

NSA Using Metadata to Compile “Social Network Diagrams” on Americans

By [Thomas Gaist](#)

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New revelations from documents released by former National Security Agency contractor Edward Snowden show that the NSA has been utilizing metadata to generate maps of Americans’ personal associations and social interactions since at least 2010.

Phone call records, email logs and location data are primary sources for the NSA in constructing “social network diagrams” described by the *New York Times* as “sophisticated graphs of some Americans’ social connections.”

The newly published documents consist of PowerPoint slides and memos detailing the development of NSA metadata analysis programs. Experts cited by the *Times* say the agency can gather more information on a target using metadata analysis than is possible from reading the content of emails or listening in on phone calls.

“Metadata can be very revealing,” Orin S. Kerr of George Washington University told the newspaper. “Knowing things like the number someone just dialed or the location of the person’s cell phone is going to allow them to assemble a picture of what someone is up to. It’s the digital equivalent of tailing a suspect.”

The metadata logs give government operatives a comprehensive picture of the subject’s life, from political affiliations to personal eccentricities. One memo produced by the NSA’s Office of Legal Counsel made clear that the agency maintains a searchable archive of metadata and content taken from Americans’ communications for a total of at least 15 years. This data is broken down into 164 “relationship types,” including categories such as “travels with,” and “employs.”

The NSA’s authority to analyze Americans’ social networks through mass data collection was expanded in November 2010 by top agency officials. This decision was made by NSA bureaucrats without consultation with the Foreign Intelligence Surveillance (FISA) court, making a mockery of claims that the surveillance programs are subject to substantial oversight.

The NSA has granted itself the right to assemble detailed profiles on any American using metadata. An NSA spokeswoman told that *New York Times*, “All data queries must include a foreign intelligence justification, period.” In practice, however, any emails or phone numbers that are part of a “contact chain” with direct or indirect connections to foreign individuals are subject to NSA snooping and analysis, a procedure that effectively grants the agency carte blanche to spy on Americans.

Among the documents was an NSA memo from January 2011 authorizing “large-scale graph analysis on very large sets of communications metadata without having to check foreignness.”

According to the *Times*, the NSA is using advanced programs such as the “Enterprise Knowledge System,” which is touted as having the capacity to “rapidly discover and correlate complex relationships and patterns across diverse data sources on a massive scale.” The “diverse data sources” tapped into by the agency include voter registration information, tax-related information, insurance information, location data produced by GPS devices, and airplane passenger lists.

NSA spokespersons and a FISA court opinion have recently claimed that metadata is not covered by constitutional protections such as those guaranteed in the Fourth Amendment. Citing a Supreme Court ruling from 1979, *Smith v. Maryland*, they have argued that Americans have no reasonable expectation that the metadata produced by their telephone and internet communications will remain private.

Social network analysis of Americans’ metadata is one aspect of the sweeping expansion of the power of the intelligence apparatus over the past decade. The recent documents show that the NSA sought expanded powers to analyze domestic communications data from 1999. According to the *Times*, “The NSA had been pushing for more than a decade to obtain the rule change allowing the analysis of Americans’ phone and email data.”

An incident last week illustrated the commitment of the political and intelligence establishment to maintaining the surveillance programs and thwarting further exposures of their scope and nature. Asked by Senator Ron Wyden during a Senate Intelligence Committee hearing whether the NSA has ever collected cell phone location data, the NSA chief, Gen. Keith Alexander, declined to answer, saying he would not address classified information in “an unclassified forum.”

Democratic Senator Dianne Feinstein, the chairwoman of the committee, then declared unequivocally that the committee would vote to continue the telephone metadata collection, declaring that she believed it to be legal. Feinstein called NSA surveillance programs “lawful” and “effective” and said they are “conducted under careful oversight.”

At one point in the hearing, Senator Mark Udall asked Alexander, “Is it the goal of the NSA to collect the phone records of all Americans?”

Alexander replied, “Yes, I believe it is in the nation’s best interest to put all the phone records into a lockbox that we could search when the nation needs to do it. Yes.”

Legislative “reforms” to the surveillance proposed by Senator Feinstein will actually expand the NSA’s authority to spy on persons entering the US. Whereas previously the NSA was required to “hand off” surveillance of individuals on US soil to the FBI, Feinstein’s proposal would enable the agency to continue surveillance.

Revelations have also emerged regarding the NSA’s wiretapping of anti-war activists and critics of the Vietnam War during the 1960s and 1970s, including Dr. Martin Luther King Jr., Muhammad Ali, US senators Frank Church and Howard Baker, and journalists Tom Wicker and Art Buchwald, as part of a program known as Operation Minaret. The program was conducted under a heavy blanket of secrecy and is referred to in the agency’s own four-

volume history as “disreputable if not outright illegal.” At least 1,650 people were spied on in the program between 1967 and 1973.

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Articles by: [Thomas Gaist](#)

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