



Written by [C. Mitchell Shaw](#) on November 23, 2015

NSA Documents: E-mail Surveillance Continues With Less Oversight

When Edward Snowden released a trove of documents in 2013 revealing the depth and breadth of NSA surveillance of Americans, the agency admitted that it previously had a program that captured information about citizens' e-mails, but claimed it had discontinued the program in 2011. Now, newly released documents shows that — par for the course — the agency was telling half the truth. The same surveillance has continued all along under a subsequent program.



As *The New York Times* [reported](#):

While that particular secret program stopped, newly disclosed documents show that the N.S.A. had found a way to create a functional equivalent. The shift has permitted the agency to continue analyzing social links revealed by Americans' email patterns, but without collecting the data in bulk from American telecommunications companies — and with less oversight by the Foreign Intelligence Surveillance Court.

So, the NSA has been caught playing a shell game with the American people. It admitted the existence of the first program only when it was pointless to deny it, and then basically said, "But don't worry. We're not even using that program now." Deliberately withheld was the fact that the program was replaced by something worse. With even less oversight.

The documents the *New York Times* received as a result of the FOIA lawsuit included a report which was highly redacted. The portions not redacted show that the NSA found "two other legal ways to get" the data it wanted about Americans' e-mails.

As the *Times* reported, "One was the collection of bulk data that had been gathered in other countries, where the N.S.A.'s activities are largely not subject to regulation by the Foreign Intelligence Surveillance Act and oversight by the intelligence court."

In other words, the NSA simply obtained the data it wanted from intelligence agencies in the other [Five Eyes](#) nations. It has already been widely reported that GCHQ — the UK's equivalent to the NSA — has used the NSA to collect data on U.K. citizens which it would have been barred by law from collecting itself. It appears that one hand washes the other.

The *Times* report goes on to explain, "The other replacement source for the data was collection under the FISA Amendments Act of 2008, which permits warrantless surveillance on domestic soil that targets specific noncitizens abroad, including their new or stored emails to or from Americans."

Since the NSA makes many of its own rules — including the "three hop" rule — it is able to ensure that anyone is fair game. As *The New American* previously reported:

The NSA creates its own rules, which permit surveillance of any American within "three hops" of a



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suspected terrorist. That means that if a person has had any communication with anyone who has any communication with anyone who has had any communication with anyone the NSA even suspects of being a terrorist, he is fair game for wholesale snooping. E-mailing someone about a car for sale on Craigslist could be the “first hop” that puts a person on the NSA’s radar. So, while it is not likely that the Amish are being spied on, the rest of Americans surely are.

Considering the recent news about the [recklessness of the DHS in securing the data](#) it has vacuumed up, this report of NSA dishonesty will not bode well for the surveillance culture. As its hawks attempt to blame the attacks in Paris on a [lack of surveillance](#) and the [use of encrypted communications](#) by American citizens, the truth is that the surveillance they claim they need has continued all along. They just moved the shells around to hide what they were doing.

When CIA Director John Brennan says that surveillance reforms “make our ability collectively, internationally, to find these terrorists much more challenging,” he is pretending that there has been any reform. And he is being dishonest.

Concerned Americans need to demand real reform by requiring that the apparatus and agencies that have been built up around the surveillance culture are dismantled and not allowed to be rebuilt. It is time to stop trading liberty for security. And it is time to stop bargaining for either with liars.



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