Govt. sued over Facebook stalking

By Blake Mathews

In a new twist on the old lesson of not talking to strangers, federal government agencies have started using social networking sites like Facebook and Flickr to gather information on citizens. Trading in a warrant for a friend request is legal and has led to several legitimate arrests, but the exact details of what these agencies are doing have been shrouded in secrecy.

The Electronic Frontier Foundation filed a lawsuit Tuesday against these agencies, which include the CIA and the Department of Homeland Security, for refusing to disclose their methods and guidelines for gathering information through social networks.

The nonprofit Internet watchdog EFF had submitted Freedom of Information Act requests to these agencies asking for detailed records of their activities back in early October, according to the lawsuit. None of the agencies complied with the requests, and now the EFF is demanding the release of the records in court.

The complaint mentions several cases in which social networking sites have provided agencies with direct access to important information. The Federal Bureau of Investigation used Twitter to catch anarchist Elliot Madison, who was “tweeting” police movements to protestors outside the G-20 summit in September. The Secret Service caught up with a fugitive suspected of fraud after he opened up a Facebook account and unwittingly befriended an agent.

But the surveillance of citizens by their own government should always be carefully regulated, said Shane Witnov, a law student working with the EFF, in an interview with CNET News. This is especially true when it involves looking for information in areas most citizens consider safe and personal.

“Social networking sites are becoming a part of the way we communicate every day and everyone thinks they are sharing information [on the sites] with just their friends,” Witnov said. “Governments are using the sites but not in the way citizens expect when they sign up.”

In its complaint the EFF states that it needs the government records to “help inform Congress and the public about the effects of such uses and purposes on citizens’ privacy rights and associated legal protections.” But Keith Cronk, vice president of Information Systems & Technology at Harding, said any content that makes it onto a social networking site is not private property anymore.

Cronk said the government’s actions in social networks were likely legal, even if they made users uncomfortable. Even something like creating a fake Facebook account to gain access to someone’s profile is comparable to an officer going undercover to expose a drug ring, he said.

Federal agents may or may not be looking for incriminating evidence in the Facebook profiles of Harding students, but Cronk said his department definitely was not.

“From an IT point of view, we don’t even touch it,” he said. “No one has time to worry about that, or the desire to.”

However, government agencies have been looking for evidence on private computers since before Facebook or MySpace, sometimes employing more invasive strategies. The FBI frequently used its own computer virus, called CIPAV, to infect the machines of suspected criminals over the past ten years. A targeted suspect would first download CIPAV through an e-mail or a dummy Web site. Then the virus would mine the computer for relevant data, like installed software and recent Internet history, and send it back to the FBI.

If an outside entity, government or otherwise, tried to access a computer on Harding’s network through a “back door,” Cronk said there would be a “very high” probability of his department catching it. Network traffic monitors in the IS&T office show “spikes” in network activity, which Cronk said usually indicates a problem.

Facebook, the world’s most popular social networking site, recently gave its more than 350 million users additional control over who can access their information. By eliminating its regional network system, which opened up user profiles across networks as big as China or India, site founder Mark Zuckerberg said he hopes to give “more than 100 million people … even more control of their information.”