

Top secret report details FBI mass surveillance

Thomas Gaist
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The Federal Bureau of Investigation (FBI) has been overseeing and co-directing mass surveillance programs run by the National Security Agency (NSA) since at least 2008, a newly declassified document from the Office of the Inspector General (OIG) of the Department of Justice (DOJ) shows.

The classified Top Secret report, “A Review of the Federal Bureau of Investigation’s Activities Under Section 702 of the Foreign Intelligence Surveillance Act Amendments Act of 2008,” acquired by the *New York Times* this week through a Freedom of Information Act lawsuit submitted in 2012, found that the FBI has amassed large quantities of electronic communications data through its involvement in NSA surveillance operations run under Section 702 of the FISA Amendments Act (FAA) of 2008.

The report is based on OIG interviews with some 45 FBI members and officials, as well as officials from the National Security Agency (NSA) and the Office of the Director of National Intelligence (DNI) and lawyers from the DOJ’s National Security Division. OIG also examined “thousands of documents related to the FBI’s 702 activities.”

Beginning in 2008, the bureau received daily emailed reports listing new targets being added to the NSA’s mass spying programs. By 2009, the FBI was receiving a continuous feed of unprocessed data from the NSA “to analyze for its own purposes,” partly through accessing the NSA’s PRISM program, the report states. The FBI did not report its involvement in 702 data collection to Congress until 2012, the report found.

The NSA sends surveillance target lists to the FBI’s spy units using “a system called PRISM,” the document states. After the word PRISM, the rest of the paragraph, a total of 8 lines of text, is completely blacked out.

No further references to PRISM are visible. By opening up PRISM to the FBI, the NSA has placed virtually all electronic communications sent by ordinary Internet users around the world at the fingertips of the FBI. Yet, aside from this one instance, “the Justice Department had redacted all the other references to PRISM in the report,” the *Times*

confirmed.

PRISM collects bulk data directly from leading technology and communications corporations, including Yahoo!, Google, Facebook, YouTube, Skype, AOL and Apple, constantly vacuuming communications of data from hundreds of millions of users around the world, if not more, according to documents leaked by Edward Snowden in 2013.

NSA slides describe PRISM as the agency’s “number one source of raw intelligence,” and note that PRISM captures some 90 percent of electronic data acquired by the NSA spy programs. During a single two-month period in 2012, NSA PRISM operations collected some 70 million communications from the French population.

This immensely powerful surveillance machinery, supposedly needed to target foreign terrorist conspirators and enemy states, has increasingly been placed at the full disposal of the top domestic police agency. Through PRISM, federal police agents can view communications data in real time and search through stored data, such as email archives, at will.

The OIG report states reassuringly that the FBI is “doing a good job in making sure that the email accounts targeted for warrantless collection belonged to non-citizens abroad.”

The endless redactions throughout the OIG document underscore the contempt of the US elite for even minimal forms of democratic accountability.

Redactions are present on nearly every page, and countless paragraphs are entirely blacked out. An entire page of the Table of Contents is redacted.

Section headers and central facts are redacted to an extent that is almost humorous, such as:

** “REDACTED provides operational support to the FBI’s investigative units at the Headquarters and in the field.”

** “The FBI [REDACTED] from participating providers and transmits them in the form of raw unminimized data to the NSA and, at the NSA’s direction, to the FBI and the CIA.”

** “The FBI retains 702 data in its [REDACTED] for analysis and dissemination.”

** “The second basic activity that the FBI conducts in the 702 Program is to [REDACTED]”

** “Findings and Recommendations Relating to the FBI’s [REDACTED]”

** “Findings Relating to Access to and Purging of 702-Data Retained in [REDACTED]”

A full page is dedicated to “The [REDACTED] Factor,” referenced by NSA analysts to justify some 10 percent of additions to the agency’s surveillance lists. Every word that might even suggest the nature of the “factor” has been blacked out.

Descriptions of CIA involvement in the warrantless mass surveillance are all redacted. A typical example reads, “The Central Intelligence Agency (CIA) participates in Section 702 [REDACTED].”

Nonetheless, significant conclusions can still be drawn from partially redacted portions of the document.

The FBI also gathers surveillance data from its own sources, unnamed “participating parties,” and disseminates this information to other government agencies, the document shows.

“The FBI acquires [several words REDACTED] from the participating parties and routes the raw unminimized data to the NSA and, at the NSA’s direction, to the CIA and to the FBI’s [second half of sentence REDACTED]. The FBI retains a portion of the raw data for analysis and dissemination as finished intelligence products,” the report reads.

Secret FBI spy units, referred to collectively by the OIG as the “702 Team,” manage the bureau’s data acquisition and dissemination efforts. The actual names of the units are redacted from the report.

The FBI’s 702 Team is made up of “personnel in the Counterterrorism Division’s [second half of sentence REDACTED]. These personnel are drawn primarily from the [two full lines REDACTED] two of five units within [word REDACTED],” the OIG report reads.

For years, the OIG report shows, FBI officials have been reviewing and signing off on long lists of potential new NSA surveillance targets. The entire review process is conducted “in consultation with” the NSA, and the FBI “shows considerable deference to the NSA’s targeting judgments,” the OIG reported.

The OIG report testifies to the speed with which the US ruling class has overturned core principles of the US Bill of Rights during the past decade and a half.

When the Bush administration began collecting bulk US telephone and Internet data under the President’s Surveillance Program (PSP), in October 2001, the

program’s existence was not even publicly acknowledged, so flagrant were its violations of the Fourth Amendment. Within less than a decade, warrantless searches and seizures of user data gained full Congressional approval.

The PSP coordinated secret mass surveillance of US telephone and computer-based communications, establishing secret rooms in major corporate facilities where government agents tapped directly into the companies’ hardware.

After the *New York Times* first reported on the PSP in 2005, the administration made initial moves to legalize the operation, “persuading” a FISA court judge to order the telecoms to issue a ruling that, the Bush administration claimed, would legalize the operations.

Mild objections by a single FISA judge to expanded spy powers led the intelligence establishment to demand that Congress immediately pass legislation to place the warrantless spying on a firmer legal foundation, according to the OIG report.

“Judge Vinson’s resistance led Congress to enact, in August 2007, the Protect America Act, a temporary law permitting warrantless surveillance of foreigners from domestic network locations,” the OIG report states.

The NSA and FBI were able “to accelerate the government’s efforts” to pass the PAA legislation by insisting that existing laws prevented the agency from spying on enough targets, the document states. The 2007 Protect America Act (PAA) served to temporarily legalize warrantless surveillance until permanent amendments could be added to the decades-old FISA legislation in the form of the 2008 Foreign Intelligence Surveillance Amendments Act (FAA). The FAA gave Congressional approval to the NSA’s warrantless bulk spying and data capture operations by employing “a novel and expansive interpretation of the FISA statute,” the OIG notes.



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