

FORMER TOP NSA OFFICIALS INSIST EMPLOYEES ARE LEAVING BECAUSE OBAMA IS MEAN, NOT BECAUSE THEY OBJECT TO NSA'S CURRENT ACTIVITIES

Ellen Nakashima has a story that purports to show 1) significant morale problems at the NSA and 2) proof that the morale stems from Obama's failure to more aggressively support the NSA in the wake of the Edward Snowden revelations.

The story relies in significant part on former NSA IG Joel Brenner and two other former officials who insisted on remaining anonymous because "they still have dealings" with the NSA.

"The agency, from top to bottom, leadership to rank and file, feels that it is had no support from the White House even though it's been carrying out publicly approved intelligence missions," said Joel Brenner, NSA inspector general from 2002 to 2006. "They feel they've been hung out to dry, and they're right."

A former U.S. official – who like several other former officials interviewed for this story **requested anonymity because he still has dealings with the agency** – said: "The president has multiple constituencies – I get it. But he must agree that the signals intelligence NSA is providing is one of the most important sources of intelligence today."

“So if that’s the case, why isn’t the president taking care of one of the most important elements of the national security apparatus?”

[snip]

A second former official said NSA workers are polishing up their résumés and asking that they be cleared – removing any material linked to classified programs – so they can be sent out to potential employers. He noted that one employee who processes the résumés said, “I’ve never seen so many résumés that people want to have cleared in my life.”

Morale is “bad overall,” a third former official said. “The news – the Snowden disclosures – it questions the integrity of the NSA workforce,” he said. “It’s become very public and very personal. Literally, neighbors are asking people, ‘Why are you spying on Grandma?’ And we aren’t. People are feeling bad, beaten down.”

Does “still have dealings with the agency” mean these people still contract to it, indirectly or directly? If it does, how much of this contracting works through The Chertoff Group, where a slew of former officials seem to have had remarkably consistent interests in spreading this line for months? Nakashima might want to provide more details about this in any future of these stories, as it may tell us far more about how much these men are profiting for espousing such views.

After all, while they do provide evidence that NSA employees are leaving, they provide only second-hand evidence – evidence that is probably impossible for any of these figures to gain in depth personally – that the issue pertains to Obama’s response.

And there are at least hints that NSA employees

might be leaving for another reason: they don't want to be a part of programs they're only now – thanks to compartmentalization – learning about

We can look to the two letters the NSA has sent to “families” of workers for such hints.

The first, sent in September (page one, page two, h/t Kevin Gosztola), got sent just 3 days after the release of documents showing NSA had been violating just about every rule imposed on the phone dragnet for the first three years it operated (partly, it should be said, because of Joel Brenner's inadequate oversight at its inception). In the guise of providing more context to NSA employee family members about that and recent disclosures, Keith Alexander and John Inglis wrote,

We want to put the information you are reading and hearing about in the press into context and reassure you that this Agency and its workforce are deserving and appreciative of your support. As a family member of an NSA/CSS employee, whether civilian or military, you are an essential element in the successful conduct of our job protecting and defending our country. Your support helps each of us dedicate ourselves to our mission, encouraging us to do our best on behalf of the Nation. We, along with the rest of the NSA/CSS workforce, greatly value that support.

Some media outlets have sensationalized the leaks to the press in a way that has called into question our motives and wrongly cast doubt on the integrity and commitment of the extraordinary people who work here at NSA/CAA – your loved one(s). It has been discouraging to see how our Agency frequently has been portrayed in the news as more of a rogue element than a national treasure.

[snip]

However, we are human and, because the

environment of law and technology within which we operate is so complex and dynamic, mistakes sometimes do occur. That's where the unique aspect of our culture comes into play. We self-report those mistakes, analyze them, and take action to correct the root causes.

Of course, the phone dragnet problems were not a mistake at all. Rather, they stemmed from the NSA retaining many, if not all, the aspects of the illegal phone dragnet it replaced, even though the FISA Court authorization did not permit many aspects of that earlier program.

But Keith Alexander, who almost certainly knew that, and at the very least oversaw the retention of those earlier illegal aspects of the program, felt the need to hand his employees (the overwhelming majority of whom were not read into the phone dragnet) a program ostensibly telling others a narrative that is pretty demonstrably false, all to convince the collective audience that the NSA wasn't a rogue agency.

Then the NSA used the occasion of Thanksgiving to send another plaintive case, ostensibly to "family and close friends" of NSA employees.

This one came in the wake of far more damning revelations. Not only had the NSA twice been caught programmatically conducting illegal wiretapping of Americans in America, after which it started stealing data from American companies overseas to conduct the same wiretapping with no oversight. That overseas collection includes the collection of cell location. Once collected, NSA can search for US person information in it – including content – with no reasonable articulable suspicion. In addition, NSA had also been systematically weakening US cybersecurity in its zeal to support spying and cyberattacks overseas.

In the wake of these disclosures, NSA not only focused more on NSA's "warfighter support" role

(something that has almost nothing to do with all this dragnet collection), but also provided a series of obviously misleading bullet points to claim that NSA performs its mission "the right way" (emphasis original; I guess NSA thinks its employees or their family are a bit obtuse).

NSA performs its mission the right way – lawful, compliant, and in a way that protects civil liberties and privacy.

- *NSA analysts do not decide what topics to work. They respond directly to requirements driven by the President's Intelligence Priorities, documented in the National Intelligence Priorities Framework and managed by the Office of the Director of National Intelligence.*
- *NSA does not target U.S. citizens or permanent resident aliens unless that targeting is premised on a finding or probable cause to believe that the person is a foreign power or the agent of a foreign power. NSA's activities are governed and constrained by law and policy. We operate*

under oversight by all three branches of government:

legislative, judicial, and executive.

- *NSA does not and will not steal industry secrets in order to give U.S. companies a competitive advantage.*
- *NSA does not and will not demand changes by any vendor to any product, nor does it have any authority to demand such changes.*

In this set of bullet points, NSA does not deny they choose the methods of collection, including the overseas dragnets. It very misleadingly talks about targeting so as to ignore the vast amount of “incidentally-” and “intentionally-” collected US person data it gathers and the back door searches it can subsequently do on that data. It falsely claims that an Agency increasingly reliant on EO 12333-authorized activities that get no FISC and little Intelligence Committee oversight “operate under oversight by all three branches of government.” And it provides two non-denial denials to accusations that go to the core of NSA’s self-mythology: that it doesn’t engage in industrial espionage, and doesn’t deliberately make us all less secure by weakening encryption.

The NSA’s denials are getting increasingly pathetic the closer to the core of NSA’s manufactured self-image they get.

Interestingly, beyond the authorization at the top of the bullet points “to share the following points with family and close friends” and its

pre-Thanksgiving timing, there's nothing in the second document that directly addresses family and friends, as opposed to NSA employees themselves.

Which brings us to a key detail often forgotten in this mess. Most of the NSA's employees have not been read into many of these programs. And while the NSA has issued the same kinds of threats to security clearances for reading the original leaked documents as State and other governmental agencies did during WikiLeaks releases (though the court documents showing programmatic illegal wiretapping are declassified and available at the I Con the Record site available to NSA employees), so much more of these disclosures have made the news, including the WaPo, for NSA employees to be learning some of this for the first time.

That raises the distinct possibility that NSA morale is low not because the President hasn't given them a pep talk, but because they're uncomfortable working for an Agency that violates its own claimed rules so often. Most of the men and women at NSA have been led to believe they don't spy on their fellow citizens. Those claims are crumbling, now matter how often the NSA repeats the word "target."

So while it's certainly news (if true – the report here is based on second-hand reporting) that an unprecedented number of NSA employees are seeking not only to leave, but to hide that they ever worked on some of these programs, the claim that they're leaving because Obama is being mean is just one potentially self-interested explanation for the exodus.

I look forward to some reporting on whether that potentially self-interested claim stands up to scrutiny.