

THE TRUTH: THE NSA HAS BEEN WORKING ON DOMESTIC SPYING FOR TEN-PLUS YEARS



[graphic: Electronic Frontier
Foundation via Flickr]

The yapping of national security conservatives, whether self-identified as Republicans or Democrats, obscures the truth when they denigrate Edward Snowden's flight to Hong Kong and subsequent attempts at whistleblowing.

The truth is this:

- Others before Snowden tried to go through so-called chain of command or proper channels to complain about the National Security Agency's domestic spying, or to refuse the NSA's efforts to co-opt them or their business. These efforts did not work.
- They were obstructed, harassed, or punished for their efforts. It did not matter whether they were insiders or outsiders, whistleblowers or plaintiffs, the results were the same for:
 - William Binney,
 - Thomas Drake,
 - Mark Klein,

- Thomas Tamm,
 - Russell Tice,
 - and J. Kirk Wiebe,
 - as well as Joseph Nacchio.
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- The effort to spy on Americans, violating their privacy and taking their communications content, has been underway since before the Bush administration. (Yes, you read that right: BEFORE the Bush administration.)
 - Three presidents have either failed to stop it or encouraged it (Yes, including Bill Clinton with regard to ECHELON).
 - The program has been growing in physical size for more than a decade.

One document in particular [PDF] described the challenge of the NSA , from which this excerpt is drawn:

Defendant ATT's Construction of a Call Monitoring Center for the Exclusive Use of the NSA.

81. Within eleven (11) days of the onset of the Bush administration, and at least seven (7) months prior to the attacks of September 11, 2001, defendant ATT began development of a center for monitoring long distance calls and internet transmissions and other digital information for the exclusive use of the NSA.

82. The center was put into development by ATT following a proposal by the NSA for the construction and development of a network operations center identical to ATT's own network operations center located in Bedminster, New Jersey for the exclusive use of the NSA.

83. The NSA proposal was accepted by the ATT sales division and referred to ATT Solutions, an ATT project development division situated in Florham Park, New Jersey.

84. The NSA proposal sought construction of a duplicate ATT Network Operations Center for the exclusive use of the NSA with the capacity to monitor all calls and internet traffic placed on the ATT long distance network, as well as ATT's wide area, fiber optic, T-1, T-3, T-5 and high speed data networks.

85. Such a data center would also enable the NSA to tap into any call placed on the ATT network and to monitor the contents of all digital information transmitted over the ATT network.

86. The project was described in the ATT sales division documents as calling for the construction of a facility to store and retain data gathered by the NSA from its domestic and foreign intelligence operations but was to be in actuality a duplicate ATT Network Operations Center for the use and possession of the NSA that would give the NSA direct, unlimited, unrestricted and unfettered access to all call information and internet and digital traffic on ATT's long distance networks.

87. Said data center would enable the NSA to tap into any phone line and to monitor any digital transfer of information on ATT's networks including voice telephone calls, facsimile transmission and all internet traffic.

88. Such project was in development not later than February 1, 2001, within eleven (11) days of the onset of the Bush Administration.

89. The NSA program was initially conceived at least one year prior to 2001 but had been called off; it was reinstated within 11 days of the entry into office of defendant George W. Bush.

90. The NSA program was code-named Pioneer-Groundbreaker and was also known

at ATT Solutions division as GEMS (Groundbreaker Enterprise System).

91. International Business Machines Corporation (IBM) was one of the parties working with ATT and the NSA to develop the monitoring center and IBM personnel participated in meetings with ATT and NSA officials in the development of the monitoring center.

92. Among the purposes of the Pioneer-Groundbreaker project was the storing and monitoring of all phone call information coming across ATT's networks; by means of this program NSA sought to duplicate all of the phone call information that came across ATT's networks for real time, contemporaneous analysis or, alternately, for downloading and later use by the NSA.

93. The proposed project was to be a storage entity modeled on ATT's network operations center in Bedminster, New Jersey, and would have the capability to monitor all data and traffic that came across ATT lines, including ATT traffic and traffic originating from other carriers that used ATT lines or that sent calls to ATT customers.

94. The NSA was seeking to duplicate the ATT network operations center and sought by means of the Pioneer-Groundbreaker program the ability to monitor all traffic coming across ATT's network.

95. The contact list for the Pioneer-Groundbreaker project consisted of a minimum of 35 ATT employees dedicated in whole or in part to the Pioneer-Groundbreaker program.

96. An ATT Solutions logbook reviewed by counsel confirms the PioneerGroundbreaker project start date of February 1, 2001.

97. The ATT Solutions logbook confirms the dates and transmissions of copies of ATT, IBM and NSA e-mails setting forth the existence of the Pioneer-Groundbreaker program; said e-mails remain in the custody, possession and control of ATT, IBM and NSA.

98. Said logbook was maintained pursuant to ATT Solutions policy in the regular course of business by telecom engineers at ATT Solutions.

99. Counsel have been informed of the foregoing information by several informants who had direct knowledge or who have received direct admissions by ATT personnel as to the foregoing facts.

100. ATT has not denied any of the allegations in the media disclosures of May 11, 2006.

101. Accordingly, defendant carrier ATT was engaged in active and knowing participation and conspiracy to violate 18 U.S.C. 2702, et seq., in concert with the United States not later than February 1, 2001.

The same document – the Plaintiffs’ Amended Complaint in the Groundbreaker lawsuit filed 23-JUN-2006 – also describes telecom employees’ awareness of the domestic spying program(s), the employees’ frustration or acceptance of the program(s), and the expectation that “plausible deniability” would be used in the defense of the program(s).

What’s not clear almost exactly seven years later:

- Did AT&T complete construction of the facility described on behalf of the NSA?
- Did other telecom firms construct similar facilities for similar use by the NSA?
- Are these among the “satellite”

facilities James Bamford referred to in his WIRED article about the NSA's Bluffdale UT data center?

- What exactly was the AT&T facility described supposed to contain – metadata, phonecall content, digital content, or all of these?

These are only a fraction of the unresolved questions that emerged from the Groundbreaker lawsuit alone. Far too many questions are unborn simply because of the secrecy driving suppression of all attempts at oversight.

Given the failed attempts by previous whistleblowers and the long unresolved questions about the NSA's domestic surveillance, it's no wonder at all why Edward Snowden felt compelled to flee to Hong Kong in order to be heard. Statistically speaking, staying here and going through the "proper channels" has been a bust.