



Written by [James Murphy](#) on May 2, 2019

## American Cyber-spies Unmask Nearly 17,000 U.S. Persons in 2018

According to a [report](#) issued by the Office of the Director of National Intelligence (DNI), the National Security Agency (NSA) “unmasked” the identities of almost 17,000 “U.S. persons” in 2018, a large increase from previous years.

According to the report, in 2018, 16,721 “U.S. persons” were unmasked in 2018, compared with 9,529 in 2017 and 9,217 between September 2015 and August 2016. The definition of “U.S. persons” includes actual individuals, e-mail addresses, and internet protocol (I.P.) addresses. The U.S. persons unmasked allegedly had some sort of contact with foreign intelligence targets.



One DNI official said it was likely that the increase of unmaskings was likely due to an increase in malicious cyber activity against U.S. citizens. According to the report, not one FBI investigation was opened on any unmasked U.S. person in 2017 or 2018.

The number of “non U.S. persons” targeted by the NSA for surveillance also rose from 129,080 in 2017 to 164,770 in 2018.

Typically, when our own government spies on us, our names are blacked out of any report connected with that surveillance. The names of U.S. persons are typically substituted with “John Doe” or “Jane Doe” to “mask” their identity.

However, under the Foreign Intelligence Surveillance Act (FISA) section 702 (also known as the 702 Program), when a federal law-enforcement agent or a high-ranking presidential cabinet member requests identifying information, that information can be “unmasked,” such as was reportedly done during the 2016 presidential campaign when members of the Trump campaign were, in Attorney General William Barr’s words, “spied on” by the FBI under President Barack Obama.

Permission or warrants to “unmask” U.S. persons are typically granted by the FISA court. Such a warrant was granted to the FBI in 2016 in order to monitor Trump campaign advisor Carter Page. The “unmasking” process has become increasingly controversial since then.

For instance, former Obama National Security Advisor Susan Rice drew criticism after revealing to Congress that she [unmasked several Trump associates](#) who met with the crown prince of the United Arab Emirates in New York during the transition period between the Obama and Trump administrations in December of 2016. Initially, Rice [denied that she had made those unmasking requests](#).

In the case of Obama administration UN Ambassador [Samantha Power](#), some 260 unmasking requests, an average of one per working day, were made in her name during her last year in the position. In a closed-door interview before the House Intelligence Committee in 2017, Power claimed that the vast



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majority of those requests made in her name were made by someone else in the Obama administration.

If Power is correct, it's a rather damning indictment of the 702 Program as a whole if unidentified persons are able to use an administration official's name to request an unmasking.

Despite the obvious flaws in the 702 Program, earlier this year President Trump signed a bill reauthorizing the program — with only minor tweaks to it — for six more years.

From the report: "Recipients of the NSA's classified reports, such as other federal agencies, may request that the NSA provide the U.S. person identifying information that was masked in an intelligence report. The requested identity information is released only if the requesting recipient has a 'need to know' the identity of the U.S. person, and if the dissemination of the U.S. person's identity would be consistent with NSA's minimization procedures (e.g., the identity is necessary to understand foreign intelligence information or assess its importance), and additional approval has been provided by a designated NSA official.

"Need to know" is a sufficiently nebulous term to allow for a FISA court to determine that almost anyone — even someone only peripherally associated with an investigation — might have a "need to know" the name of a U.S. citizen who is being spied upon, for whatever reason.

When President Trump signed the extension to the 702 Program, he signaled his misgivings about the program, but reassured Americans that this was a different FISA law, [tweeting](#), "This is NOT the same FISA law that was so wrongly abused during the election."

But given the amount of unmaskings reported this week, it's close enough. Trump should have listened to his initial misgivings and not agreed to extend this Orwellian spying program.



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