

What is the NSA domestic spying program?

In October 2001, President Bush issued a secret presidential order authorizing the NSA to conduct a range of surveillance activities inside of the United States without statutory authorization or court approval, including electronic surveillance of Americans' telephone and Internet communications. This program of surveillance continues through today, although the legal justifications have changed over time, and works with the major telecommunications and Internet companies.

In 2005, after the *New York Times* broke the story of the surveillance program, the President publicly admitted one portion of it—warrantless surveillance of Americans believed to be communicating with people connected with terrorism suspects—Senior Bush Administration officials later confirmed that the President's authorization went beyond the surveillance of terrorists and conceded that the program did not comply with the **Foreign Intelligence Surveillance Act (FISA)**. The President, invoking a theory of limitless executive power to disregard the mandates of Congress, reauthorized this warrantless surveillance more than thirty times, including after the Department of Justice found the program to violate criminal laws. President Obama has continued the program, but with differing secret legal justifications. Obama has given no public legal justification for it and, in some situations, appears to be **strategically denying** certain portions of it. For other portions, including the collection of telecommunications records, the Obama Administration said it could neither confirm nor deny its actions until May, 2013, when the DNI finally admitted additional portions of it. Members of Congress have confirmed that additional domestic surveillance by the NSA still remains a secret.

Shortly after the initial revelations, a whistleblower named Mark Klein came forward with evidence describing the specific AT&T facilities, including one on Folsom Street in San Francisco, where the handoff of customer communications is occurring. Mr. Klein's evidence confirmed what was already indicated by numerous newspaper reports and Congressional admissions—that the NSA is intercepting and analyzing millions of ordinary Americans' communications off of the fiber optic cables that carry our communications, with the help of the country's largest phone and Internet companies. EFF has brought two lawsuits to stop this illegal surveillance. In 2012, three NSA whistleblowers **came forward** to confirm Mr. Klein's evidence, as well as other information about the warrantless surveillance.

Today, the warrantless surveillance program started under Bush remains largely intact under the Obama administration, and, in June 2013, reports in the *Guardian* and *Washington Post* confirmed key facts alleged in our cases, and provided supporting documents.

While the full legal justifications remain secret, the Obama administration apparently uses strained interpretations of the Patriot Act and FISA Amendments Act to try to justify the mass collection of data on US persons, but the reality is the same as it was under the Bush administration: these program are illegal and unconstitutional.

<https://www.eff.org/nsa-spying/faq#37>