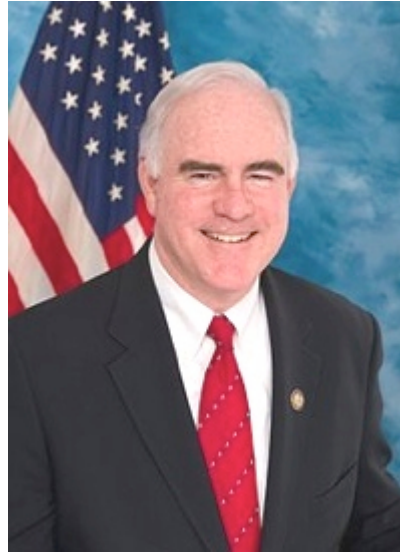




Written by [Raven Clabough](#) on February 17, 2012

Lawmakers Call Out DHS's Website Monitoring Program

Members of the Department of Homeland Security spoke yesterday at a congressional hearing on monitoring social media and news websites. The DHS representatives failed to give a straightforward answer regarding who ordered them to look for reports or comments that “reflect adversely on the U.S. government and the DHS.” The hearing of the Homeland Security Committee’s Subcommittee on Counterterrorism and Intelligence was prompted by the Electronic Privacy Information Center (EPIC) obtaining 3,000 documents through a Freedom of Information Act request. The FOIA request revealed that the DHS hired an outside contractor, General Dynamics Advanced Information Systems, to monitor social media sites, in addition to other websites, on a “24/7/365” basis in order to discover “any media reports that reflect adversely on the U.S. Government and the Department of Homeland Security.”



Some of the websites being monitored for such content include the Drudge Report, Facebook, Twitter, and the Huffington Post.

In a report compiled by EPIC entitled “DHS Monitoring of Social Networking and Media: Enhancing Intelligence Gathering and Ensuring Privacy,” we learn that the DHS paid over \$11 million to General Dynamics to monitor and prepare surveillance reports on public reaction posted on Facebook and Twitter, as well as in the comments section of news sites such as the *New York Times* and the Huffington Post. The intention, it said, was to “capture public reaction to major government proposals” by DHS as well as “positive and negative reports” on FEMA, the CIA, and other federal agencies.

EPIC submitted a statement to the subcommittee holding the hearing, demanding that it suspend the DHS program. “The DHS monitoring of social networks and media organizations is entirely without legal basis and threatens important free speech and expression rights,” said EPIC.

Subcommittee Chairman Rep. Patrick Meehan (R-Pa., pictured above) addressed his concerns regarding the monitoring by the DHS of websites during his opening comments before the start of the hearing, asserting, “Collecting, analyzing, disseminating private citizens’ comments could have a chilling effect on individuals’ privacy rights and people’s freedom of speech and dissent against their government.”

Likewise, Representative Jackie Speier, the ranking Democrat on the subcommittee, said she was “deeply troubled” by the DHS program, declaring that the DHS is “not a political operation” and “should not be a political operation.”



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They addressed a number of concerns in a letter to the DHS on Thursday.

"Although there are clear advantages to monitoring social media to identify possible threats to our security, there are also privacy and civil liberties concerns implicit in this activity," they wrote. "With its domestic mission, the Department of Homeland Security needs to be mindful of the rights of the citizens of our country to express themselves online. Not only should guidance issued by the Department permit analysts to do their jobs identifying threats, but it should also be stringent enough to protect the rights of our citizens."

Mississippi Rep. Bennie Thompson, a Democrat who sits on the House Committee on Homeland Security, also noted, "The public must be confident that interacting with the DHS on a website, blog or Facebook will not result in surveillance or the compromise of constitutionally protected rights."

During the hearing, lawmakers pressed both DHS representatives, Mary Callahan and Richard Chávez, on the issue of monitoring social media sites, but the pair managed to avoid answering any questions regarding the contract to have a private company compile reports on critics of the DHS or of the federal government. In fact, the two attempted to focus the hearing on the DHS's monitoring of just certain keywords related to natural disasters, or words such as "train wreck," "derailment," or any other words that may be trending at the time, rather than on the DHS' monitoring of all reporting or comments that are critical of the government.

One item to which lawmakers repeatedly referred was a DHS document that captured the public's reaction to a controversial proposal to relocate Guantanamo detainees to a prison in Michigan.

Lawmakers made the point that the DHS program of monitoring such behavior would create an environment wherein Americans would feel uncomfortable about posting comments that may be deemed critical of the government. Callahan responded by stating that the DHS is not concerned with the "who" but with the "what."

"It is the what, not the who, being identified" in Facebook, Twitter and other online posts, Callahan said. She claims that the DHS is strictly concerned with "situational awareness" during natural disasters and any other breaking news event.

Meehan asked Callahan, "Who directing what's being monitored," but Callahan deflected the question to Chavez who did not directly answer. Meehan grew visibly angry and declared, "We know about the disasters, I don't think we're worried about the disasters," and restated his question. When it became clear that question was not going to be answered, Meehan moved on but returned to the question later in the hearing.

"Who begins the process of identifying what should be analyzed?" asked Meehan.

"It's not the National Operations Center," responded Chávez, refusing to answer the question directly.

"Then who's giving the direction?" repeated Meehan.

"That again does not come from national operations," answered Chávez, who was then rescued by Callahan when she once again began to discuss natural disasters.

Eventually, Chávez deflected the attention altogether by indicating that the DHS is not engaged in nearly the same extent of monitoring as other agencies.

Callahan dismissed many of the documents obtained by EPIC as being outdated, asserting that some of the ideas found in the documents may have been momentarily considered before ultimately being



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rejected.

“DHS Chief Privacy Office Mary Ellen Callahan and Director of Operations Coordination and Planning Richard Chávez appeared to be deliberately stonewalling Congress on the depth, ubiquity, goals, and technical capabilities of the agency’s social media surveillance,” [writes Neil Ungerleider](#). “At other times, they appeared to be themselves unsure about their own project’s ultimate goals and uses. But one thing is for sure: If you’re the first person to tweet about a news story, or if you’re a community activist who makes public Facebook posts — DHS will have your personal information.”

“Another worrying tendency is the fact that DHS appears to be keeping tabs on individual American citizens engaged in community activism and hot-button political issues. EPIC’s evidence package to congress included FOIA-obtained data on community reaction to the housing of Guantanamo detainees in a Standish, MI prison,” continued Ungerleider. Against its own guidelines, the DHS compiled a report titled “Residents Voice Opposition Over Possible Plan to Bring Guantanamo Detainees to Local Prison- Standish MI.” This report contained sentiment gathered from newspaper comment talkbacks, local blogs, Twitter posts and publicly-available Facebook posts — something expressly forbidden by the DHS’ own policies. Chávez and Callahan claimed that the report was not disseminated and that privacy policies forbid similar things from occurring; nonetheless the report was made and not obtained by EPIC until they sued the DHS.

Ironically, the hearing on the Orwellian policy of the DHS came just one day after Homeland Security Secretary Janet Napolitano [told](#) a House Homeland Security Committee, “We aren’t sitting there monitoring social media looking for stuff, that’s not what we do.” Napolitano was compelled to testify after two British travelers were barred from entering the United States after one of the men jokingly tweeted that he was on his way to “destroy America.”



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