

Government Documents and Admissions about Domestic Internet Backbone Surveillance

Step 1 – Access to Backbone: Makes a copy of communications stream

- *Jewel v. NSA*: [Declaration](#) of NSA Deputy Director Frances J. Fleisch from December 2013 stating that “NSA collects electronic communications with the compelled assistance of electronic communications service providers as they transit Internet ‘backbone’ facilities within the United States.”
- Foreign Intelligence Surveillance Court (FISC) [Opinion](#) from September 25, 2012 describing government misrepresentations about the scope of Upstream.
- FISC [Opinion](#) from October 3, 2011 describing government collection of Internet communications under Upstream.
- [PCLOB Report](#): Report of the Privacy and Civil Liberties Oversight Board (PCLOB) on Surveillance Under Section 702 of the FISA Amendments Act published in July 2014 discussing Upstream.

Step 2: Filtering Aimed at Eliminating Fully Domestic Transactions

- [Targeting Procedures](#) from 2009 used by the NSA for surveillance conducted under Section 702, published by the Guardian in June 2013.
- [FISC Opinion](#) from October 3, 2011 describing filtering procedures and acquisition of wholly domestic communications.

Step 3: Content Search for Selectors

- *Jewel v. NSA*: [Declaration](#) of NSA Deputy Director Fleisch from December 2013 stating that Upstream involves collection of “communications to, from, or about tasked ‘selectors,’ (e.g. an email address) associated with a target reasonably believed to be located outside the United States.”
- Declassified [joint statement](#) of Assistant Attorney General Lisa Monaco, NSA Deputy Director John Inglis and ODNI General Counsel Robert Litt from December 2011 with further information about selectors.
- [Briefing document](#) on the Intelligence Community’s Collection Programs under Title VII of the Foreign Intelligence Surveillance Act.
- [FISC Opinion](#) from October 3, 2011.
- [Opinion](#) of the FISC from September 25, 2012.

Step 4: Government Database: Government Says “collected” or “acquired” here

- [PCLOB Report](#) on Section 702 explaining that communications are “acquired” under Upstream when they reach the point of “ingest[ion] into government databases.”

Links to documents available at <https://eff.org/UpstreamDocuments>