

# New NSA spying allegations rile European allies (Update)

June 30 2013, by Frank Jordans

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In this picture, taken Saturday June 29, 2013, a demonstrator protests with a poster against NSA in Hanover, Germany. Germany's top justice official says reports that U.S. intelligence bugged European Union offices remind her of "the methods used by enemies during the Cold War." Justice Minister Sabine Leutheusser-Schnarrenberger was responding to a report by German news weekly Der Spiegel on Sunday June 30, 2013, that claimed the National Security Agency has eavesdropped on EU offices in Washington, New York and Brussels. The magazine cited classified U.S. documents taken by NSA leaker Edward Snowden that it said it had partly seen. The documents reportedly describe the European Union as a "target" for surveillance. (AP Photo/dpa, Peter Steffen)

The Obama administration faced a breakdown in confidence Sunday from key foreign allies who threatened investigations and sanctions against the U.S. over secret surveillance programs that reportedly installed covert listening devices in European Union offices.

U.S. intelligence officials said they will directly discuss with EU officials the new allegations, reported in Sunday's editions of the German news weekly Der Spiegel. But the former head of the CIA and National Security Agency urged the White House to make the spy programs more transparent to calm public fears about the American government's snooping.

It was the latest backlash in a nearly monthlong global debate over the reach of U.S. surveillance that aims to prevent terror attacks. The two programs, both run by the NSA, pick up millions of telephone and Internet records that are routed through American networks each day. They have raised sharp concerns about whether they violate public privacy rights at home and abroad.

Several European officials—including in Germany, Italy, France, Luxembourg and the EU government itself—said the new revelations could scuttle ongoing negotiations on a trans-Atlantic trade treaty that, ultimately, seeks to create jobs and boost commerce by billions annually in what would be the world's largest free trade area.

"Partners do not spy on each other," said EU Justice Commissioner Viviane Reding. "We cannot negotiate over a big trans-Atlantic market if there is the slightest doubt that our partners are carrying out spying activities on the offices of our negotiators. The American authorities should eliminate any such doubt swiftly."

European Parliament President Martin Schulz said he was "deeply worried and shocked about the allegations of U.S. authorities spying on

EU offices." And Luxembourg Foreign Minister and Deputy Prime Minister Jean Asselborn said he had no reason to doubt the Der Spiegel report and rejected the notion that security concerns trump the broad U.S. surveillance authorities.

"We have to re-establish immediately confidence on the highest level of the European Union and the United States," Asselborn told The Associated Press.

According to Der Spiegel, the NSA planted bugs in the EU's diplomatic offices in Washington and infiltrated the building's computer network. Similar measures were taken at the EU's mission to the United Nations in New York, the magazine said. It also reported that the NSA used secure facilities at NATO headquarters in Brussels to dial into telephone maintenance systems that would have allowed it to intercept senior officials' calls and Internet traffic at a key EU office nearby.

The Spiegel report cited classified U.S. documents taken by NSA leaker and former contractor Edward Snowden that the magazine said it had partly seen. It did not publish the alleged NSA documents it cited nor say how it obtained access to them. But one of the report's authors is Laura Poitras, an award-winning documentary filmmaker who interviewed Snowden while he was holed up in Hong Kong.

Britain's The Guardian newspaper also published an article Sunday alleging NSA surveillance of the EU offices, citing classified documents provided by Snowden. The Guardian said one document lists 38 NSA "targets," including embassies and missions of U.S. allies like France, Italy, Greece, Japan, Mexico, South Korea, India and Turkey.

In Washington, a statement from the national intelligence director's office said U.S. officials planned to respond to the concerns with their EU counterparts and through diplomatic channels with specific nations.

However, "as a matter of policy, we have made clear that the United States gathers foreign intelligence of the type gathered by all nations," the statement concluded. It did not provide further details.

NSA Director Keith Alexander last week said the government stopped gathering U.S. citizens' Internet data in 2011. But the NSA programs that sweep up foreigners' data through U.S. servers to pin down potential threats to Americans from abroad continue.

Speaking on CBS' "Face the Nation," former NSA and CIA Director Michael Hayden downplayed the European outrage over the programs, saying they "should look first and find out what their own governments are doing." But Hayden said the Obama administration should try to head off public criticism by being more open about the top-secret programs so "people know exactly what it is we are doing in this balance between privacy and security."

"The more they know, the more comfortable they will feel," Hayden said. "Frankly, I think we ought to be doing a bit more to explain what it is we're doing, why, and the very tight safeguards under which we're operating."

Hayden also defended a secretive U.S. court that weighs whether to allow the government to seize Internet and phone records from private companies. The Foreign Intelligence Surveillance Court is made up of federal judges but does not consider objections from defense attorneys in considering the government's request for records.

Last year, the government asked the court to approve 1,789 applications to spy on foreign intelligence targets, according to a Justice Department notice to Congress dated April 30. The court approved all but one—and that was withdrawn by the government.

Critics have derided the court as a rubber-stamp approval for the government, sparking an unusual response last week in The Washington Post by its former chief judge. In a statement to the newspaper, U.S. District Judge Colleen Kollar-Kotelly refuted a draft NSA inspector general's report that suggested the court collaborated with the executive branch instead of maintaining judicial independence. Kollar-Kotelly was the court's chief judge from 2002 to 2006, when some of the surveillance programs were under way.

Some European countries have much stronger privacy laws than does the U.S. In Germany, where criticism of the NSA's surveillance programs has been particularly vocal, Justice Minister Sabine Leutheusser-Schnarrenberger likened the spying outlined in the Der Spiegel report to "methods used by enemies during the Cold War." German federal prosecutors are examining whether the reported U.S. electronic surveillance programs broke German laws.

Green Party leaders in the European Parliament called for an immediate investigation into the claims and called for existing U.S.-EU agreements on the exchange of bank transfer and passenger record information to be canceled. Both programs have been labeled as unwarranted infringements of citizens' privacy by left-wing and libertarian lawmakers in Europe.

The dispute also has jeopardized diplomatic relations between the U.S. and some of its most unreliable allies, including China, Russia and Ecuador.

Snowden, who tuned 30 last week, revealed himself as the document leaker in June interviews in Hong Kong, but fled to Russia before China's government could turn him over to U.S. officials. Snowden is now believed to be holed up in a transit zone in Moscow's international airport, where Russian officials say they have no authority to catch him

since he technically has not crossed immigration borders.

It's also believed Snowden is seeking political asylum from Ecuador. But Ecuadorean President Rafael Correa signaled in an AP interview Sunday that it's unlikely Snowden will end up there. Correa portrayed Russia as entirely the masters of Snowden's fate, and the Kremlin said it will take public opinion and the views of human rights activists into account when considering his case. That could lay the groundwork for Snowden to seek asylum in Russia.

Outgoing National Security Adviser Tom Donilon said U.S. and Russian law enforcement officials are discussing how to deal with Snowden, who is wanted on espionage charges. "The sooner that this can be resolved, the better," Donilon said in an interview on CNN.

House Democratic Leader Nancy Pelosi has a different take on what to do with Snowden. "I think it's pretty good that he's stuck in the Moscow airport," Pelosi, D-Calif., said on NBC's "Meet the Press." "That's ok with me. He can stay there, that's fine."

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