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Analysis: New Law Gives Government Six Months to Turn Internet and Phone Systems into Permanent Spying Architecture - UPDATED

By Ryan Singel [✉](#) August 06, 2007 | 2:11:02 AM Categories: [Surveillance](#)

A new law expanding the government's spying powers gives the Bush Administration a six-month window to install *possibly* permanent back doors in the nation's communication networks. The legislation was passed hurriedly by Congress over the weekend and [signed into law](#) Sunday by President Bush.

The bill, known as the [Protect America Act](#), removes the prohibition on warrantless spying on Americans abroad and gives the government wide powers to order communication service providers such as cell phone companies and ISPs to make their [networks available to government eavesdroppers](#).



The Administration pushed for passage of the changes to close what it called a "[surveillance gap](#)," referring to a long-standing feature of the nation's surveillance laws that required the government to get court approval to capture communications inside the United States.

While the nation's spy laws have been continually loosened since 9/11, the Administration never pushed for the right to tap the nation's domestic communication networks until a secret court recently [struck down](#) a key pillar of the government's secret spying program.

The Administration argues that the world's communication networks now route many foreign to foreign calls and emails through switches in the United States.

Prior to the law's passage, the nation's spy agencies, such as the National Security Agency and the Defense Intelligence Agency, didn't need any court approval to spy on foreigners so long as the wiretaps were outside the United States.

Now, those agencies are free to order services like Skype, cell phone companies and arguably even search engines to comply with secret spy orders to create back doors in domestic communication networks for the nation's spooks. While it's unclear whether the wiretapping can be used for domestic purposes, the law only requires that the programs that give rise to such orders have a "significant purpose" of foreign intelligence gathering.

The law:

- Defines the act of reading and listening into American's phone calls and internet communications when they are "reasonably believed" to be outside the country as not surveillance.
- Gives the government 6 months of extended powers to issue orders to "communication service providers," to help with spying that "concerns persons reasonably believed to be outside the United States." The language doesn't require the surveillance to only target people outside the United States, only that some of it does.
- Forces Communication Service providers to comply secretly, though they can challenge the orders to the secret Foreign Intelligence Court. Individuals or companies given such orders will be paid for their cooperation and can not be sued for complying.
- Makes any program or orders launched in the next six months ~~perpetually renewable after the six month "sunset" of the new powers~~ last for a year after being authorized
- Grandfathers in the the current secret surveillance program -- sometimes referred to as the Terrorist Surveillance Program -- and any others that have been blessed by the Foreign Intelligence Surveillance Court.
- Requires the Attorney General to submit to the secret surveillance court its reasons why these programs aren't considered domestic spying programs, but the court can only throw out those reasons if it finds that they are "clearly erroneous."
- Requires the Attorney General to tell Congress twice a year about any incidents of surveillance abuse and give statistics about how many surveillance programs were started and how many directives were issued.
- Makes no mention of the Inspector General, who uncovered abuses of the Patriot Act by the FBI after being ordered by Congress to audit the use of powerful self-issued subpoenas, is not mentioned in the bill.

In short, the law gives the Administration the power to order the nation's communication service providers -- which range from Gmail, AOL IM, Twitter, Skype, traditional phone companies, ISPs, internet backbone providers, Federal Express, and social networks -- to create *possibly* permanent [spying outposts](#) for the federal government.

These outposts need only to have a "significant" purpose of spying on foreigners, would be nearly immune to challenge by lawsuit, and have no court supervision over their extent or implementation.

Abuses of the outposts will be monitored only by the Justice Department, which has already been found to have underreported abuses of other surveillance powers to Congress.

In related international news, Zimbabwe's repressive dictator Robert Mugabe also won passage of a law allowing the government to [turn](#) that nation's communication infrastructure into a gigantic, secret microphone.

UPDATE: This analysis originally said that the orders entered under the new rules could be renewed indefinitely. That is not accurate. I conflated the ability of the government to continue indefinitely the programs under way under FISA before the law was signed, with the section that says that the programs under the new law go for a full year, despite the 6 month sunset.

That said, if a future bill includes the same grandfather clause that this bill has, the spying outposts could easily permanent.

Those interested in seeing how I made this mistake, look at Section 6 of the [bill](#). I regret the error.

UPDATE 2: James Risen, the New York Times reporter who broke the story of the warrantless wiretapping program, has an analysis piece [here](#).

See Also:

- [More Known Unknowns in NSA Spy Controversy: Secret Appeals Courts, Tea Leaves and the Mineshaft Gap](#)
- [Bush Administration Reportedly Rejects NSA Spying Compromise Bill](#)
- [Democrats Halt Move to Revamp Spying Laws](#)
- [Patrick Radden Keefe's *Slate* piece Wiretap at Will](#)

Photo: Room 641A at AT&T's internet switching facility in San Francisco. Former AT&T technician Mark Klein [says](#) the room is a secret internet spying outpost for the government.

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I have been researching 9/11 for over four years and there are serious unanswered questions from that day, I will propose 5. I hope you investigate these for yourself...

1) Never in the history of steel structures has a building collapsed from fire yet 3 did on 9/11; WTC tower 1,2 & 7. All three buildings came down at free fall speed with no resistance; tower 7 was never hit by an airplane yet came down symmetrically in seven seconds? Additionally odd, tower 2 fell before tower 1 although tower 1 was hit first and tower 2 was hit with a glancing blow. The explosion/ collapse in tower 2 started above where the plane hit the tower? Jet fuel burns at only about 1500 Degrees Fahrenheit in the open air and structural steel does not melt or even get significantly weakened until more than a thousand degrees hotter with a melting point of near 3300 degrees F.

2) There is no large plane wreckage in front of the Pentagon from the 757 that hit it. Taking from the official story, the 757 that hit the pentagon flew over a highway, parallel and 5 to 10 feet above the ground and impacted

Organization of pilots and aviation professionals, petitioned the National Transportation and Safety Board (NTSB) in regards to the flight data recovered from Flight 77. The data provided by the NTSB contradicts the flight path given by the 9/11 commission report. The flight data that the NTSB provided shows the 757 that hit the pentagon at 300 feet above the highway and could not have clipped the light poles and subsequently struck the pentagon between the first and second floor. Please see the article here- http://www.axisoflogic.com/artman/publish/article_24288.shtml . How come the Pentagon has not released video from the cameras mounted on the roof? lastly, after traveling through three rings of the Pentagon, the plane or whatever it was left a small circular exit hole in the third ring.

3. All four hijacked planes flew for an average of 40 minutes, 1 hour 50 minutes total, without any fighter jet intercept over NY and Washington. As you are aware, NY and Washington are some of the most protected airspace in the world.

4. Where is the plane wreckage from the plane crash in Shanksville, PA? in pictures and video all you see is a small ditch with no fires, plane debris, seats, bodies, etc.?

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5. How was the Patriot Act and the War on Terror so quickly developed after 9/11? Was this new program a reaction to 9/11 or something that was worked on before September 11th and just conveniently ready for a terrorist attack?

9/11 was an inside job, a false flag operation. Sadly, the sophistication of this operation points more towards state sponsored terrorism than a small group of bandits inside a cave. I continue to hear government and military officials saying we are fighting Al Qaeda in Iraq and globally. Does this mean as the lone superpower we supposedly were attacked by this rag tag group on September 11th and have been fighting them for the last 6 years without 'mission accomplished'? How often have our leaders evoked the memory of 9/11 to rally our people for certain causes (i.e. Iraq)?

fight on in peace. I hope you decide to investigate the truth of 9/11 for yourself.

Namaste
Shawn Cooper

PS For a summary and the best documentary of 9/11 I recommend watching Loose Change 2. You can watch it for free here-

<http://video.google.com/videoplay?docid=7866929448192753501&q=loose+change+2&hl=en>

or visit www.wtc7.net or www.st911.org and start your own research...

Lastly, alot of the public does not know that Rosie O'Donnell and Charlie Sheen are not the only ones questioning the official story of 9/11. Almost 600 senior military, intelligence-service, law-enforcement and government officials; engineers, architects, pilots and aviation professionals; professors, 9/11 survivors and family members; and entertainment and media professionals now question the official account of what happened on 9/11. please see www.patriotsquestion911.com for more on this.

Posted by: Shawn Cooper | Aug 6, 2007 12:29:57 AM

Welcome to the police state. Once again the DemoCrap party betrays America because of their cowardice and their weakness.

Sieg heil.

Posted by: Mogadishu Jones | Aug 6, 2007 5:10:59 AM

This is why people need to spread the love of Ron Paul.

ronpaul2008.com

He WILL be the next President.

Posted by: Ron Paul Supporter | Aug 6, 2007 7:12:30 AM

Same as it ever was. So all the Congressional concern about warrantless wiretapping abuse, and Gonzales power tripping was a smoke screen? The Internet, the people's representative, is quickly and methodically being legislated into a tool for government datamining and repression.

I guess the Aye's didn't take time to read Tim Weiner's book about the CIA, Legacy of Ashes [<http://www.tomhull.com/blog/archives/614-Legacy-of-Ashes.html>].

Posted by: Thinktank | Aug 6, 2007 7:37:01 AM

maybe its just me... but has noone else noticed that due to the US governments rabid grip on the internet infrastructure (DNS, routing etc) means that they can - AT WILL - redirect ANY and ALL traffic through the US making it fall under the umbrella of this scheme? so joe blogs in London is talking to jaques d'frog in paris about a forthcoming business venture, lo and behold, it gets routed via Langley and before you know it a US firm shoulders in on the deal instead. How about 2 Americans chatting? (in america) route the communication via Uzbekistan and it becomes 'foreign' communication from a known terrorist affiliated state. This is one big f\$uk up waiting to happen.

Posted by: revere | Aug 6, 2007 7:44:54 AM

We should have an official "Thank DARPA For the Internet Day."

Maybe everybody can affix a Fox News or Homeland Security logo to their dirty underwear and hang it out a window for the day.

Posted by: America Jones | Aug 6, 2007 8:14:49 AM

Time to join the GOP on the ground floor. The only way to earn "food credits" in the Orwellian Police State of the future is as a subcontractor to the Department Of Information Supremacy. You don't get that contract through Democrats - they're outlawed. You have to blow know a Republican.

Posted by: Jack Lint | Aug 6, 2007 8:25:52 AM

This is one more step in an incredibly scary direction for this country. Worse yet, where is the media coverage of this or the outcry from privacy groups?

Posted by: Lostchild | Aug 6, 2007 8:55:29 AM

Save the 9/11 bs for the conspiracy websites.

What does crackpot conspiracies have to do with Bush's unitary vision? As someone who was at the WTC on 9/11 and many times before that, I know that the towers collapse were due to the airplanes that many people witnessed. And BTW, you can thank that asshole Giuliani for 7WTC. He wanted his "command bunker" within walking distance of city hall.

Investigate how Giuliani ran NYC for 8 years and you will understand why these laws will turn the US into a right-wing version of Enver Hoxha's Albania

Posted by: I already know the 9/11 truth | Aug 6, 2007 9:47:08 AM

Come on folks - what more do you need to understand that we are in the mid-phases of a police state?

- No matter what the story (i.e. 9-11, immigration, Iraq, Katrina, Oklahoma City etc.) - the end result (proposed solutions) is erosion of our Constitution and Bill of Rights. Amazing how this has worked.

- Our infrastructure & legal fabric is crumbling before our very eyes - but Americans are too stupid to realize it. Most will try to argue you down - and defend the indefensible. Forgetting it's their duty to question & assume their govt. is inherently corrupt!!

"I don't do anything wrong, they can investigate me all they want"

"We are not carrying anything at the airport - they can shove a hand up my wife's butt - if it's going to make us safe from the terrorist..."

"I know Bush and the govt. has lied repeatedly, but it's okay I think it's okay to give them my guns - and yes, I do see that they probably murdered Pat Tillman - one of the troops that they talk about supporting - but I doubt they had anything to do with 9-11 - they would not do something that bad..."

"And yes, they have illegally wiretapped, spied and experimented on Americans at every opportunity in modern US history, but I think in 2007 it's okay to spy on me if it's going to help catch the bad guys"

I am definitely living in bizzaro world!! Americans will go down as the most gullible, brainwashed population the world has ever seen w/the dumb Brits too steps behind.

Posted by: mkultrawave | Aug 6, 2007 10:38:02 AM

Sounds like the bill of rights is having a case of the Mondays...

This is legitimately terrifying.

Posted by: Nick | Aug 6, 2007 11:59:58 AM

w/the dumb Brits too steps behind

lol learn to spell

Posted by: andrew | Aug 6, 2007 12:46:45 PM

they raided the lawyers office that leaked the warrantless wiretaps programs . it looks like "game on" for counter intelligence officials. Good Luck to 'em.

Posted by: 111 | Aug 6, 2007 3:25:26 PM

It's a good thing they've done away with that pesky 4th amendment.

I hate documents with even numbers in them anyway...

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated....

A REAL SUPREME COURT WOULD LOOK AT REALITY 111. TO SNATCH THE ELECTRONIC SIGNAL IS THE MODERN EQUIVALENT OF TAKING EFFECTS OR PAPERS! Where are our Constitutional protections now?

NO WHERE! I DON'T CARE WHO THEY ARE TARGETING NOW WHEN IT IS SUCH A BLATANT VIOLATION OF THE BILL OF RIGHTS INTENT!!! ENOUGH!!

Posted by: | Aug 6, 2007 3:53:34 PM

AS A FOLLOW UP FOR THOSE WHO QUESTION MY POSITION: THIS IS TOTAL #\$\$#@!!!!!!

Posted by: | Aug 6, 2007 3:56:22 PM

The people making these laws don't understand the technology. That's proven by the mere thought that anything they try will control it. What's worse, they fear it. That fear's probably partially due to the fact they don't understand why nothing they do will control it.

They don't see how anything virtualized fits in with the constitution or rights.

Then again, we're not helping anyone understand how to apply legislation to any of this stuff by seeing it as private property one minute and as public domain the next whenever it suits us individually.

Posted by: I was going to sleep, but I had to click... | Aug 6, 2007 7:49:38 PM

9-11 conspiracy bs? It's exactly this type of attitude that allows the government to get away with the real bullshit.

I could never understand why it's so unimaginable to some people that those in power wouldn't pull off this type of act when they know they can get away with it. Hasn't history taught us that those in power ALWAYS become corrupt? It's no more mind boggling than realizing humans continually make the same damn

mistakes through history.

We are Rome.

Not to mention the Constitutional fallout afterwards. We're experiencing the beginning of totalitarian control with implementation of crap like this article describes.

Only...it's not affecting us directly yet, so let's continue to stick our head in the sand.

Our civil liberties are being eroded, we're bombarded with bullshit news that does not give us the full story and there is video proof of this administration blatantly lying.

What will it take for people to start paying attention and wake the fuck up?

<http://www.zeitgeistmovie.com/>

Posted by: Mike | Aug 6, 2007 8:03:41 PM

Indeed. The bunker built to protect you is in fact the prison built to contain you.

Posted by: marcel | Aug 7, 2007 4:00:39 AM

As your readers already seem to know our elected leaders continue to veer from the Constitutional restrictions placed upon them, having done so now for at least the last 75 years. It should not come as a surprise they continue to do so for only about five percent of the population is aware of the Liberties they forfeit by being so complacent where our government is concerned. I believe it has been best summarized with the frog and the pot of water scenario (current readers of this fine web site excluded). We are strolling down memory lane as we emulate the takeover of Germany by a madman, but the majority of Americans have blinders on or listen to the established media and never question a word of the lies they invite into their homes and lives. When the majority wake up I fear it will be too late. Keep up the fight, being in the right has almost never been popular or easy.

Posted by: Charles | Aug 7, 2007 6:34:14 AM

9-11 conspiracy bs? It's exactly this type of attitude that allows the government to get away with the real bullshit.

If you want to get technical asshole, it started with Clinton. He used the TWA explosion to impose rules on airlines that required "govt" ID. Not a law, a rule that is exempt from the scrutiny of the courts.

And why? Just so he looked like he did something about a terrorist threat disguised as an engineering fault. The gov't didn't have to do anything as clever as the 9/11 attacks. It just had to passively wait until the inevitable attack to "save" us from the evil terrorists with a unitary omnipotent superman known as the Vice President...I mean President of the United States.

The passive-aggressive response to Bin Laden has been exactly as he wanted. To make the US into a police state that is so paranoid over "threats" that it ceases to function as a constitutional democracy because it treats its citizens as enemies.

Posted by: | Aug 7, 2007 8:55:36 AM

Where are the anti-communist GOP when you need them? Oh wait a minute, it's the Busheviks who are trying to be Trotskyites with this Marxist 'the state must control all communications' angle. Why not just put a sickle and hammer on Old Glory and be done with it?

Posted by: A. Magnus | Aug 7, 2007 10:45:03 AM

If you want to get technical asshole, it started with Clinton...

Why the asshole bullshit? If what you state is correct then it just further proves OUR point.

How the hell can we ever expect to do anything about it when we have rampant negativity leading to further division amongst the people who agree?

Cut the fucking insults and just state your point.

Posted by: Mike | Aug 7, 2007 1:14:26 PM

As I said in my post (**<http://www.winextra.com/2007/08/06/orwell-turns-in-his-grave-no-one-notices/>**) I am not so much surprised by this action of the Bush government as I am totally amazed at the utter lack of uptake on this issue by the blogosphere - especially the tech'sphere .. amazed and disappointed

Posted by: Steven Hodson | Aug 7, 2007 1:58:01 PM

NARUS STA 6400

I guess this is one of the tools that will be used to enforce the newest WH EO and this law.

NARUS has a billing-capability linked to Israeli firms and appears to be the means by which AT&T provided billing data to the NSA.

This is where to find more information on NARUS STA 6400. STA stands for "semantic traffic analyzer". The NARUS STA 6400 integrates with an optical-laser interception device which AT&T and the NSA use to access the telephone.

<http://constantpated.blogspot.com/2006/04/narus-sta-6400.html>

Frontline clip:

<http://www.youtube.com/watch?v=3U8eWEuQQKY>

The NARUS STA 6400 is also one of the tools the NSA and President use to do data mining and social network analysis [SNA].

Lets open up the market for R&D countermeasures and tools too sustain privacy!

We have always been several steps ahead of the criminal spooks.

Posted by: LoneWolf | Aug 7, 2007 3:09:40 PM

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