

NSA BIDS TO EXPAND POWER DOMESTICALLY TO TRACK CHINESE (!?) TERRORISTS

While all sane people are trying to rein in NSA's authority, the Gang of Four plans to use today's parade of liars to expand NSA's authority.

In explaining the need for this expanded authority, Dianne Feinstein and Mike Rogers claimed to the AP this is about terrorists.

The chairwoman of the Senate Intelligence Committee, Sen. Dianne Feinstein, D-Calif., told The Associated Press that her committee is drafting a bill that would amend the law's Section 702 provision, which authorizes targeting non-Americans outside the U.S., to allow uninterrupted spying on a suspect for "a limited period of time after the NSA learns the target has traveled to the United States, so the government may obtain a court order based on probable cause."

"Logically, someone under NSA surveillance, such as a terrorist, may present more interest to the government if they are inside the United States," but the surveillance can be temporarily stopped while the NSA or FBI builds its case to permit uninterrupted spying, Feinstein said.

[snip]

"I call it the terrorist lottery loophole," said Rep. Mike Rogers, D-Mich., the chairman of the House Intelligence Committee. "If you can find your way from a foreign country where we have reasonable suspicion that you are ...

a terrorist ... and get to the United States, under a current rule, they need to turn it off and do a complicated handoff" to the FBI.

But further down, Rogers make it clear that this measure is designed to address the roamer problem that was revealed in an internal NSA audit earlier this year.

"It's a foreign phone, it's pinging off foreign networks," Rogers said. "The suspect may turn it off. The suspect gets here. Now all of the sudden, the next thing they know, they (the NSA) are picking it up, but it's in Brooklyn. ... But they've been listening to it for two days. They have to turn it off, and then report it as an incident."

We know from that audit report that this roamer problem actually declined during the period in question (though it did rise for Section 702 authority), contrary to NSA attempts to attribute the rise in violations to it. In addition, at least at that time, the problem primarily arose from Chinese targets entering the US, not Middle Eastern terrorists (the breakdown of violations from NSA's geographical focus areas seems to support this). Indeed, the NSA made the embarrassingly false claim that the increase (which was actually a decrease) of roaming incidents was just about Chinese New Year.

The increase [sic] in incidents reported for 1QCY12 was due to an increase in the number of reported Global System for Mobile Communications (GSM) roamer1 incidents, which may be attributed to an increase in Chinese travel to visit friends and family for the Chinese Lunar New Year holiday.

So apparently we're now beset by hordes of Chinese terrorists visiting the US for Chinese

New Year we knew nothing about.

There's one more problem with the claim that they will allow the NSA (or maybe the FBI) to track GSM phones without a warrant domestically. The Gang of Four claims the amended law would allow the NSA to continue tracking that GSM phone for "a limited period of time after the NSA learns the target has traveled to the United States."

But the entire reason the roamer problem exists is because NSA only gets updates on location quarterly, so unless they learn about these Chinese terrorists' travel by some content data, they don't even know the phone is in the US. So in reality, when they say "a limited period of time," they almost certainly mean "months at a time."

This is fucking nonsense (and both the AP's reporting of it and the Gang of Four's claims about it show either inexcusable ignorance or deceit).

If a targeted person is so significant we have to track him after he has come in the US, we know enough about him to get a warrant.

Update: I have been reminded off-line Mike Rogers' "Terrorist Lottery Loophole" has already been closed.

It's called the TIDE database, it has no specific standard, and it flags authorities when a watchlisted person comes into the country. So if we're worried about wiretapping terrorists after they get into the country, we'll have notice to continue wiretapping them.

All of which shows the nexus to terrorism here is entirely illusory and nonsense.