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## NSA phone records collection program is illegal and ineffective, government oversight board says

Posted Jan 23, 2014 2:34 PM CST

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A National Security Agency program that collects and stores so-called metadata on nearly every U.S. phone call is both illegal and largely ineffective, the majority of a bipartisan executive branch agency concluded in a lengthy [report](#) (PDF) released Thursday.

"We have not identified a single instance involving a threat to the United States in which the program made a concrete difference in the outcome of a counter-terrorism investigation," writes the [Privacy and Civil Liberties Oversight Board](#). Three of the five members agreed with the report's conclusions and two disagreed, the [Associated Press](#) reports.

The majority said the program, which collects records of phone numbers, when calls were made and how long they lasted, as well as similar information about emails, isn't authorized by Section 215 of the Patriot Act as proponents claim, and that they may also violate constitutional protections concerning free speech, unreasonable searches and seizures and privacy.

"When the government collects all of a person's telephone records, storing them for five years in a government database that is subjected to high-speed digital searching and analysis, the privacy implications go far beyond what can be revealed by the metadata of a single telephone call," the majority stated. It includes the board's executive director David Medine; a former federal judge, Patricia Wald; and James Dempsey, an advocate for civil liberties, the AP reported.

In the minority were two former Department of Justice lawyers in the Bush administration, Rachel Brand and Elisebeth Collins Cook. They said the surveillance program is lawful and necessary.

A White House spokeswoman said Thursday that "the administration believes the program is lawful," but that President Barack Obama "believes we can and should make changes in the program that will give the American people greater confidence in it." The president has previously announced that he will limit the surveillance program, as an earlier [ABAJournal.com](#) post details.

The board lacks enforcement power, so its findings lend weight to a privacy debate over the phone records surveillance program but are not expected to result in any immediate change, [CNN](#) reports.

