

NOTORIOUS “FOIA TERRORIST” JASON LEOPOLD “SAVES” FBI OVER \$300,000

Last week, Jim Comey suggested the FBI paid more for the vulnerability that helped it break into Syen Rizwan Farook’s phone than he will be paid for the 7 years he’ll remain at FBI. The WSJ then did this math.

Speaking at the Aspen Security Forum in London, FBI Director James Comey didn’t cite a precise figure for how much the government paid for the solution to cracking the phone but said it was more than his salary for the seven-plus years remaining in his term at the FBI.

His annual salary is about \$180,000 a year, so that comes to \$1.26 million or more.

“[We] paid a lot” for the hacking tool, Mr. Comey said. “But it was worth it.”

Over 600 outlets covered that story, claiming – without further confirmation – that FBI paid over \$1 million for the hack, with many accounts settling on \$1.3 million.

I noted at the time that 1) Jim Comey has a history of telling untruths when convenient and 2) he had an incentive to exaggerate the cost of this exploit, because it would pressure Congress to pass a bill, like the horrible Burr-Feinstein bill, that would force Apple and other providers to help law enforcement crack phones less expensively. I envisioned this kind of exchange at a Congressional hearing:

Credulous Congressperson: Wow. \$1M.
That’s a lot.

Comey: Yes, you’ll need to triple our

budget or help me find a cheaper way.

Lonely sane Congressperson: But, uh, if we kill security won't that be more expensive?

Comey: Let me tell you abt time I ran up some steps.

I then mused that, because Comey had officially acknowledged paying that kind of figure, it would make it a lot easier to FOIA the exact amount. By the time I tweeted that thought, of course, Jason Leopold had already submitted a FOIA for the amount.

Sure enough, the outcome I figured has already happened: without offering an explanation for the discrepancy, Mark Hosenball reported today that the figure was actually under \$1 million, and FBI will be able to use it on other phones.

The FBI paid under \$1 million for the technique used to unlock the iPhone used by one of the San Bernardino shooters – a figure smaller than the \$1.3 million the agency's chief initially indicated the hack cost, several U.S. government sources said on Thursday.

The Federal Bureau of Investigation will be able to use the technique to unlock other iPhone 5C models running iOS 9 – the specifications of the shooter's phone – without additional payment to the contractor who provided it, these people added.

Just one FOIA submission later (and, probably, the calls of a bunch of outraged members of Congress wondering why FBI paid \$1.3 million for a hack they claimed, in explaining why they would not submit the hack to the Vulnerabilities Equity Process that might require them to share it with Apple nine months after Apple patched it, they didn't understand at all), and all of a sudden this hack is at least \$300,000 less

expensive (and I'm betting a lot more than that).

You see how effective a little aggressive FOIAing is at reining in waste, fraud, and abuse?

A pity it can't reverse the impact of all those credulous reports repeating Comey's claim.