses to obtain years of phone records as well as location data and other details, before it them parallel constructs that data out of a defendant's reach.

But since then, we've learned of what the government claims to be another database – that used to identify Shantia Hassanshahi in an Iranian sanctions case. After some delay, the government revealed that this was another dragnet, including just international calls. It claims that this database was suspended in September 2013 (around the time Hemisphere became public) and that it is no longer obtaining bulk records for it.

According to the latest installment of Michael Horowitz' complaints about FBI obstruction, he tried to obtain records on the DEA databases on November 20, 2014 (of note, during the period when the government was still refusing to tell even Judge Rudolph Contreras what the database implicating Hassanshahi was). FBI slow-walked

production, but promised to provide everything to Horowitz by February 13, 2015. FBI has decided it has to keep reviewing the emails in question to see if there is grand jury, Title III electronic surveillance, and Fair Credit Reporting Act materials, which are the same categories of stuff FBI has refused in the past. So Horowitz is pointing to the language tied to DOJ's appropriations for FY 2015 which (basically) defunded FBI obstruction.

Only FBI continues to obstruct.

There's one more question about this. As noted, this investigation is supposed to be about DEA's databases. We've already seen that FBI uses Hemisphere (when I asked FBI for comment in advance of this February 4, 2014 article on FBI obstinance, Hemisphere was the one thing they refused all comment on). And obviously, FBI access another DEA database to go after Hassanshahi.

So that may be the only reason why Horowitz needs the FBI's cooperation to investigate the DEA's dragnets.

Plus, assuming FBI is parallel constructing these dragnets just like DEA is, I can understand why they'd want to withhold grand jury information, which would make that clear.

Still, I can't help but wonder – as I have in the past – whether these dragnets are all connected, a constantly moving shell game.

That might explain why FBI is so intent on obstructing Horowitz again.