

NSA COLLECTION: SHOW ME THE \$\$

As part of its superb piece on NSA spying on Tuesday, Frontline included interviews with key sources. In my opinion, the most enlightening was that with former HPSCI staffer Diane Roark, so you should read that entire interview (especially her comments on NSA at 9/11).

Both she and Tom Drake mention a part of the illegal NSA program that has been largely forgotten: the financial records. Here's Roark's non-denial.

And from what you knew at that point, what type of information was taken, and how pervasive was the collection?

It is now quite obvious, since the Snowden revelations, that the program grew progressively over time. Initially, I knew that it involved a lot of broad domestic surveillance, bulk collection, domestically. And I knew that it involved emails, landlines, regular house phones, cell phones. I also knew that they had branched out into non-communications data.

Which is what, bank records?

I'm not really – they have not acknowledged that. All I can tell you is that when I met the second time with Gen. Hayden in July, I said to him that it appeared the program was expanding, not only in number of servers, but also that two new data categories had recently been added, and he nodded to confirm that. I knew that one of those data programs was not communications data. ...

And other commentators have made allusions to other personal data that may be collected. Of course, we all know

that transportation data, airline data is connected. We know that international banking data is collected; that has been acknowledged. But there have been allusions to other items, too, by people hypothetically, such as credit, medical, banking and so on.

And here's Drake's more explicit mention of it.

You watched the president [George W. Bush] come out and say this is a valuable program; one side of the communications has to be outside; we're following terrorists; this has prevented attacks on our country. The vice president [Dick Cheney] attacks the *Times* for publishing. You're watching this, and you know what's going on inside. What are you thinking?

This actually was part of the triggering event for me in which increasingly I knew I was going to have to touch the third rail, back to your earlier question. I realized that they were lying, that they were desperate to protect the domestic surveillance program. And so they could use the excuse, although it was still in violation of FISA, that as long as one link somehow was tied to a suspected terrorist, that justified collecting or targeting the link that was in the United States proper.

That was just the tip of the iceberg. The far larger program was the dragnet surveillance, the vast bulk copy of millions and millions of phone records, email records, Internet usage and financial transactional and credit card information.

Since the Snowden leaks started we've heard almost nothing about this. There have been the

two stories about the CIA collecting Western Union records with at least one end foreign. There is the 2010 Section 215 order tied to an allegedly specific investigation, which must long post-date the CIA-related orders.

What happened to this collection? Is it the April 2, 2004 modification we have never learned about? Is it the second secret Section 215 appendix included in Glenn Fine's 2008 report? Have they been accomplishing this via NSLs, or perhaps only recently moved it to Section 215? I have suggested in the past that for domestic records, FBI would be the likely lead ... is that right?

The financial records collection has, outside of Shane Harris' book (on TIA), completely disappeared.

But it must be under a new shell somewhere.