

NSA deputy director admits to broader spying

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At a hearing before the House Judiciary Committee yesterday, Deputy Director of the National Security Agency John Inglis admitted that the depth of the NSA surveillance program goes far beyond what the government had previously admitted.

The testimony concerns the agency's ability to access phone and Internet records seized from the major telecommunications companies. The first revelation from Edward Snowden concerned this program, exposing the fact that Verizon and other telecommunications companies are handing over to the government detailed "metadata" of phone communications of all their customers. This allows the government to construct social and political networks for nearly every individual.

Another program, revealed later in June, has allowed the government to collect similar records on Internet usage, including, according to a *Guardian* report, "the accounts to which Americans sent emails and from which they received emails" as well as "the Internet protocol addressees (IP) used by people inside the United States when sending emails—information which can reflect their physical location." The Obama administration claims to have ended this program in 2011.

While these phone and Internet records were effectively collected on all Americans, the NSA claimed it looked at the records only of individuals who were "two degrees of separation" from a target of investigation. That is, they looked at the records of all individuals who communicated with a target, or who communicated with someone who communicated with a target.

In testimony on Wednesday, however, Inglis said that the Foreign Intelligence Surveillance Court "has also given permission to do not just first hop analysis, meaning what numbers are in contact with that selector, but to then from those numbers go out two or three hops," Inglis said.

The additional "hop" adds an order of magnitude to

those whose records have been examined—it covers the target, anyone who has communicated with that person (potentially hundreds of people), anyone who has communicated with any of those people (hundreds more), and anyone who has communicated with them. By a conservative estimate, any single target could generate one million people whose data could be accessed.

As an example, say the NSA selects as a "target" an individual at Guantanamo Bay. This person may have contacted his lawyer at a civil liberties organization (one hop), the lawyer may have received an email from, for example, an ACLU mail list address (two hops), and this mail list may go out to hundreds of thousands of people (three hops). All of these people would then be subject to having their phone and Internet activity monitored by the NSA.

The selection of targets is itself entirely arbitrary and subject to the whims of NSA officials. It can involve anyone who the NSA—without any oversight—declares to itself that it has a "reasonable, articulable suspicion" of a connection to terrorism.

The FISA court granted 1,789 surveillance warrants in 2012 alone. At least these many individuals will fall under the "articulable" standard for the NSA to access metadata records.

In effect, this means that the NSA has declared the ability to review the phone and Internet records of nearly everyone.

Inglis' comments have vindicated whistleblower Edward Snowden's original statement, made to the *Guardian* in mid-June:

"[T]he NSA specifically, targets the communications of everyone. It ingests them by default. It collects them in its system and it filters them and it analyses them and it measures them and it stores them for periods of time... So while they may be intending to target someone associated with a foreign government or someone they suspect of

terrorism, they're collecting your communications to do so. Any analyst at any time can target anyone, any selector, anywhere."

Inglis' acknowledgement adds to the growing pile of evidence that could be used to indict leading Obama administration and congressional officials for perjury.

NSA Director Keith Alexander told the Senate on June 12 that Snowden's allegations were "false ... I know of no way to do that."

Republican Chairman of the House Intelligence Committee Michael Rogers said that "[Snowden] was lying," and that "[h]e clearly has over-inflated his position... It's impossible for him to do what he was saying he could do."

When asked during the hearing whether or not the NSA had effectively been given a general warrant to spy on the American people, Deputy Attorney General James Cole said that the Fourth Amendment does not apply "because the phone data, according to the Supreme Court, is not something within which citizens have a reasonable expectation of privacy, it belongs to the phone company."

"These are the kinds of records that under longstanding Supreme Court precedent are not protected by the Fourth Amendment," Cole said.

According to the Obama administration, the surveillance program does not violate the First Amendment right of freedom of association, either. "These are issues that are looked at by the court in determining whether any constitutional rights are involved," Cole said.

For the representatives of the national security apparatus, the past six weeks have been marked by a series of revelations detailing their deceitfulness. When asked if he thought it was possible to keep the domestic surveillance program from the public, Director of National Intelligence counsel Robert Litt said, "Well—um—we tried."



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