



Written by [Joe Wolverton, II, J.D.](#) on October 6, 2016

## **Yahoo Enabled Spying on Its Customers by U.S. Government**

Yahoo developed a deployed custom software enabling the tech giant to search its customers' e-mails on behalf of and under the direction of the U.S. government's intelligence apparatus, according to information provided by former employees of the company.

This disturbing discovery of cooperation between corporations and the official surveillance state was first reported by Reuters. The story, according to the news agency:



The company complied with a classified U.S. government demand, scanning hundreds of millions of Yahoo Mail accounts at the behest of the National Security Agency or FBI, said three former employees and a fourth person apprised of the events.

Some surveillance experts said this represents the first case to surface of a U.S. Internet company agreeing to an intelligence agency's request by searching all arriving messages, as opposed to examining stored messages or scanning a small number of accounts in real time.

It is not known what information intelligence officials were looking for, only that they wanted Yahoo to search for a set of characters. That could mean a phrase in an email or an attachment, said the sources, who did not want to be identified.

The article revealing the relationship indicated that there was no indication as to what information, if any, was handed over to the feds by Yahoo or if any other email provider complied with the intelligence agencies' orders.

In defense of its participation of the violation of the constitutionally protected rights of its customers, Yahoo issued the following statement: "Yahoo is a law abiding company, and complies with the laws of the United States." The company declined to make any further comment.

Three former Yahoo employees reported that the company's conspiracy with the federal surveillance agencies was done in compliance with a "classified edict" directed to the corporation's legal counsel.

While it has been known since the leaks made by Edward Snowden that the tech sector is an active participant in the unconstitutional dragnet collection of Americans' electronic communications, industry insiders describe Yahoo's creation of a specially designed piece of software to perform the constitutionally prohibited searches.

As reported by Reuters:

Some former government officials and private surveillance experts said they had not previously seen either such a broad demand for real-time Web collection or one that required the creation of a new computer program.



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“I’ve never seen that, a wiretap in real time on a ‘selector,’” said Albert Gidari, a lawyer who represented phone and Internet companies on surveillance issues for 20 years before moving to Stanford University this year. A selector refers to a type of search term used to zero in on specific information.

“It would be really difficult for a provider to do that,” he added.

Speaking of Edward Snowden, the former NSA contractor turned asylum seeker commented on the story through his Twitter account.

“Remember during US-EU data sharing negotiations (#PrivacyShield), US said this would never happen?” Snowden tweeted.

He refers to the concerns expressed by the U.S.’s European allies that the NSA and other American intelligence branches would be throwing the surveillance net around all electronic information originating in Europe.

Appearing at a press conference in Berlin in 2013, President Obama told reporters — and German prime minister, Angela Merkel — that U.S. intelligence agencies were not “rifling through the emails” of ordinary people and he claimed he was confident the American surveillance services had “struck the appropriate balance” between security and civil rights.

“I was a critic of the previous administration for those occasions in which I felt they had violated our values and I came in [to office] with a healthy skepticism about how our various programs were structured,” Obama added.

It seems that the surveillance apparatus didn’t have to structure any programs as the heavy lifting was being performed by their corporate water carriers.

There are those in Congress who have tried for years to sever the ties that bind Silicon Valley to the surveillance state.

Senator Ron Wyden (D-Ore.), a consistent foe of the corporate cooperation with the NSA and other intelligence agencies, issued a statement regarding the revelations of Yahoo’s treachery. “The FISA court has publicly stated that tens of thousands of wholly domestic communications are caught up under 702 collection every year and that the potential number of Americans impacted is even larger than that,” Wyden wrote in a statement sent to tech blog Ars Technica. “The NSA has said that it only targets individuals under Section 702 by searching for email addresses and similar identifiers. If that has changed, the executive branch has an obligation to notify the public.”

In July of 2011 and again in May 2012, Senators Mark Udall (D-Colo.) and Wyden wrote a letter to Director of National Intelligence James R. Clapper, Jr., asking him a series of four questions regarding the activities of the NSA and other intelligence agencies regarding domestic surveillance.

In one of the questions, Senators Udall and Wyden asked Clapper if “any apparently law-abiding Americans had their communications collected by the government pursuant to the FISA Amendments Act” and if so, how many Americans were affected by this surveillance.

In a response to the inquiry dated June 15, 2012, I. Charles McCullough III informed the senators that calculating the number of Americans who’ve had their electronic communications “collected or reviewed” by the NSA was “beyond the capacity of his office and dedicating sufficient additional resources would likely impede the NSA’s mission.”



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In other words, the NSA is too busy illegally recording our private e-mails, texts, Facebook posts, and phone calls to figure out how many of us are already caught in their net. And, furthermore, the NSA considers Congress an impotent impediment that can be ignored, stonewalled, and lied to.

The FISA court referred to by Wyden is the secret Foreign Intelligence Surveillance Court. Created to oversee and keep the intelligence services within the boundaries of the Constitution, the court has been proven year after year to give a green light to every government request for surveillance.

All these activities violate the Fourth Amendment requirement that “no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” In practical terms, that means that the federal government cannot purposely monitor the phone or Internet communications carried on by an American or a person inside the United States without a qualifying warrant.

Yahoo’s collection of email on behalf of the federal government is a violation of the Fourth Amendment and is an attack on the due process rights that have been the mainstay of liberty for over 1,000 years.

The fact is that Yahoo’s actions are an effrontery to the constitutionally guaranteed rights of every American and represents a serious betrayal of its customers’ expectation of privacy.

In another statement sent to Ars Technica, Representative Ted Lieu (D-Calif.) called the government requests complied with by Yahoo “flat out unconstitutional.”

“The continuing revelation of our law enforcement and these agencies violating the Constitution shows that there is a break down in oversight,” he said. “The [Foreign Intelligence Surveillance Court] has shown repeatedly that they do not have the ability to protect the Constitution or the rights of Americans, we need another system ? thank God we have freedom of the press.”

It is unlikely that Yahoo is the only accomplice in the Obama administration’s program of prying into the private electronic communications of the citizens of this once-free republic.

Every day Americans wake up to find themselves surrounded by a wall of surveillance that grows higher and higher and a federal judiciary and legislative branch unwilling to check the advance of the forces of despotism.



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