

Obama's Cosmetic Changes For NSA Surveillance

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President Obama's Friday speech on NSA surveillance was a calculated endeavor to calm a furor at home and abroad over the US dragnet surveillance. However, the proposed changes do not provide any fundamental changes in the intelligence gathering activities.

The president called for an end to the government's current storage of "metadata," information about many millions of calls made by ordinary Americans. He emphasized that the capacity to search metadata is one that must be preserved, but without government itself holding it. The president directed the U.S. attorney general and the intelligence community to report on the best way to transfer the metadata out of government hands, before the program comes up for reauthorization on March 28. He said during this transition period, the government shouldn't have access to metadata without judicial approval.

The president endorsed the proposal to appoint a public advocate to represent privacy and civil liberties interests before the Foreign Intelligence Surveillance Court.

The president called for more transparency with respect to National Security letters, which allow the Federal Bureau of Investigation, without court approval, to obtain access to people's records (such as their bank and credit card information).

In his 43 minutes speech President Obama aggressively defended the NSA surveillance programs as important tools to combat terrorism.

The New York Times pointed out that President Obama made no mention of two of the recommendations of his panel of most pressing concern to Silicon Valley: that the N.S.A. not undermine commercial Software and that it move away from exploiting flaws in software to conduct cyber attacks or surveillance.

Brian Fung writing in the Washington Post argued that President Obama's reforms are narrowly targeted at the NSA's phone metadata program under Section 215 of the Patriot Act. "They don't cover other programs the government carries out under Section 215, such as the reported scraping of financial information by the CIA. They don't address the NSA's counter-encryption activities or any geolocation information that the NSA may have or may be collecting. They also don't address other programs like those conducted under Section 702 of the FISA Amendments Act, which is the authority under which PRISM operates. Some of the reforms, both on the telephony metadata surveillance and others that the President is announcing today, require an act of Congress, and given the Senate's general support for the NSA throughout the controversy, it's unclear how much traction these proposals will get. Much of the spying that happens internationally will also remain untouched."

Washington Post reported that President Obama avoided almost entirely any discussion of

overseas intelligence collection that he authorized on his own, under Executive Order 12333, without legislative or judicial supervision. The Washington Post has disclosed in recent months, based in part on the Snowden documents, that the NSA is gathering hundreds of millions of e-mail address books, breaking into private networks that link the overseas data centers of Google and Yahoo, and building a database of trillions of location records transmitted by cell phones around the world. Unless Obama says otherwise in the classified annex to his directive, those programs will carry on unabated.

The Electronic Frontier Foundation scorecard

The Electronic Frontier Foundation (EFF) put together a scorecard showing how President Obama's announcements stack up against 12 common sense fixes that should be a minimum for reforming NSA surveillance. On that scale, President Obama racked up 3.5 points out of a possible 12. Here are the scoreboard points:

1. Stop mass surveillance of digital communications and communication records. Score: 0.2
2. Protect the privacy rights of foreigners. Score: 0.3
3. No data retention mandate. Score: 0
4. Ban no-review National Security Letters. Score: 0.5
5. Stop undermining Internet security. Score: 0
6. Oppose the FISA Improvements Act. Score: 1
7. Reject the third party doctrine. Score: 0
8. Provide a full public accounting of our surveillance apparatus. Score: 0.5
9. Embrace meaningful transparency reform. Score: 0
10. Reform the FISA court. Score: 1
11. Protect national security whistleblowers. Score: 0
12. Give criminal defendants all surveillance evidence. Score: 0

NSA collects millions of text messages daily in 'untargeted' global sweep

President Obama's NSA "reforms" came a day after the Guardian reported that the National Security Agency has collected almost 200 million text messages a day from across the globe, using them to extract data including location, contact networks and credit card details, according to top-secret documents.

The untargeted collection and storage of SMS messages – including their contacts – is revealed in a joint investigation between the Guardian and the UK's Channel 4 News based on material provided by NSA whistleblower Edward Snowden.

The documents also reveal the UK spy agency GCHQ has made use of the NSA database to search the metadata of "untargeted and unwarranted" communications belonging to people in the UK.

The NSA program, codenamed Dishfire, collects “pretty much everything it can”, according to GCHQ documents, rather than merely storing the communications of existing surveillance targets.

On average, each day the NSA was able to extract:

- More than 5 million missed-call alerts, for use in contact-chaining analysis (working out someone’s social network from who they contact and when)
- Details of 1.6 million border crossings a day, from network roaming alerts
- More than 110,000 names, from electronic business cards, which also included the ability to extract and save images.
- Over 800,000 financial transactions, either through text-to-text payments or linking credit cards to phone users

The agency was also able to extract geolocation data from more than 76,000 text messages a day, including from “requests by people for route info” and “setting up meetings”. Other travel information was obtained from itinerary texts sent by travel companies, even including cancellations and delays to travel plans.

In the statement to the Guardian, a NSA spokeswoman said:

“Dishfire is a system that processes and stores lawfully collected SMS data. Because some SMS data of US persons may at times be incidentally collected in NSA’s lawful foreign intelligence mission, privacy protections for US persons exist across the entire process concerning the use, handling, retention, and dissemination of SMS data in Dishfire.”

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