

FISA Section 702: Civil Rights Abuses

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.

Backdoor searches and other warrantless surveillance techniques raise both [civil liberties](#) and [civil rights](#) concerns because **when intelligence and law enforcement officials can access Americans’ sensitive information without a warrant, they are more likely to rely on improper considerations such as conscious or unconscious biases or political beliefs.**

Section 702 has been [repeatedly](#) subject to such abuse. Some recently publicly disclosed misuses of backdoor searches, which the [FISA Court](#) says may exclude “large numbers” of abuses, include:

- Searches for [141 racial justice protestors](#) and [political activist groups](#) that organized protests.
- Searches based on a witness’s report that two men “of [Middle Eastern](#) descent” were loading cleaning supplies into a truck.
- Searches for mosques that were [intentionally mislabeled](#) to avoid oversight.
- Searches for Professor [Xiaoxing Xi](#), an American academic who was wrongly accused of unlawfully sharing sensitive technology with scientists in China.
- Searches for a [state court judge](#) who reported civil rights violations to the FBI.
- Searches for [immigrants](#), even with no indication they pose a risk to national security.
- “Batch” searches that [included](#) current and former federal government officials, journalists, political commentators, and [19,000 donors](#) to a congressional campaign.
- Searches for a [sitting Congressman](#), a [US Senator](#), and a state senator.
- Searches for a [local political party](#).

Congress can help end these abuses by passing the [Government Surveillance Reform Act of 2023](#), a comprehensive surveillance reform bill that requires government officials, absent an emergency, to obtain a probable-cause court order or the subject’s consent before searching for Americans’ communications or other sensitive data in foreign intelligence holdings obtained without a warrant.

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