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### Federal Monitoring of Communications Shows Dramatic Increase



Federal law enforcement monitoring of electronic communications in the United States has increased dramatically according to the most recent data obtained by the American Civil Liberties Union (ACLU).

The ACLU's [finding](#) is based on documents produced by the Justice Department, which show the requests for both "pen register" and "trap and trace" surveillance requests. Pen registers capture ongoing data and trap and trace devices capture incoming data on electronic communications. The ACLU observed that the government uses both methods "to intercept the 'to' and 'from' addresses of email messages, records about instant message conversations, non-content data associated with social networking identities, and some information about the websites that you visit."

According to a Freedom of Information Act response by the Justice Department, between 2009 and 2011 the combined number of original orders for pen registers and trap and trace devices used to monitor phones increased by 60 percent from 23,535 in 2009 to 37,616 in 2011. "In fact, more people were subjected to pen register and trap and trace surveillance in the past two years than in the entire previous decade," the ACLU stated.

The number of authorizations the Justice Department received to use these devices on individuals' email and network data rose 361 percent between 2009 and 2011.

"Because these surveillance powers are not used to capture telephone conversations or the bodies of emails, they are classified as 'non-content' surveillance tools, as opposed to tools that collect 'content,' like wiretaps. This means that the legal standard that law enforcement agencies must meet before using pen registers is lower than it is for wiretaps and other content-collecting technology," the ACLU said.

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