

PCLOB Report Reveals New Abuses of FISA Section 702

Section 702 of the Foreign Intelligence Surveillance Act was enacted to make it easier for the government to address foreign terrorist threats. The law gives the government broad authority to surveil non-Americans located abroad, but targeting Americans is prohibited. Unfortunately, intelligence agencies have used legal loopholes to turn Section 702 into a go-to domestic spying authority, using it to conduct [hundreds of thousands](#) of warrantless “backdoor” searches for Americans’ private communications every year.

This egregious violation of Americans’ privacy rights is compounded by regular violations of the minimal rules governing backdoor searches. Intelligence agencies have conducted baseless backdoor searches for the private phone calls, text messages, and emails of, among others [members of Congress](#), [political protestors](#), and 19,000 [donors to a congressional campaign](#).

A new [report](#) from the Privacy and Civil Liberties Oversight Board reveals additional abuses of Section 702 by the FBI . . . and reveals that the NSA has intentionally abused its own “backdoor search” powers, as well. These newly revealed abuses include:

- “[T]ens of thousands” of baseless FBI backdoor searches “related to civil unrest” over a one-year period;
- 141 baseless backdoor searches for racial justice protesters’ communications (up from the 133 previously known instances of such abuses);
- Batch backdoor searches for 1600 Americans “who had flown through an airport during a particular date range and were either traveling to or returning from a foreign country;”
- 2,000 baseless backdoor searches for “the names and dates of birth of individuals registered competitors in [an] athletic event;”
- NSA analysts’ backdoor searches for the communications of a prospective tenant of a rental property they owned; and
- An NSA analyst’s backdoor search for the communications of two individuals the analyst had met on an online dating service.

Congress should not reauthorize Section 702 with substantial changes—including a warrant requirement for backdoor searches—that would prevent these and other abuses from taking place in the future. A cross-partisan coalition of more than 30 privacy, civil liberties, and civil rights groups has recommended a [comprehensive set of such reforms](#) that would protect Americans’ privacy rights without compromising national security.

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