

Internal NSA reports detail violation of laws, regulations

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The US National Security Agency (NSA) published a cache of “transparency” reports on its web page Wednesday in response to a Freedom of Information Act (FOIA) request submitted by attorneys for the American Civil Liberties Union (ACLU).

The internally generated NSA reports, covering the years 2001-2013 and previously submitted to the Presidential Intelligence Oversight Board, show that NSA agents have consistently violated US law and the agency's own internal regulations over the past decade.

The timing of the release, on Christmas Eve, was clearly designed to ensure that the event could be buried by the US media.

The reports show that NSA agents have carried out a range of illegal activities, including electronic spying on US persons (USP), stockpiling data that the agency is required by law to delete, continuing surveillance against targets after they have been found to be USP, and “disseminating” data acquired from surveillance against USP to other government agencies and entities.

Agents specifically targeted individuals not covered by any existing order from the Foreign Intelligence Surveillance Court and used electronic surveillance technology to spy on significant others, spouses, and other associates.

Agents have failed to implement legally required “minimization” procedures, which supposedly remove individuals who have been “incidentally” swept up in the electronic dragnet from the agency's constantly expanding set of surveillance targets, frequently neglecting to remove targets from surveillance lists even after they are known to the agency to be USP or other unauthorized targets.

The reports make clear that NSA agents have enormous leeway to spy on targets of their choosing, and that the already minor restrictions on spying

stipulated by the Foreign Intelligence Surveillance Act are not seriously enforced.

Making a mockery of claims that the agency is implementing “greater transparency,” huge portions of the reports are either redacted entirely or redacted to the point of being completely unintelligible.

In one report, immediately under the heading “Computer Network Exploitation,” which refers to the US government's hacking and electronic data mining programs, the first several large paragraphs are completely redacted.

All numbers referring to the quantity of violations have been redacted. One report states, for instance, that agents executed a “REDACTED” number of “overly broad” “database queries,” which led to the unlawful targeting of USP.

Ominous references to the expansion of surveillance operations within the US appear in one of the NSA reports, dated 2010.

After a lengthy redaction, the report states, “If approved, this change [text containing referent completely redacted] would align NSA/CSS's procedures with the Federal Bureau of Investigation's (FBI) procedures, which permit such searches.”

Brushing aside the overwhelming evidence provided by Edward Snowden's leaks and substantiated in its own reports, the NSA claims in a statement on the documents that “the vast majority of compliance incidents involve unintentional technical or human error.”

“The NSA goes to great lengths to ensure compliance with the Constitution, laws and regulations,” the official NSA statement reads.

In reality, the NSA's own documents further substantiate the mountain of evidence showing that the agency is responsible for systematic crimes against US

and international law.

Previous disclosures stemming from Edward Snowden's leaks show that the agency runs numerous surveillance programs that target the same types and sources of data. On a daily basis, the Snowden documents show, NSA programs troll through data from virtually all internet and telephone users worldwide.

Based solely on the NSA's own secret reports to the executive branch, there is no doubt that the agency is responsible for persistent violations of the specific legislation authorizing the surveillance programs and of essential democratic protections laid down in the US Bill of Rights.

Yet far from facing any form of accountability, the NSA will continue to receive the vast resources and virtually free reign it has enjoyed since 2001, when it expanded its surveillance operations in the wake of the September 11 attacks.



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