



**MYTHS AND FACTS ABOUT SECTION 215 DOMESTIC CALL TRACKING
VOTE “YES” ON AMASH-CONYERS AMENDMENT TO THE DEFENSE APPROPRIATIONS BILL
(AMENDMENT 101)**

Myth: Section 215 Domestic Call Tracking Is Targeted

Facts: The NSA’s domestic call tracking program is not limited to terrorists or those associated with foreign powers. Under this program, the NSA collects “on an ongoing daily basis” the records of every call made in the United States, even those made by everyday Americans. As many have noted, this surveillance program is breathtaking in its scope. It is as if the government had seized every American’s address book—with annotations detailing which contacts she spoke to, when she spoke with them, and for how long. Members of the congressional intelligence committees have confirmed that the recently disclosed FISA Court order is part of a broader program under which the government has been collecting the telephone records of essentially all Americans for at least seven years.

Myth: The Section 215 Domestic Call Tracking Database Is Examined Sparingly

Facts: The executive branch has emphasized that the phone-record database was only “queried” 300 times in 2012, yet these searches of the domestic call tracking database could implicate millions of Americans. Congressional testimony by intelligence officials indicates that these searches are not limited to queries focused on a single person or phone number. Instead, NSA analysts may examine the calling information of individuals within three “hops” from the initial target—that is, within three degrees of separation. Because a person’s web of contacts expands exponentially with each hop, one query could ultimately encompass the phone records of millions of Americans. For instance, if each person had only 50 telephone contacts, applying this three-hop analysis to just one individual could pull up phone records concerning more than 125,000 people. The 300 searches conducted in 2012 then could have yielded information on over 37 million people.

Myth: Section 215 Domestic Call Tracking Is Uniquely Important

Facts: The intelligence community has many other tools at its disposal to get the phone-call data or other records it needs. For one, the FBI could tailor its collection of telephone records under Section 215 to a target of a foreign intelligence investigation, rather than simply demanding the records of all domestic telephone calls en masse. If someone is suspected of ties to terrorism, the government could obtain a FISA warrant, a traditional criminal warrant, a pen register order, a national security letter or a subpoena. Stopping the bulk collection program under Section 215 does NOT stop the government from spying on terrorists – only from spying on Americans.

Members of the Senate Intelligence Committee—which oversees the domestic call tracking program—have indicated that these available alternatives are every bit as effective. In particular, shortly after the Section 215 program was disclosed, Senators Ron Wyden and Mark Udall stated:

After years of review, we believe statements that this very broad Patriot Act collection [of phone records] has been “a critical tool in protecting the nation” do not appear to hold up under close scrutiny. We remain unconvinced that the secret Patriot Act collection has actually provided any uniquely valuable intelligence. *As far as we can see, all of the useful information that it has provided appears to have also been available through other collection methods that do not violate the privacy of law-abiding Americans in the way that the Patriot Act collection does.*¹

The Senators could not be clearer: the government has more modest alternatives at its disposal, which would produce the same intelligence value while vacuuming up far fewer phone records.

Myth: Section 215 Domestic Call Tracking Is Effective

Facts: Intelligence officials have offered little proof that the Section 215 domestic call tracking program has been effective. In response to the recent revelations, officials have identified only a handful of cases, almost all of which relate to programs *other than* the bulk collection of phone records under Section 215. The only Section 215 case that officials have pointed to, a prosecution in San Diego called *United States v. Moalin*, involved efforts to send less than \$10,000 to the Somali terrorist group al-Shabaab. None of the other investigations heralded by intelligence officials relied on Section 215 for its success.

¹ Press Release, Wyden, Udall *Question the Value and Efficacy of Phone Records Collection in Stopping Attacks*, June 7, 2013, <http://1.usa.gov/19Q1Ng1> (emphasis added).