

# US declassifies phone program details after uproar (Update 3)

June 7 2013

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A sign stands outside the National Security Administration (NSA) campus in Fort Meade, Md., Thursday, June 6, 2013. Five years into his presidency, Barack Obama presides over a national security apparatus that in many ways still resembles the one left behind by President George W. Bush. Drones are killing terrorism suspects, the U.S. military prison at Guantanamo Bay, Cuba, holds "enemy combatants," and the government secretly collects telephone records of millions of Americans. (AP Photo/Patrick Semansky, File)

The disclosure of the U.S. government's massive collection of Americans' phone records and foreigners' internet use has ignited a fierce uproar, prompting the top U.S. intelligence official to [declassify key details about a secret surveillance program](#) in a rare move meant to head off a gathering storm of protest.

Director of National Intelligence James Clapper, in an unusual late-night statement Thursday, insisted the efforts were legal, limited in scope and necessary to detect terrorist threats. He denounced the leaks of highly classified documents that revealed the programs and warned that America's security will suffer.

Clapper called Thursday's disclosure in The Washington Post and The Guardian of a second program, which targets foreigners' Internet use, "reprehensible." He also said the leak of a program that lets the government collect Americans' phone records would affect how U.S. enemies behave and make it harder to understand their intentions.

"The unauthorized disclosure of a top secret U.S. court document threatens potentially long-lasting and irreversible harm to our ability to identify and respond to the many threats facing our nation," Clapper said of the phone-tracking program.

The Obama administration's defense of the two programs came as members of Congress were vowing to change a program they voted to authorize and civil liberties advocates were crying foul, questioning how President Barack Obama, a former constitutional scholar who sought privacy protections as a U.S. senator, could embrace policies with strong echoes of President George W. Bush, whose approach to national security he had vowed to leave behind.

The disclosures triggered a fierce debate that cuts across party lines and could overshadow a two-day visit by Chinese President Xi Jinping. They

come at a particularly inopportune time for Obama, whose administration already faces questions over the federal tax agency's improper targeting of conservative groups and the seizure of journalists' phone records in an investigation into who leaked information to the media.

It all adds up to a distraction for the president as he tries to tackle big issues like immigration reform and taxes.

Clapper, in his late-night statement, offered new information about both surveillance programs, saying he wanted to correct the "misleading impression" created by out-of-context news articles even as he acknowledged that publicly discussing the programs comes with inherent security risks.

"I believe it is important for the American people to understand the limits of this targeted counterterrorism program and the principles that govern its use," Clapper said.

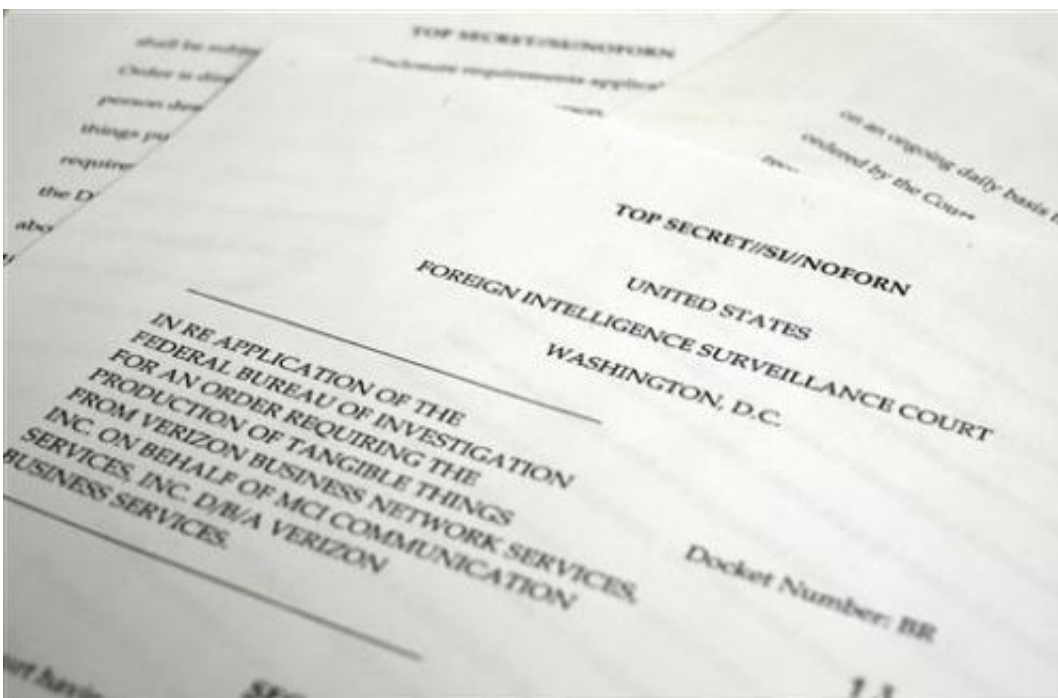
And so barely 24 hours after the phone records program's existence was first revealed publicly by the Guardian newspaper of Britain, Clapper took the rare step of declassifying and publicly releasing details about the authority used to authorize it, including that it's reviewed by a special court every three months and that the data collected can only be culled when there's reasonable suspicion—backed by facts—that the information is connected to a foreign terrorist group.

At issue were two National Security Agency programs that came to light late Wednesday and Thursday after highly classified documents were leaked to the media.

A top-secret court order, first disclosed by the Guardian, requires the communications company Verizon to turn over on an "ongoing, daily

basis" the records of all landline and mobile telephone calls of its customers, both within the U.S. and between the U.S. and other countries. Experts said it's likely the program extends to other phone companies as well.

Another secret program came to light when The Washington Post and The Guardian reported that the NSA and FBI can scour America's main Internet companies, extracting audio, video, emails and other documents to help analysts track a person's movements and contacts. Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube and Apple were all included. Most denied giving the government direct access.



This photograph made Thursday, July 6, 2013 in Washington shows a copy of the U.S. Foreign Intelligence Surveillance Court order requiring Verizon on an "ongoing, daily basis," to give the National Security Administration (NSA) information on all landline and mobile telephone calls of Verizon Business in its systems, both within the U.S. and between the U.S. and other countries. (AP Photo)

Clapper alleged that articles about the Internet program "contain numerous inaccuracies." He did not specify what those inaccuracies might be.

Senior administration officials defended the programs as critical tools and said the intelligence they yield is among the most valuable data the U.S. collects. Clapper said the Internet program, known as PRISM, can't be used to intentionally target any Americans or anyone in the U.S. He said a special court, Congress and the executive branch all oversee the program and that data accidentally collected about Americans is kept to a minimum.

Clapper alleged the phone records program, too, has been taken out of context. His defense was echoed hours earlier by leaders of Congress' intelligence panels, who dismissed the furor over what they said was standard three-month renewal to a program that's operated for seven years. Committee leaders also said the program recently helped thwart what would have been a significant domestic terrorist attack.

The NSA must collect the phone data in broad swaths, Clapper said, because collecting it narrowly would make it harder to identify terrorism-related communications. The court prohibits the government from indiscriminately rummaging through the phone data without evidence of a terrorist group connection, he said.

Clapper revealed the government is prohibited from "indiscriminately sifting" through the data acquired. It can only be reviewed "when there is a reasonable suspicion, based on specific facts, that the particular basis for the query is associated with a foreign terrorist organization." He also said only counterterrorism personnel trained in the program may access the records.

But the widespread notion of a government dragnet ensnaring terror suspects and innocent Americans pushed typical political foes to stand together against Obama as he enforces what many likened to Bush-era policies.

"When law-abiding Americans make phone calls, who they call, when they call and where they call from is private information," said Democratic Sen. Ron Wyden. "As a result of the disclosures that came to light today, now we're going to have a real debate in the Congress and the country and that's long overdue."

Officials from Clapper's office, the Justice Department, NSA and FBI briefed 27 senators for some two hours late Thursday at a hurriedly convened session prompted by severe criticism and uncertainty about the program.



This Jan. 5, 2011 aerial photo, shows the site for the first Intelligence Community Comprehensive National Cyber-security Initiative (CNCI) Data



Center at Camp Williams, Utah. The government is secretly collecting the telephone records of millions of U.S. customers of Verizon under a top-secret court order, according to the chairwoman of the Senate Intelligence Committee. The Obama administration is defending the National Security Agency's need to collect such records, but critics are calling it a huge over-reach. (AP Photo/The Deseret News, Stuart Johnson)

"The National Security Agency's seizure and surveillance of virtually all of Verizon's phone customers is an astounding assault on the Constitution," said Republican Sen. Rand Paul. "After revelations that the Internal Revenue Service targeted political dissidents and the Department of Justice seized reporters' phone records, it would appear that this administration has now sunk to a new low."

Paul said he will introduce legislation ensuring that constitutional rights against unreasonable searches and seizures apply to government search of phone records.

The surveillance powers are granted under the Patriot Act, which was passed after the Sept. 11, 2001, attacks and renewed in 2006 and again in 2011. Republicans who usually don't miss a chance to criticize the administration offered full support.

"If you're not getting a call from a terrorist organization, you got nothing to worry about," said Republican Sen. Lindsey Graham.

The possibility of a third secret program letting the NSA tap into credit card transaction records emerged late Thursday in a report in The Wall Street Journal. The White House did not immediately respond to an inquiry about that program.

The Verizon order, granted by the secret Foreign Intelligence Surveillance Court on April 25 and good until July 19, requires information on the phone numbers of both parties on a call, as well as call time and duration, and unique identifiers, The Guardian reported.

It does not authorize snooping into the content of phone calls. But with millions of phone records in hand, the NSA's computers can analyze them for patterns, spot unusual behavior and identify "communities of interest"—networks of people in contact with targets or suspicious phone numbers overseas.

Once the government has zeroed in on numbers that it believes are tied to terrorism or foreign governments, it can go back to the court with a wiretap request. That allows the government to monitor the calls in real time, record them and store them indefinitely.

Republican House Intelligence Chairman Mike Rogers said that once the data has been collected, officials still must follow "a court-approved method and a series of checks and balances to even make the query on a particular number."

The steps are shrouded in government secrecy, which some lawmakers say should change.

"The American public can't be kept in the dark about the basic architecture of the programs designed to protect them," said Democratic Sen. Al Franken.

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