

JAMES “TOO CUTE BY HALF” CLAPPER’S DENIAL

James Clapper made a [somewhat unprecedented](#) denial of Le Monde’s report ([French](#), [English](#)) about the NSA’s dragnet, denying the eye-popping numbers on the volume of French spying (70.3 million in a month) we do.

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Recent articles published in the French newspaper Le Monde contain inaccurate and misleading information regarding U.S. foreign intelligence activities. The allegation that the National Security Agency collected more than 70 million “recordings of French citizens’ telephone data” is false.

While we are not going to discuss the details of our activities, we have repeatedly made it clear that the United States gathers intelligence of the type gathered by all nations. The U.S. collects intelligence to protect the nation, its interests, and its allies from, among other things, threats such as terrorism and the proliferation of weapons of mass destruction.

The United States values our longstanding friendship and alliance with France and we will continue to cooperate on security and intelligence matters going forward.

Now, for what it’s worth, this seems the product of somewhat bad translation of the English for the Le Monde article, which started as this,

Parmi les milliers de documents soustraits à la NSA par son ex-employé figure un graphique qui décrit l’ampleur des surveillances téléphoniques

réalisées en France. On constate que sur une période de trente jours, du 10 décembre 2012 au 8 janvier 2013, 70,3 millions d'enregistrements de données téléphoniques des Français ont été effectués par la NSA.

And then a worse translation back into English, which produced this,

Amongst the thousands of documents extracted from the NSA by its ex-employee there is a graph which describes the extent of telephone monitoring and tapping (DNR – Dial Number Recognition) carried out in France. It can be seen that over a period of thirty days – from 10 December 2012 to 8 January 2013, 70,3 million recordings of French citizens' telephone data were [made](#) by the NSA.

I'm not going to explain this perfectly, but effectively it took a verbal that could mean the tape recording or the data notation of calls and turned it into a gerund that has the connotation in English of a discrete tape recording (note also the really cloddish use of the passive in a situation where you wouldn't use it in English).

And from that, Clapper pounced on the "recordings" and presented them – in a quotation taken out of context – as discrete phone calls recorded individually. NSA's not doing that, he says.

But we knew that. What they're doing is intercepting call data in bulk and then sorting through what they want to keep.

It's worth noting that the comment on the Boundless Informant screen Le Monde gets this from, however, [refers to](#) a more accurate calls "interceptées." None of that excuses Le Monde's presentation of it as such, particularly not its weak English translation which Clapper exploited (which isn't, however, the actual language that

has given François Hollande an opportunity to pretend to be shocked, and his English-only gotcha would be useful in refuting this for actual French readers). But that's one source of the gotcha.

Now, as I said, this is relatively unprecedented. In the recent "[interview](#)" with Keith Alexander, NSA [issued](#) non-denial denials about info sharing with Israel. But there have been few very specific denials like this one.

And why would there be? Should we now assume all the other facts that have come out, anywhere in the world, are true? That Clapper has gone out of his way to do so, it seems, suggests the IC doesn't dispute any other facts, which is almost certainly not the case, but nevertheless a fair assumption given their attention to this discrete point.

The one exception to this general rule, though, suggests why Clapper may have used this bad translation to claim gotcha! It just so happens to pertain to the [WSJ story](#) on upstream Internet collection, which offers this description of how the collection works (note, this would differ from the upstream collection in France in communication type – phone versus Internet – and presumably the degree of filtering going on).

The systems operate like this: The NSA asks telecom companies to send it various streams of Internet traffic it believes most likely to contain foreign intelligence. This is the first cut of the data.

These requests don't ask for all Internet traffic. Rather, they focus on certain areas of interest, according to a person familiar with the legal process. "It's still a large amount of data, but not everything in the world," this person says.

The second cut is done by NSA. It briefly copies the traffic and decides which communications to keep based on

what it calls “strong selectors”—say, an email address, or a large block of computer addresses that correspond to an organization it is interested in. In making these decisions, the NSA can look at content of communications as well as information about who is sending the data.

The big takeaway from that article was that the initial run on this data at the telecoms have the ability to get 75% of the Internet content in the US, a number just as impressive as the 70.3 million calls in a month.

The system has the capacity to reach roughly 75% of all U.S. Internet traffic in the hunt for foreign intelligence, including a wide array of communications by foreigners and Americans. In some cases, it retains the written content of emails sent between citizens within the U.S. and also filters domestic phone calls made with Internet technology, these people say.

To deny that claim, ODNI [issued](#) an even more misleading denial (and one that ultimately presented no complaint about the WSJ reporting).

The reports leave readers with the impression that NSA is sifting through as much as 75% of the United States’ online communications, which is simply not true.

That is, as with Le Monde’s admittedly misleading bad translations, Clapper denied something other than what the article in chief claimed (though again, I do think Le Monde got legitimately gotchaed here).

Perhaps the most interesting aspect of this is the recurrent efforts to use gimmicks to deny misrepresentations but not the underlying discussion that NSA is getting access to

(whether an analyst touches it or not)
unbelievable volumes of communications.

In other situations, both Clapper, [very aggressively and dishonestly](#), and Dianne Feinstein, [via misinformation](#), have tried to obscure how much volume NSA accesses with its backbone collection.

It's becoming the one thing they try to deny, over and over, via whatever means no matter how dishonest. And yet thus far, this linguistic gotcha is the closest they've ever come to ever issuing a factually honest denial to the otherwise confirmed fact that they are collecting vast amount of data directly off telecom backbones.