



## **Obama Caught Lying to the American People: NSA 'Overstepped' Its Authority, Lies to FISA Court**

*August 17th, 2013 • 8:52 AM*

In a front-page article today, the Washington Post revealed, based on an NSA internal audit and on documents provided to it earlier this summer by Edward Snowden, that the NSA has broken privacy rules or overstepped its legal authority thousands of times each year since Congress granted it broad new powers in 2008. The article also reports that NSA operatives are instructed, in training, to doctor the reports submitted to the Foreign Intelligence Surveillance Court. What is more, in an accompanying front-page article, the Post reveals that, contrary to Obama's assurances, the Foreign Intelligence Surveillance Court lacks the tools to independently verify what it is told by the government.

"The NSA audit obtained by the Post, dated May 2012, counted 2,776 incidents in the preceding 12 months of unauthorized collection, storage, access to or distribution of legally protected communications. The most serious incidents included a violation of a court order and unauthorized use of data about more than 3000 Americans and greencard holders. This audit only counts incidents at the NSA's Fort Meade headquarters and other facilities in the Washington area. The number would be much higher if it included other NSA operation units and regional collection centers."

In one case the FISA court ruled in October 2011 that a collection method used by NSA was unconstitutional. The court said that the methods used were "deficient on statutory and constitutional grounds."

The report makes it clear that Obama has lied to the American people. First, he has said that members of Congress were informed about the program. The article reports that "fewer than 10 percent of lawmakers employ a staff member who has the security clearance to read the reports and provide advice about their meaning and significance."

Second, Obama has said that the entire program is policed by the FISC. At a press conference in June Obama said, "We also have federal judges that we've put in place who are not subject to political pressure. They've got lifetime tenure as federal judges, and they're empowered to look over our shoulder at the executive branch to make sure that these programs aren't being abused."

However, the chief judge of the FISC wrote to the Post: "The FISC is forced to rely upon the accuracy of the information that is provided to the Court. The FISC does not have the capacity to investigate issues of noncompliance."

Furthermore, "In contrast to the dozens of staff available to Congress's intelligence and judiciary committees, the FISA court has five lawyers to review compliance violation reports," according to The Post.

The documents provided to The Post by Snowden in the early summer also reveal that the NSA lies to the court as a matter of policy.

First, a secret memo from March 2013 reveals that since the NSA does not consider metadata to be data, it does not report U.S. calls collected as metadata to the court. The document reads: "The issue pertained to Metadata ONLY so there were no defects to report."

However, even this is a lie, since, as The Post reports, "The NSA's authoritative definition of data includes those call records." "Signals Intelligence Management Directive 421" states that raw SIGINT data ... includes but is not limited to, unevaluated and/or unminimized transcripts, gists, facsimiles, telex, voice, and some forms of computer-generated data, such as call event records and other Digital Network Intelligence (DNI) metadata as well as DNI message text."

Second, "the NSA uses the term 'incidental'" when it sweeps up the records of an American while targeting a foreigner or a US person who is believed to be involved in terrorism. However, official guidelines for NSA personnel say that kind of incident, 'does not constitute a ... violation' and 'does not have to be reported.'"

Third, the "Target Analyst Rationale Instructions" explain how NSA employees "should strip out details and substitute generic descriptions of the evidence and analysis behind their targeting choices."

Finally, The Post reports: "The large number of database query incidents, which involve previously collected communications, confirms long-standing suspicions that the NSA's vast data banks with code names such as MARINA, PINWALE and XKEYSCORE house a considerable volume of information about Americans. Ordinarily the identities of people in the United States are masked, but intelligence customers may request unmasking, either one case at a time or in standing orders."

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