

NSA TO STOP UPSTREAM “ABOUT” SEARCHES

Charlie Savage reports that the NSA is going to halt “about” searches, in which it collects the communications of Americans that mention a selector.

National security officials have argued that such surveillance is lawful and helpful in identifying people who might have links to terrorism, espionage or otherwise are targeted for intelligence-gathering. The fact that the sender of such a message would know an email address or phone number associated with a surveillance target is grounds for suspicion, these officials argued.

For what it’s worth, I am virtually certain the depiction here – the suggestion that the NSA only searches on an email or phone number – is incorrect. We know, for example, that the NSA searched or searches on cyber signatures. I have a lot of reason to believe it used to search on some signature (perhaps the encryption code) associated with Inspire magazine. I would be shocked if they didn’t search on the dark mail addresses for terrorist and other forums. Edward Snowden has said that NSA can search on any kind of selector that it can claim is tied to a target (and for 702, it wouldn’t have to make sure arguments on a selector by selector basis).

All that said, the First Amendment implications of searching on things like that was not why the NSA is shutting it down. According to Savage’s report, the NSA was querying multiple communication transactions including US person data.

N.S.A. discovered that analysts were querying the bundled messages in a way that did not comply with those rules. The agency brought the matter to the court’s attention, resulting in a delay

in reauthorizing the broader warrantless surveillance program until the agency proposed ceasing this collection practice.

There's abundant reason to believe the NSA knew about this all the time – that they just revealed it for the first time (which brings me back to questions about the departures of John Carlin and Mary McCord during this process). But good riddance to the process.

Update: Here's the NSA's statement.