

The NSA's alarmingly liberal interpretation of surveillance laws

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If you thought the U.S. government had no interest in your texts and emails, you better think again — the NSA’s information dragnet just got a lot bigger.

Officially, the policy of the NSA has been to intercept communications from Americans in direct contact with “targeted” foreigners overseas, according to the [New York Times](#) [1]. However, it seems the agency has been looking at more than they’ve “officially” admitted.

The key phrase here is “direct contact,” which implies some sort of consistent—or at least multiple—communications between an American and the target. Seems fairly straightforward. However, it appears the NSA has actually expanded that to include any American who “cite information *linked* to those” targeted foreigners [emphasis mine], according to the NYT. For reference, in this case the “communications” consist of text messages and emails.

The official part of the surveillance—think direct contact—is legal under the [FISA Amendments Act of 2008](#) [2], which allows the agency to track communication—without warrants—provided the target is not a citizen and is living abroad.

[But the NSA](#) [3] has taken a fairly liberal approach to this and has been gathering information, which they temporarily copy and sort, *mentioning* the target from sources with zero direct contact.

[<http://www.documentcloud.org/documents/727943-exhibit-a.html>]

Seems completely legitimate, at least to those with a limited understanding of the term “direct contact.” That is to say, how is this happening?

According to the [NYC article](#), [1] “The official said that a computer searches the

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data for the identifying keywords or other “selectors” and stores those that match so that human analysts could later examine them. The remaining communications, the official said, are deleted; the entire process takes “a small number of seconds,” and the system has no ability to perform “retrospective searching.””

Despite assurances that the keywords are “precise”, it’s hard to put a lot of faith in that statement. All of this came to light in the 18 page report The Guardian published via Edward Snowden earlier this summer.

It’s a pretty sneaky interpretation of the law and it allows the NSA a lot more freedom than it would originally seem. When does the government say when?

I’m generally not the type to be concerned over a little government spying because, frankly, they all do it and it’s just a fact of life. The surveillance will never stop and my blood pressure is too high as is. But, it’s evolving at an alarming rate. These laws need to be written very carefully, or their interpretation can have unintended—or intended, I suppose—consequences. There has to be some balance between privacy and security. It’s not a zero-sum, winner-take-all situation. There *must* be a balance. And if we’re handing out wishes, it should be in favor of the citizens. On a related note, I would be very interested to see how this information is used. Has it been linked to the prevention of any disasters? Who sees it? Are we using the information to just keep tabs on people or are we actively tracking a moving threat? A little transparency here would go a long way.

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Links:

[1] http://www.nytimes.com/2013/08/08/us/broader-sifting-of-data-abroad-is-seen-by-nsa.html?pagewanted=all&_r=3&

[2] <http://www.govtrack.us/congress/bills/110/hr6304>

[3] <http://www.documentcloud.org/documents/727943-exhibit-a.html>