

DOD CONSIDERS ILLEGAL DATA MINING PART OF CAPITAL CRIME

I've written two posts on the software that Bradley Manning is alleged to have loaded onto SIPRNet (here, here). Wired has now gotten a little more detail about what the software was: DOD says it was some kind of data mining software, though they won't say of what kind. Wired goes on to suggest that presence of the software may make it easier for DOD to prove intent with Manning (though I rather suspect the idea is to prove collaboration with WikiLeaks personnel; furthermore, Wired's tie of the data mining software to Manning's alleged illegal access of the State cables has one problem—that he probably couldn't access such things after he got demoted).

But the entire time I read the following passages, I couldn't help but think of the illegal data mining DOD's component, NSA, conducted on American citizens in 2004 even after Congress had specifically defunded such activities.

Accused WikiLeaks source Pfc. Bradley Manning installed and used unauthorized "data-mining software" on his SIPRnet workstation during the time he allegedly siphoned hundreds of thousands of documents off that classified network, the Army said Friday in response to inquiries from Threat Level.

Manning's use of unauthorized software was the basis of two allegations filed against him this year in his pending court martial, but the charge sheet listing those allegations was silent on the nature of that software.

On Friday, an Army spokeswoman clarified the charges. "The allegations ... refer to data-mining software," spokeswoman

Shaunteh Kelly wrote in an e-mail.
"Identifying at this point the specific software program used may potentially compromise the ongoing criminal investigation."

[snip]

If Manning installed data-mining software on his SIPRnet workstation, that could potentially strengthen the government's case against the alleged leaker.

After all, Wired at least suggests data mining is proof of guilt. Yet the agency that may be crafting such arguments not only violated privacy laws for years, but continued to data mine Americans for months after Congress had specifically prohibited funding from being used for such things. And DOD now wants to prosecute the person it alleges engaged in such illegal data mining with a capital crime.

Maybe the whole thing would be more credible if our government hadn't become such a criminal itself?