



NSA call records collection ruled illegal by US appeals court

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A program run by the National Security Agency that collected details on billions of Americans' phone calls was ruled illegal by a U.S. appeals court on Thursday.

The Ninth Circuit Court of Appeals found that the NSA's "bulk collection" of call records violated the law, but the judges fell short of ruling the program unconstitutional.

The NSA used new powers in the wake of the September 11 terror attacks — known as Section 215 for its place in the law books — to scoop up billions of phone records every year by compelling U.S. phone giants to turn over daily call logs, which the agency uses to make connections between targets of interest. Those call records include who is calling who and when — but not the contents.

Details of the program were exposed by former NSA contractor Edward Snowden in 2013.

But the call records program, beset with problems, overcollection, and questions about its legality, was shut down last year.

Patrick Toomey, senior staff attorney with the ACLU's National Security Project, said the ruling was a "victory" for privacy rights.

"The ruling makes plain that the NSA's bulk collection of Americans' phone records violated the Constitution. The decision also recognizes that when the government seeks to prosecute a person, it must give notice of the secret surveillance it used to gather its evidence," said Toomey. "This protection is a vital one given the proliferation of novel spying tools the government uses today."

The case at the Ninth Circuit involved Basaaly Moalin and three others, who were found guilty in 2013 for sending money to the militant group, Al-Shabaab. Moalin was convicted in part through call records collected by the NSA, but the role that the data played was so small that it did not undermine their convictions, reports Politico.

The NSA has long claimed that the program was vital for protecting the U.S. homeland stopping terrorist attacks. Past administrations claimed that the program stopped more than 50 attacks. But after congressional scrutiny, that figure was revised down to one identified individual — Moalin.

Although the court did not overturn Moalin's conviction, the three-judge panel criticized the government's previous statements and comments about the usefulness and effectiveness of the program, which the court said were "inconsistent with the contents of the classified record."

Julian Sanchez, a civil liberties expert and senior fellow at the Cato Institute, tweeted: "The upshot of this Ninth Circuit opinion is that the NSA's bulk phone record collection was illegal and probably unconstitutional, but it doesn't matter because the program was also worthless."

When asked if the NSA stood by its earlier statements, spokesperson Mike Dusak declined to comment.