

FISA: GRILL THE EXECUTIVES

Threat Level has posted an intriguing interview with Russell Tice from 2006. Tice provides a better idea of how some of the sorting might have happened.

Tice: Say you're pretty sure you're looking for terrorists, and you're pretty sure that the percentage of women terrorists as opposed to men is pretty [small]. So you just filter out all female voices. And there's a way to determine whether the signature of the voice is male or female. So, boom, you get rid of 50 percent of your information just by filtering there. Then from your intelligence work you realize that most terrorists never talk more than two minutes. So any conversation more than two minutes, you immediately filter that out. You start winnowing down what you're looking for.

Q: Without really knowing what it is you're looking for?

Tice: Right. And if you can develop a machine to look for the needle in the haystack and what you come out with from having the machine sift through the haystack is a box of straw, where maybe the needle's in there and maybe a few bonus needles, then that's a whole lot better than having humans try to sift through a haystack.

Sounds like a pretty easy system for determined terrorists to game.

The main point of the Threat Level post, though, is that 1) this involved more than just telecom (and email) providers. It also included our banks and whatnot, and 2) since former participants in this system will always invoke

executive privilege (and state secrets) the only way to figure out what happened would be to subpoena the CEOs of the companies to testify.

I spoke with Tice extensively in the spring of 2006. With Bush still in power, the whistleblower was considerably more taciturn than on television last week. But looking back through the transcript of my interviews now, in the context of his new revelations, it seems clear that Tice was saying that credit card companies and banks gave the same kind of cooperation to the government that phone companies did.

"To get at what's really going on here, the CEOs of these telecom companies, and also of the banking and credit card companies, and any other company where you have big databases, those are the people you have to haul in to Congress and tell them you better tell the truth," he said at the time. "Because anyone in the government is going to claim executive privilege."

You might recall, incidentally, that both Arlen "Scottish Haggis" Specter and John Dingell tried to subpoena the telecom executives, with Dingell having more success than Specter. I'm fairly sure no one subpoenaed the email providers, and I don't think anyone subpoenaed the credit card providers and banks and database companies with respect to the wiretapping program.

But we did note here, during the debates, that immunity was going to extend far beyond AT&T and Verizon, to those database companies and banks and email providers.

So what does that do to our ability to learn what happened? Can—and would—the Obama Administration give the contractors the clearance to speak about this program? Wasn't that precisely what BushCO was trying to avoid

by buying their silence with immunity? And remember, the IG review of the program currently going on does not touch the role of the providers—so Glenn Fine is specifically prohibited from telling us what those providers were doing.

Threat Level is absolutely correct in saying that the corporations hold the key to understanding how our government spied on us. But it's not clear we're likely to get that key anytime soon.