THAT PIRATE MAY BE THE MISSING LINK WE SHOULD DRONE KILL

As I mocked last night, 60 Minutes decided to use pirate data collected under EO 12333 to demonstrate how it conducts call chaining on US citizen data collected under Section 215. But the exchange is rather interesting for the way the NSA analyst, Stephen Benitez, describes finding a potentially key player in a network of pirates.

> Metadata has become one of the most important tools in the NSA's arsenal. Metadata is the digital information on the number dialed, the time and date, and the frequency of the calls. We wanted to see how metadata was used at the NSA. Analyst Stephen Benitez showed us a technique known as "call chaining" used to develop targets for electronic surveillance in a pirate network based in Somalia.
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> Stephen Benitez: As you see here, I'm only allowed to chain on anything that I've been trained on and that I have access to. Add our known pirate. And we chain him out.
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> John Miller: Chain him out, for the audience, means what?
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> Stephen Benitez: People he's been in contact to for those 18 days.
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> Stephen Benitez: One that stands out to me first would be this one here. He's communicated with our target 12 times.
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> Stephen Benitez: Now we're looking at Target B's contacts.
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> John Miller: So he's talking to three or four known pirates?

> Stephen Benitez: Correct. These three here. We have direct connection to both Target A and Target B. So we'll look at him, too, we'll chain him out. **And you see, he's in communication with lots of known pirates. He might be the missing link that tells us everything**. [my emphasis]

Compare the language Benitez uses here with that which Gregory McNeal used to describe drone targeting back in February.

> Networked based analysis looks at terrorist groups as nodes connected by links, and assesses how components of that terrorist network operate together and independently of one another. **Those nodes and links, once identified will be targeted with the goal of disrupting and degrading their functionality**. To effectively pursue a network based approach, bureaucrats rely in part on what is known as "pattern of life analysis" which involves connecting the relationships between places and people by tracking their patterns of life. This analysis draws on the interrelationships among groups "to determine the degree and points of their interdependence." It assesses how activities are linked and looks to "determine the most effective way to influence or affect the enemy system."
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> [snip]
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> Viewing targeting in this way demonstrates how **seemingly low level individuals such as couriers and other "middle-men" in decentralized networks such as al Qaeda are oftentimes critical to the successful functioning of the enemy organization. Targeting these individuals can "destabilize clandestine networks by compromising large sections of the organization, distancing**

> **operatives from direct guidance, and impeding organizational communication and function."** Moreover, because clandestine networks rely on social relationships to manage the trade-off between maintaining secrecy and security, attacking key nodes can have a detrimental impact on the enemy's ability to conduct their operations. [my emphasis]

That is, the language describing the process behind signature strikes closely matches the language describing NSA's targeting for wiretapping. Both these analyses are doing the same thing: trying to find the key nodes in networks of people (though the drone targeting appears to draw in additional intelligence about someone's observed actions and locations).

Now, as I said, when Benitez used the word "target," he was presumably discussing only targeting for surveillance, not for drone killing (besides, thus far we haven't drone killed any pirates I know of).

But it is very easy to see what kind of role metadata analysis would play in the early stages of targeting a signature strike, because that's precisely how the intelligence community identify the nodes that, McNeal tells us, they're often targeting when they conduct signature strikes. Wiretap the person at that node and you may learn a lot (that's also probably the same kind of targeting they do to select potential informants, as we know they do with metadata), kill that person and you may damage the operational capabilities of a terrorist (or pirate) organization.

When the WaPo reported on NSA's role in drone killing, it focused on how NSA collected content associated with a known target — Hassan Ghul — to pinpoint his location for drone targeting.

But NSA probably plays a role in the far more controversial targeting of people we don't know

for death, with precisely the kind of contact chaining it uses on US persons.

Note, in related news, Richard Leon has just ruled for Larry Klayman in one of the first suits challenging the phone dragnet (with the injunction stayed pending appeal). I'll have analysis on that later.