

STEALING US PERSON DATA OVERSEAS: A FOX SOURCE AND METHOD

Catherine Herridge, one of Fox's national security journalists, is usually fairly credible.

But yesterday, she gave House Intelligence Chair Mike Rogers an opportunity to claim evidence suggested Edward Snowden had help – without providing any evidence.

The evidence surrounding the case of former NSA contractor Edward Snowden suggests he did not act alone when he downloaded some 200,000 documents, according to the Republican head of the House Intelligence Committee.

“We know he did some things capability-wise that was beyond his capabilities. Which means he used someone else's help to try and steal things from the United States, the people of the United States. Classified information, information we use to keep America safe,” Rep. Mike Rogers, R-Mich., told Fox News. [my emphasis]

To Herridge's credit, she balances Rogers' evidence-free claim with Glenn Greenwald's statement noting that Rogers and others keep making such claims but have never provided any evidence.

That's when things go south quickly. Herridge claims that a review of the Snowden leaks “shows the majority of the leaks since June now deal with sources, methods and surveillance overseas.”

A review of the NSA leaks by Fox News shows the majority of the leaks since June now deal with sources, methods and surveillance activities overseas, rather

than the privacy rights of American citizens.

Now, perhaps she conducted a strict count, including every report on the extensiveness of NSA spying on various countries, to come up with this assertion.

But I find it bizarre that, less than a week after the report that NSA has been spying on the smut habits of 6 non-terrorists, including one US person, she deems this spying not to infringe on the privacy rights of American citizens (though we admittedly don't know whether the US person is a permanent resident or a citizen).

More importantly, Herridge seems to dismiss the bulk of the recent reports – on deeply concerning dragnets overseas that don't discriminate on US person data – because they happen overseas.

Now perhaps it's because she's doing a flyby on this reporting, and is unfamiliar with the evidence that that collection went overseas at precisely the time similar collection was deemed illegal within the US. Perhaps she's not considering what it means that NSA steals from Google and Yahoo's cables overseas in addition to the legally sanctioned spying they're doing via PRISM. Perhaps she hasn't reflected on the fact that, when NSA spies on US persons overseas, they get far less protection under EO 12333, no FISC oversight, and almost no Congressional oversight, than they would under FISA Amendments Act.

Perhaps she hasn't thought through all the ways that this overseas spying may be a far bigger privacy violation than the spying it does in the US, not to mention evidence of NSA's ongoing refusal to abide by the laws protecting Internet content.

And all that's before you consider the secondary disclosures – such as the RAS-free searches of Americans' data via back door searches – that we're getting because of earlier Snowden leaks.

So perhaps there is a way to count all this up and dismiss worries about US privacy. But real reporting on it says recent leaks provide more cause for concern than most of the early ones.