

SECTION 702 IS USED FOR TERROR, PROLIFERATION, AND HACKING

The AP has a story about the way algorithms control Section 702, the legal program for which PRISM provides NSA analysts access.

And while he also admits that Obama “had expanded the scope of the surveillance,” Michael Hayden makes this false claim (which he actually said on FNS).

Michael Hayden, who led both the NSA and CIA, said the government doesn't touch the phone records unless an individual is connected to terrorism.

He described on “Fox News Sunday” how it works if a U.S. intelligence agent seized a cellphone at a terrorist hideout in Pakistan.

“It's the first time you've ever had that cellphone number. You know it's related to terrorism because of the pocket litter you've gotten in that operation,” Hayden said. “You simply ask that database, ‘Hey, any of you phone numbers in there ever talked to this phone number in Waziristan?’”

Here's how I know this is absolutely false (aside from the language of Section 702 that clearly allows it to be used for foreign intelligence generally so long as it is targeted – which is one of those tricky words – at people not known to be in the US).

Director Clapper – who admittedly engages in least untruthfuls that are too cute by half – claimed this as one of the successes in Section 702.

Communications collected under Section 702 have provided significant and unique intelligence regarding potential cyber threats to the United States, including specific potential network computer attacks. This insight has led to successful efforts to mitigate these threats.

Don't get me wrong. Using this kind of collection for foreign cyberattacks is entirely appropriate. Indeed, it is probably the very best use of the tool, since it's it's a lot easier to engage in cyberattacks – particularly if you're overseas – using the Internet, whereas the most dangerous terrorists can and no doubt increasingly will find other means to communicate.

So it's not that I object to using this program to target Chinese hackers. But as you consider the 51% standard that, according to Edward Snowden, NSA analysts have to meet, or if you consider how easily signals taken from any major US-based coverage can meet that 51% standard, understand that NSA is much more likely to make a "mistake" in its geographic screens for American hackers than for American Islamic extremists.

We've heard nothing but TERRA TERRA TERRA since these leaks first started. And every time you hear that, you might ask what it would mean if they also mean hacker.