



Written by [Dave Bohon](#) on May 15, 2017

Despite “Freedom Act,” NSA Collected 151 Million Phone Records in 2016

An April 27 [report](#) from the Office of the Director of National Intelligence revealed that during 2016 the National Security Agency (NSA) collected some 151 million phone records of Americans, despite passage of the USA Freedom Act of 2015. While that law supposedly ended the program enabling the NSA to collect the phone records of Americans in bulk, it nonetheless allowed the NSA to continue accessing records from phone numbers of suspected terrorists via court orders.



The report revealed that the NSA still collected 151 millions phone records the next year under the new system, while obtaining court orders on only 42 individuals with suspected terrorist ties. According to the report, the high volume of records occurred because the NSA gathered multiple years of phone records from primary parties connected to each suspect phone number, and because a single phone call logged by two different phone companies counted as two records.

Alex Joel, chief privacy officer with the Office of the Director of National Intelligence, insisted that the number of collected targets was small “when compared to the very large number of call detail records generated by those targets.” He added that “we believe the number of unique identifiers within those records is dramatically lower” than the 151 million figure indicated, adding that there were many duplicate records.

Following the terrorist attacks of September 11, 2001, the President Bush-signed Patriot Act empowered the NSA to secretly gather massive amounts of communications data, including the far-reaching collection of the phone records of Americans, all as part of the government’s effort to stop terrorism.

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But opposition to the surveillance intensified as Americans grew increasingly concerned over the government’s ability to broaden their spying beyond suspected terrorists to include private citizens. And the documents leaked in 2013 by NSA contractor Edward Snowden showing the extent to which U.S. government agencies could access private records helped lead to the passage of the 2015 Freedom Act, which required federal agencies to obtain court orders on a case-by-case basis in order to access phone data.

Technology news site [Cnet.com](#) noted that the National Intelligence report was released as Congress debated whether or not to reauthorize Section 702 of the Foreign Intelligence Surveillance Amendments Act, upon which the NSA’s warrantless surveillance is based. “The law, set to expire at the end of the year, allows federal agencies to collect information on Americans as long as the target of the collection is a foreigner who happens to be communicating with someone in the US,” reported Cnet. However, critics of the measure say that it can also be used to spy on U.S. citizens without a warrant.



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For example, *The Hill* noted that “President Trump has accused the Obama administration of wiretapping his presidential campaign last year, and he has also said that former National Security Adviser Susan Rice may have committed a crime by requesting the identities of Trump aides caught up in surveillance of foreign targets.” Rice has denied the charge, insisting that she never did anything “untoward” with the intelligence at her disposal.

At the time of the USA Freedom Act’s passage in June 2015, [The New American](#) reported that the measure supposedly intended to protect Americans from government surveillance does nothing of the kind. The law “merely shifts the responsibility for collecting communications metadata from the NSA to companies such as AT&T, Sprint, and Verizon, which already keep customer records for as long as five years,” we noted. “The NSA or the FBI would simply need to obtain permission from the secret FISA Court to access that data — and the court nearly always grants it.”

Predictably, National Intelligence officials have insisted that the latest report, which is an annual requirement of the USA Freedom Act, represents above-and-beyond efforts by the federal government to be more public about electronic surveillance done by its agencies. “This year’s report continues our trajectory toward greater transparency,” said Office of the Director of National Intelligence spokesman Timothy Barrett, “providing additional statistics beyond what is required by law.”



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