



FISA Court Says FBI Repeatedly Violated Rules Meant to Protect Privacy

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The FBI again repeatedly violated rules meant to protect Americans' privacy, according to a secretive federal court that made public its latest ruling slamming the bureau's continued misconduct.

The declassified and partially redacted ruling on Monday by the Foreign Intelligence Surveillance Court — posted by the substack The Reactionary and reported on by the Washington Post — showed that, between mid-2019 and early 2020, the FBI continually dove through data that contained Americans' emails and other communications as they searched for information without proper justification.

Still, the court's presiding judge, James Boasberg, wrote in the filing that the violations occurred before the FBI improved its querying system and training program, and that the COVID-19 pandemic has limited the government's ability to monitor compliance.

"While the Court is concerned about the apparent widespread violations ... it lacks sufficient information at this time" to assess the adequacy of FBI system changes and training, he said.

Therefore, he wrote, "the Court is willing to again conclude that the ... [FBI's] procedures meet statutory and Fourth Amendment requirements."

It's at the least third time the FBI has been rebuked by the court for breaching the rules en masse in the last several years, the Post reported — and it's raising alarms.

"We can continue playing compliance whack-a-mole," Julian Sanchez, a senior fellow at the public policy think tank Cato Institute, told the Post. "But at this point, it's reasonable to ask whether this sort of large-scale collection on a 'general warrant' model is inherently prone to these problems in a way that resists robust and timely oversight."

At issue is Section 702 of the Foreign Intelligence Surveillance Act, passed in 2008, which sets limits on spying on U.S. soil in national security cases.

In the latest disclosures, Boasberg wrote that in 2019-2020, the Justice Department's national security division reported "numerous incidents" to the court involving queries on Americans for criminal evidence without the FBI first obtaining court permission.

In one instance, he wrote an FBI specialist conducting "background investigations" made 124 queries of raw Section 702 data on volunteers who had requested to participate in the FBI's "Citizens Academy," on people who needed to enter the field office to perform repairs, and on people who reported they were victims of a crime, according to The Reactionary.

In another example, he wrote the FBI made 40 queries in support of probes into healthcare fraud, international organized crime, violent gangs, and domestic terrorism. None was related to national security, Boasberg wrote, according to the Post.

The Justice Department found similar violations at seven field offices. None of the information, however, was used in a criminal or civil case or for any investigative purpose, Boasberg wrote, the Post reported.

Controversy over Section 702 intensified after the 2013 revelations of government surveillance first brought to light by former National Security Agency contractor Edward Snowden.

Under Section 702, the government obtains emails and other communications from tech companies for foreign intelligence purposes and to aid government investigations into foreign terrorism, espionage, and nuclear proliferation, the Post noted.

An unnamed senior FBI official told the Post only 3.6% of the targets collected under Section 702 are currently made available to the FBI.

Though Boasberg blasted the FBI, he was lenient to former FBI attorney Kevin Clinesmith when, on Jan. 29, he sentenced him to only probation for altering a CIA email and lying about it to FBI coworkers in order to get a FISA renewal on a former Trump campaign adviser.