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US Congress, NSA butt heads over Echelon

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Links are preceded by an asterisk.

Stig

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Congress, NSA butt heads over Echelon

BY DANIEL VERTON (*dan_verton@fcw.com)

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Congress has squared off with the National Security Agency over a top-secret U.S. global electronic surveillance program, requesting top intelligence officials to report on the legal standards used to prevent privacy abuses against U.S. citizens.

According to an amendment to the fiscal 2000 Intelligence Authorization Act proposed last month by Rep. Bob Barr (R-Ga.), the director of Central Intelligence, the director of NSA and the attorney general must submit a report within 60 days of the bill becoming law that outlines the legal standards being employed to safeguard the privacy of American citizens against Project Echelon.

Echelon is NSA's Cold War-vintage global spying system, which consists of a worldwide network of clandestine listening posts capable of intercepting electronic communications such as e-mail, telephone conversations, faxes, satellite transmissions, microwave links and fiber-optic communications traffic. However, the European Union last year raised concerns that the system may be regularly violating the privacy of law-abiding citizens [[*FCW, Nov. 17, 1998](#)].

However, NSA, the supersecret spy agency known best for its worldwide eavesdropping capabilities, for the first time in the history of the House Permanent Select Committee on Intelligence refused to hand over documents on the Echelon program, claiming attorney/client privilege.

Congress is "concerned about the privacy rights of American citizens and whether or not there are constitutional safeguards

being circumvented by the manner in which the intelligence agencies are intercepting and/or receiving international communications...from foreign nations that would otherwise be prohibited by...the limitations on the collection of domestic intelligence," Barr said. "This very straightforward amendment...will help guarantee the privacy rights of American citizens [and] will protect the oversight responsibilities of the Congress which are now under assault" by the intelligence community.

Calling NSA's argument of attorney/client privilege "unpersuasive and dubious," committee chairman Rep. Peter J. Goss (R-Fla.) said the ability of the intelligence community to deny access to documents on intelligence programs could "seriously hobble the legislative oversight process" provided for by the Constitution and would "result in the envelopment of the executive branch in a cloak of secrecy."

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