

# US asks top court not to take case on NSA cyber-snooping

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An aerial photo of the National Security Agency (NSA) in Fort Meade, Maryland on May 31, 2006

President Barack Obama's administration is urging the Supreme Court not to take up the first case it has received on controversial National Security Agency cybersnooping.

US government attorneys argue that the Supreme Court does not have the jurisdiction to take the case, filed in July by the Electronic Privacy Information Center (EPIC).

EPIC believes the NSA overstepped its authority by carrying out broad communications monitoring and surveillance worldwide, and demanded the program be stopped.

A US Supreme Court decision to take the case would be "a drastic and extraordinary remedy that is reserved for really extraordinary causes," argued Donald Verrilli, an administration lawyer, in a statement released late Tuesday.

The US administration also believes the EIPC suit cannot move forward because it argues the court lacks authority under the 2001 Patriot Act to weigh in on the legality of NSA activities.

"This court lacks jurisdiction to issue a writ of certiorari to the Foreign Intelligence Surveillance Court," the secret intelligence affairs [court](#), Verrilli added.

In mid-August President Barack Obama pledged to overhaul US spy programs amid a debate sparked by the leaks of former National Security Agency contractor Edward Snowden, which revealed vast telephone and Internet surveillance programs.

Obama promised a new era in intelligence with more supervision, transparency and safeguards in the NSA's collection of electronic information.

His administration has however maintained a hard line against the leaking of such information, and is seeking to prosecute Snowden on espionage charges.

After the disclosures Snowden fled to Hong Kong and then to Russia, where he has been granted one year's temporary asylum despite Washington's demands that he be returned.

The National Security Agency is gathering email and instant messenger contact lists from hundreds of millions of ordinary citizens worldwide, many of them Americans, The Washington Post reported late Monday.

The US agency's data collection program harvests the data from address books and "buddy lists," the newspaper said, citing senior intelligence officials and top secret documents provided by the fugitive NSA contractor Edward Snowden.

During a single day last year, the NSA's Special Source Operations branch collected 444,743 e-mail address books from Yahoo, 105,068 from Hotmail, 82,857 from Facebook, 33,697 from Gmail and 22,881 from unspecified other providers, the Post said, according to an internal NSA PowerPoint presentation.

The figures, described as a typical daily intake of the document, correspond to a rate of more than 250 million a year, according to the report, which was published on the newspaper's website.

The NSA declined to confirm the specific allegations in the Post report but defended its surveillance activities as legal and respectful of privacy rights.

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