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NSA Does Harvest E-Mail Content

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The National Security Agency isn't just vacuuming up emails that originate in the U.S. to go to foreigners who are the subject of surveillance. It also takes email content that crosses the U.S. border that *refers* to those surveillance targets, without any warrants. This was admitted by unnamed intelligence officials to the New York Times, which reports that this latest revelation adds yet another wrinkle to the debate on the NSA's spying on Americans, namely, whether or not the agency has infringed on Americans' privacy as it scoops up e-mails and phone data in its quest to ferret out foreign intelligence. This surveillance was allegedly authorized by the FISA Amendments Act in which Congress allowed eavesdropping on U.S. soil as long as the "target" of that eavesdropping was a non-citizen overseas. This loophole was apparently hidden in one of the documents disclosed by Edward Snowden and posted online by the *The Guardian* on June 20. Amidst 18 pages of restrictions, the document includes a paragraph that says that the agency "seeks to acquire communications about the target that are not to or from the target."

The senior intelligence official told the Times that the NSA, therefore, is temporarily copying and sifting through most of the email and other text-based traffic that crosses the border. The official said that the computer program uses keywords and other "selectors" to search the data so that the results can be examined later by human analysts. "The official said the keyword



Obama cancels meeting with Putin, cites differences in global security and human rights.

and other terms were 'very precise' to minimize the number of innocent American communications that were flagged by the program," reported the Times. "At the same time, the official acknowledged that there had been times when changes by telecommunications providers or in the technology had led to inadvertent overcollection."

So, technically, the NSA is not "targeting" U.S. persons by these methods, but is, indeed, collecting emails originating from U.S. persons that otherwise would require a search warrant issued under the Fourth Amendment to obtain.

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