

Secret court OKs continued US phone surveillance

July 21 2013, by Lara Jakes

(AP)—A secret U.S. intelligence court renewed an order Friday to continue forcing Verizon Communications to turn over hundreds of millions of telephone records to the government each day in its search for foreign terror or espionage suspects.

The order by the Foreign Intelligence Surveillance Court has been in place for years but must be renewed every three months. It was exposed in June after former National Security Agency systems analyst Edward Snowden leaked details of two top secret U.S. [surveillance programs](#) that critics say violate privacy rights.

The order was set to expire Friday, and its renewal shows that the Obama administration and the court of 11 federal judges stand behind its legality.

In a statement, the office of National Intelligence Director James Clapper said it was confirming the Verizon renewal as part of an ongoing effort to make more information about the recently declassified programs as public as possible.

Clapper "has decided to declassify and disclose publicly that the government filed an application with the Foreign Intelligence Surveillance Court seeking renewal of the authority to collect telephony metadata in bulk, and that the court renewed that authority," the statement said.

The two programs, both run by the NSA, pick up millions of telephone and Internet records that are routed through American networks each day. Intelligence officials say they have helped disrupt dozens of terrorist attacks, and target only foreign suspects outside the United States while taking close care not to look at the content of conversations or messages by American citizens.

But they have raised sharp concerns about whether the U.S. is improperly—or even illegally—snooping on people at home and abroad.

The government also defended the phone-tracking program in a letter to a [federal judge](#), saying it is monitored by all three branches of government.

The letter sent Thursday by assistant U.S. attorneys in Manhattan said the "highly sensitive and, in many respects, still classified intelligence-collection program" required the collection and storage of a large volume of information about unrelated communications to fight terrorism.

The letter, the first government response to a lawsuit filed by the American Civil Liberties Union against the Obama administration earlier this year, said the program "fills an intelligence gap highlighted by the attacks of 9/11" and had been repeatedly approved by multiple judges.

The ACLU had asked a judge to find the program unconstitutional, saying the government's program exceeds the congressional authority provided by the Patriot Act, which Congress hurriedly passed after 9/11 and reauthorized in 2005 and 2010.

In its letter, the government said the FISA Court's orders strictly limit the nature of the data the government can collect and the extent to which it can be reviewed.

It said the government is not permitted to listen to or record the contents of anyone's phone calls and information acquired under the court orders does not include cell-site location data or the names, addresses or identities of the parties to any communication.

The letter said information is limited to data such as originating and terminating telephone numbers and the date, time, and duration of each call.

The letter said the database may only be queried for intelligence purposes where there is a reasonable articulable suspicion "based on specific facts" that an identifier, such as a phone number, is associated with a specific foreign terrorist organization previously identified and approved by the court.

"Consequently, only a very small fraction of the records acquired under this program is ever reviewed by intelligence analysts," the letter said.

The ACLU did not immediately comment on the letter.

Other major U.S. telephone carriers are similarly ordered to give records of their customers' calls to the NSA, which also is able to reach into the data streams of U.S. companies such as Yahoo, Facebook Inc., Microsoft Corp., Google Inc. and others, and grab emails, video chats, pictures and more. The technology companies say they turn over information only if required by court order.

Snowden has been charged with [espionage](#) and is seeking asylum from several countries, including Russia. He has been holed up for three weeks in a transit zone at Moscow's international airport since arriving from Hong Kong, and Russian customs inspectors say they do not have jurisdiction to seize him.

At a discussion earlier Friday touching on privacy and security, DNI counsel Robert Litt maintained that "these programs are legal" because they are authorized by Congress, the courts and the White House. He said their exposure could curb the government's ability to detect threats against the U.S.

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