

ONCE AGAIN SAMMY ALITO'S SPECULATIVE CHAIN OF POSSIBILITIES PROVES TRUE

Back when SCOTUS Justice Sam Alito wrote the opinion booting the ACLU-argued challenge to Section 702, he said the plaintiffs' worries – that the US government was collecting their international communications under Section 702 – were too speculative to give them standing to challenge the constitutionality of the statute.

In sum, respondents' speculative chain of possibilities does not establish that injury based on potential future surveillance is certainly impending or is fairly traceable to §1881a.

The named plaintiff in that suit – the NGO wildly speculating that the US government was reading its international communication with human rights victims and others – was Amnesty International.

Today, UK's Investigatory Powers Tribunal informed Amnesty International that unnamed UK government agencies have been intercepting their communications.

In a shocking revelation, the UK's Investigatory Powers Tribunal (IPT) today notified Amnesty International that UK government agencies had spied on the organization by intercepting, accessing and storing its communications.

[snip]

"After 18 months of litigation and all the denials and subterfuge that entailed, we now have confirmation that we were in fact subjected to UK government mass surveillance. It's

outrageous that what has been often presented as being the domain of despotic rulers has been occurring on British soil, by the British government," said Salil Shetty, Amnesty International's Secretary General.

Admittedly, this doesn't confirm that Amnesty has been swept up in 702 collection, but given the likelihood that one of the agencies, plural, that has intercepted Amnesty's communications is GCHQ, and given the broad sharing between it and its Five Eyes partner NSA, it is almost certain NSA has those communications as well (if they didn't actually collect some of them).

Amnesty is trying to gain clarity from the US on whether it, too, has spied on the NGO.

But, predictably, Amnesty had a better idea of what a threat the government posed for its work than Sammy Alito did.