

THE HBGARY SCANDAL: USING COUNTERTERRORISM TACTICS ON CITIZEN ACTIVISM

As I described on the Mike Malloy show on Friday and as Brad Friedman discusses in his post on being targeted by the Chamber of Commerce, the essence of the Chamber of Commerce/Bank of America/HBGary scandal is the use of intelligence techniques developed for use on terrorists deployed for use on citizens exercising their First Amendment rights.

ThinkProgress has a post making it clear that the Chamber of Commerce's nondenial denials don't hold up. In this post, I'll begin to show the close ties between the tactics HBGary's Aaron Barr proposed to use against Wikileaks and anti-Chamber activists and those already used in counterterrorism.

Barr Says He's Done this with Terrorists

I will get into what we know of Barr's past intelligence work in future posts, but for the moment I wanted to look just at his reference to analysis he did on FARC. Barr's HBGary coder, who sounds like the smartest cookie of the bunch was balking at his analysis of Anonymous for several reasons—some of them ethical, some of them cautionary, and some of them technical. In the middle of an argument over whether what Barr was doing had any technical validity (the coder said it did not), Barr explained.

The math is already working out. Based on analysis I did on the FARC I was able to determine that Tanja (the dutch girl that converted to the FARC is likely managing a host of propoganda profiles for top leaders. I was able to associate

key supporters technically to the FARC propaganda effort.

He's referring to Tanja Anamary Nijmeijer, a Dutch woman who has been an active FARC member for a number of years. And while it's not proof that Barr did his analysis on Nijmeijer for the government, she was indicted in the kidnapping of some American contractors last December and the primary overt act the indictment alleged her to have committed was in a propaganda function.

On or about July 25, 2003, JOSE IGNACIO GONZALEZ PERDOMO, LUIS ALBERTO JIMENEZ MARTINEZ, and TANJA ANAMARY NIJMEIJER, and other conspirators, participated in making a proof of life video of the three American hostages. On the video, the FARC announced that the "three North American prisoners" will only be released by the FARC once the Colombian government agrees to release all FARC guerrillas in Colombian jails in a "prisoner exchange" to take place "in a large demilitarized area." The proof of life video was then disseminated to media outlets in the United States.

In any case, Barr is referring to an ongoing investigation conducted by the Miami and Counterterrorism Section of DOJ, with assistance from the DNI.

His "proof" that this stuff works is that it has worked in the past (he claims) in an investigation of Colombian (and Dutch) terrorists.

Now it's not at all clear that it is valid (I'll have more to say on this in the future, too). Barr's coder argued that what he's measuring is only guilt by association, not real association (see where this begins to sound familiar?). TechHerald, in a useful analysis of the paper he was going to give on Anonymous, judges,

His research has plenty of interesting

aspects, but seems to have several flaws as well. He is right when he says social media can be used to target and exploit people and organizations, but wrong when he assumes the spider web links between people are proof positive of anything criminal or malicious.

In other words, what Barr has done has mapped out associations with no guarantee the associations mean anything, much less any involvement in a particular group.

Our Intelligence Agencies Talk to HBGary

The fact that Barr's project is so dubious is all the more troubling, given that DOJ and our intelligence community seemed prepared to take his work seriously. Barr's emails make it clear that he was in talks on February 4 with several branches of our intelligence community about sharing his analysis of Anonymous.

>> Interesting Day.

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>> So I have been contacted by OSD (Rosemary [Wenschel, head of Cyberops at DOD]), FBI, USG, and now DNI...all today.

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>> I have a meeting with FBI/OSD Monday @ 11am.

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>> Met with some folks at my old customer today (I should fill u in on that).

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>> And looks like a meeting to be set up with Dawn [Meyerriecks, head of DNI's Acquisition and Technology]...

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>> Let me know if you would like to get

together.

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>> Aaron

The reference to USG or “my old customer” may mean the CIA, as someone signing an email MFM that was sent from CIA’s public domain name contacted Barr about “timely capabilities” on the 4th as well. (“My old customer” may also mean TASC and/or NSC, since Barr was in talks about being bought out to work in TASC’s Ft. Meade office.)

Barr’s contemplated work (and in some cases, ongoing discussions) with entities like DOD’s Cyberops, NSA, and CIA is all the more troubling given an exchange he had with his former colleague from Northrup Grumman. Barr described the meeting with his former client, emphasizing that that client was not capable of “doing the right activities” “because of authority and policy restrictions.”

The conversation was very interesting today. They admit they had no idea this was happening until it hit the streets. They have no idea how to manage things like this in the future. And they agree they are not capable of doing the right activities (like I did) to be better prepared in the future because of authority and policy restrictions.

That is, whoever the client was, they agreed that they couldn’t do the kind of spying domestically Barr could because of policy restrictions.

Barr’s former colleague asked “Do you suppose there might be a market for an offshore intel gathering organization that would sell results?” To which Barr responded, “absolutely needed. Government is not going to get out of their way anytime soon to be able to do this work.”

As I will show in the future, Barr had already

done this kind of analysis within the intelligence community. He had pushed to apply it to citizen activism (as well as Anonymous, though some of the people he targeted may also have engaged solely in First Amendment protected activities), and the intelligence community was anxious to hear about his Anonymous work (though there's no indication they knew how dubious it was).