

# EDWARD SNOWDEN: CONGRESS HAS IMMUNITY FROM SPYING, BUT YOU DON'T

I'll admit from the start that the Snowden chat at the Guardian was a brilliant journalistic and technical feat. At the same time, it's clear that Snowden is still closely following the news, and presumably shaping his answers for maximal political effect.

So I take this comment, the last words he spoke on the chat, with a grain of salt.

This is the precise reason that NSA provides Congress with a special immunity to its surveillance.

Certainly, it would seem technically feasible to block all Verizon numbers associated with official Congressional communications devices. It would be far harder to block the abundant communications devices tied to campaign activity.

From this, shall we assume the White House and Courts are also immune?

Contrast that with Snowden's claims about we peons' communications.

NSA likes to use "domestic" as a weasel word here for a number of reasons. The reality is that due to the FISA Amendments Act and its section 702 authorities, Americans' communications are collected and viewed on a daily basis on the certification of an analyst rather than a warrant. They excuse this as "incidental" collection, but at the end of the day, someone at NSA still has the content of your communications. Even in the event of "warranted" intercept, it's important to understand the

intelligence community doesn't always deal with what you would consider a "real" warrant like a Police department would have to, the "warrant" is more of a templated form they fill out and send to a reliable judge with a rubber stamp.

[snip]

US Persons do enjoy limited policy protections (and again, it's important to understand that policy protection is no protection – policy is a one-way ratchet that only loosens) and one very weak technical protection – a near-the-front-end filter at our ingestion points. The filter is constantly out of date, is set at what is euphemistically referred to as the "widest allowable aperture," and can be stripped out at any time. Even with the filter, US comms get ingested, and even more so as soon as they leave the border. Your protected communications shouldn't stop being protected communications just because of the IP they're tagged with.

I do believe I pointed out James Clapper using "domestic" as just on such weasel word (I prefer to call it Orwellian turd-splat) this morning!

Clearly, Snowden is trying to make it clear that our Congressional overseers aren't protecting our interests as well as the NSA has protected theirs (for good reasons under the Constitution, I would add).

So this claim may just be an effort to make us more pissed.

Remember, however, the day after the first leak on this, Eric Holder testified before the Senate Appropriations Committee. Barbara Milulski, who (as a tremendously powerful Senator representing NSA) had not previously publicly ever met NSA surveillance she didn't like, was up in arms about the possibility the government was surveilling her communications.

Those concerns had been placated by the time  
Keith Alexander testified a day or so later.

So while Snowden is clearly trying to push the  
debate, it is also quite likely that the  
immunity comment is true.