

Associated Press Calls ‘Compromise’ a Section of the PATRIOT Act Which Could Send Its Sources to Jail for 10 Years

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Senate Intelligence chair Richard Burr: His bill, described by AP as a “compromise,” could put AP’s sources away for 10 years.

The Associated Press([5/23/15](#)) reported on what reporter Ken Dilanian called efforts by Congress “to prevent an interruption in critical government surveillance programs” by extending a section of the PATRIOT Act set to expire May 31.

If you’re more worried about the government spying on you than you are about the government losing “valuable surveillance tools”—well, I guess AP is not the news service for you, then.

One such PATRIOT Act preservation effort is labeled a “compromise” by AP—Senate Intelligence Committee chair Richard Burr’s proposal to extend the NSA’s bulk collection of domestic phone records until 2017—in what AP calls a “transition.”

As Marcy Wheeler of Expose Facts ([5/26/15](#)) points out, Burr’s plan would actually not be a simple extension of the PATRIOT Act’s Section 215, but instead would be “a breathtaking expansion of surveillance authority, probably even bigger than the FISA Amendments Act passed in 2008.” Among the Burr bill’s special features, Wheeler writes:

The bill basically would create its own mini Espionage Act, just for Section 215, creating a 10-year prison term for anyone who knowingly communicates information about Section 215 collection to an “unauthorized person.”

That’s interesting, because before Dilanian wrote about Burr’s “compromise,” he put this passage into his story:

But if Section 215 expires without replacement, the government would lack the blanket authority to conduct those searches. There would be legal methods to hunt for connections in US phone records to terrorists, said current and former US officials who spoke on condition of anonymity because they were not authorized to discuss the matter publicly. But those methods would not be applicable in every case.

So “current and former US officials” spoke without authorization to Dilanian about Section 215—thereby committing the very crime that this “compromise” bill would punish with a 10-

year prison sentence.

Wheeler points out that the anonymous officials who talked to Dilanian, while not legally authorized to do so, probably had the unofficial sanction of their superiors:

If the earlier reports were based on a sanctioned leak, there's little chance US intelligence officials sharing information they clearly identified as classified would be sent to prison for 10 years. But sources who might provide the kind of information that would make this debate useful would face prison terms. For journalists to deem such a bill a "compromise" would be to suggest they're okay working exclusively with one-sided official leaks.

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