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## 11th session of 1st German commission of inquiry

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## Agenda (/bnd-nsa/sitzungen/11/page-1.html)

July 3, 2014, 12.00 o'clock

Synopsis Stenographic Minutes

Public Consultation

Chairperson: Prof. Dr. Patrick Sensburg, MdB

Public hearing of witnesses

William Binney (evidence conclusion Z-3)  
Thomas Drake (evidence conclusion Z-29)

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## WikiLeaks Synopsis

This is the hearing of witnesses William Binney and Thomas Drake, both NSA whistleblowers. They are questioned on the current situation with regards to mass surveillance, their personal technical and organisational backgrounds, as well as the former and current state of allied governments' cooperation with the NSA.

### Proceedings

This meeting brings the evidence (</bnd-nsa/sitzungen/11/page-6.html#efmAf7AgN>) to the inquiry of the federal print matter 18/843 by hearing Mr. William Binney and Mr. Thomas Drake as witnesses.

The witnesses are heard one after the other. William Binney ([/bnd-nsa/sitzungen/11/page-8.html#efmAVUAV\\_](/bnd-nsa/sitzungen/11/page-8.html#efmAVUAV_)) gives a short input and Thomas Drake (</bnd-nsa/sitzungen/11/page-116.html#efmASnATC>) starts with extensive elaborations. Both witnesses are questioned on their backgrounds and on the hearing topics. The members of the commission pose questions in the following order: chairperson, Die Linke, CDU/CSU, Buendnis 90/Die Gruenen, SPD as well as CDU/CSU, Die Linke, SPD und Buendnis 90/Die Gruenen. In the case of William Binney three rounds of questions are conducted, and one round is given for Thomas Drake.

Below, a sample of the questions as well as certain passages are linked to the document transcript, where the answers of the witnesses can be read in both English and German.

### Testimony from William Binney

*Bill Binney (</bnd-nsa/sitzungen/11/page-8.html#efmAUqAWB>) is former Technical Director of the World Analysis and Reporting in the NSA and chief of the Technical Advisory Panel to the Foreign Relations Counsel for the NSA.*

#### **Input from William Binney ([/bnd-nsa/sitzungen/11/page-8.html#efmAVUAV\\_](/bnd-nsa/sitzungen/11/page-8.html#efmAVUAV_))**

The decision to do bulk acquisition of information on everyone in the world was taken after September 11, 2001. Since then total information awareness is the goal. Making sense of the collected information now is one of their major problems. A lot of potential errors and mistakes are possible. Attacking individuals in that sense is not just a violation of the fundamental rights of individuals under the American constitution but is one of international implications, too. Everyone in the world has rights to privacy. The government takes a very ugly path here, using a totalitarian procedure that every dictatorship through history has always done.

### Questions for William Binney

#### **Questions from Prof. Dr. Patrick Sensburg**

- Education, technical competencies, start of career at NSA and initial assessments (</bnd-nsa/sitzungen/11/page-11.html#efmAI0ALu>)
- Professional contracts, salary, benefits (</bnd-nsa/sitzungen/11/page-14.html#efmAIRAJp>)
- Tasks at the NSA and examples (</bnd-nsa/sitzungen/11/page-17.html#efmAQCAQr>)

- Promotion and career, conditions of promotion and support, particularly in the technical track, lateral recruits from the private sector (/bnd-nsa/sitzungen/11/page-21.html#efmAnDAoY)
- Clearance, responsibilities and decision authority (/bnd-nsa/sitzungen/11/page-24.html#efmAObAOo)
- Concrete technical subjects: ThinThread (/bnd-nsa/sitzungen/11/page-26.html#efmAVwAWS)

Excerpt from Binney's response (/bnd-nsa/sitzungen/11/page-27.html#efmAJuAL9)

"When you start collecting massive amounts of data from the fiber optic lines, volume becomes a really big problem."

Sensburg's interim conclusion (/bnd-nsa/sitzungen/11/page-28.html#efmAmeAnL)

"You are [...] the analyst, who was responsible as technical director for all three strands – S-1/-2/-3. You emphasised that in strand 1 in particular, the collection of data is so enormous that strand 2 – the analysis – and 3 – the assessing report – is barely possible due to the mass of data. Do I understand that correctly?"

Cf. also: Collected data do not help against terrorism (/bnd-nsa/sitzungen/11/page-32.html#efmAPpAQP).

Follow-up questions from Sensburg

- Legitimation and ordering of software, relation between private sector and NSA concerning development of programmes, e.g. Trailblazer? (/bnd-nsa/sitzungen/11/page-29.html#efmARDARr)
- Further motivation for mass storage? (/bnd-nsa/sitzungen/11/page-33.html#efmAVoAWO)

Excerpt from Binney's response (/bnd-nsa/sitzungen/11/page-33.html#efmAVoAWOaeiAfx)

"[T]hat's basically the idea of population control. Also, law enforcement is the primary user of this data. [...] They can go in and look at it so they can tell the entire communities of people like the Tea Party or the Occupy groups or any religious groups or any political group inside the U.S.."

Follow-up questions from Sensburg

- Nationality and selection of surveilled citizens (Americans or Germans? Selection of targets?) (/bnd-nsa/sitzungen/11/page-35.html#efmAjcAkN)
- Collaboration between NSA and BND, availability of surveillance software on the free market (/bnd-nsa/sitzungen/11/page-38.html#efmAcfAdJ)
- Knowledge about Edward Snowden, his official tasks, career, assessments, clearance? (/bnd-nsa/sitzungen/11/page-41.html#efmANrAOU)
- Does encryption really protect or only attract all the more attention? (/bnd-nsa/sitzungen/11/page-44.html#efmAHHAHu)

### Questions from the parliamentary groups

Martina Renner (DIE LINKE) (/bnd-nsa/sitzungen/11/page-45.html#efmAHHAHyAb1AcU)

- Collection of communication content? Determination of search routines?
- Has the NSA taken orders from foreign, e.g. German, authorities?
- How do surveillance technologies today differ from those in your time?

Christian Flisek (SPD) (/bnd-nsa/sitzungen/11/page-49.html#efmASDASb)

- Self-conception/mission and philosophy of the NSA? Cooperation with US-communication companies? How does one fall into the suspicion-zone?

Dr. Hans-Ulrich Krüger (SPD) (/bnd-nsa/sitzungen/11/page-52.html#efmAYfAY8)

- Industry espionage? Interception of transatlantic communication connections?

Burkhard Lischka (SPD) (/bnd-nsa/sitzungen/11/page-53.html#efmAVsAWI)

- Motivation to intercept heads of allied governments? Strategic internal discussion in the NSA?

Dr. Konstantin von Notz (BÜNDNIS 90/DIE GRÜNEN) (/bnd-nsa/sitzungen/11/page-55.html#efmAi8Ajq)

- Factional dispute on caesura after 9/11? Has pressure been exerted to obtain cooperations? Details on communication exchange between NSA and other agencies?

Roderich Kiesewetter (CDU/CSU) (/bnd-nsa/sitzungen/11/page-59.html#efmAHGAHr)

- Exchange of data between NSA and fiscal and other authorities? Real-time access on data?
- On self-assessment programmes for the NSA that you have developed and suggested: why have they not been implemented?

From Binney's answer (/bnd-nsa/sitzungen/11/page-60.html#efmAbRABr):  
Two reasons: 1. Analysts did not want to be surveilled. 2. Administration did not want to reveal cash flow processes and all internal remittances.

Follow-up questions from Kiesewetter:

- Contribution to Stellar Wind? What is the USSID?

Andrea Lindholz (CDU/CSU) (/bnd-nsa/sitzungen/11/page-63.html#efmAeiAe\_)

- Data collection by NSA in Germany – has the collection actually been done inside Germany?
- Did BND get data from the NSA that they themselves would not have been allowed to ascertain?
- Which of Snowden's revelations are really new?

Marian Wendt (CDU/CSU) (/bnd-nsa/sitzungen/11/page-68.html#efmAf1AgV)

- Echelon?

Dr. Tim Ostermann (CDU/CSU) (/bnd-nsa/sitzungen/11/page-69.html#efmAdYAd3)

- What do you regret concerning your work at the NSA?

### **Second round of questions**

DIE LINKE (/bnd-nsa/sitzungen/11/page-70.html#efmAagAbA)

- How and how much communication world wide and in Germany is intercepted?
- Cooperation between NSA and German authorities?
- Personal knowledge of secret contracts between NSA, BND, between governments on exchange of data? (/bnd-nsa/sitzungen/11/page-

72.html#efmAYNAY0) (Binney responds: "Yes" (/bnd-nsa/sitzungen/11/page-72.html#efmAYNAY0Aa3AbR))

Follow-up questions from DIE LINKE:

- So-called ring-exchange of data between secret services, especially to evade domestic laws? (/bnd-nsa/sitzungen/11/page-73.html#efmAcoAdM)
- Return service of BND for ThinThread-code?

CDU/CSU (/bnd-nsa/sitzungen/11/page-75.html#efmAdIAeJ)

- Is USSID 18 available for reading? Interception of partner states' data, e.g. programme Ragtime?
- The German government has explicitly denied your statement, that the BND got the ThinThread-source-code. (/bnd-nsa/sitzungen/11/page-77.html#efmAdKAjo) Has ThinThread ever been practically implemented in the USA?
- Why did you not complain about mass surveillance in public earlier?
- Have you ever been prosecuted for your public accusations against the NSA? (/bnd-nsa/sitzungen/11/page-80.html#efmAefAh4)
- Since when did you know about surveillance implants in servers and routers? What exactly is new since 2001? (/bnd-nsa/sitzungen/11/page-83.html#efmAN9AOi)

BÜNDNIS 90/DIE GRÜNEN (/bnd-nsa/sitzungen/11/page-84.html#efmANIAOM)

- Are the Snowden documents real?
- Does the NSA exert mass surveillance even up till now and during the last three years? (/bnd-nsa/sitzungen/11/page-84.html#efmAd1Aef)
- Auxilliary constructions to use mass surveillance data in lawsuits against official regulations? (/bnd-nsa/sitzungen/11/page-85.html#efmAaJAa4)
- Who else except for the NSA has got access to NSA data, e.g. private sector companies? (/bnd-nsa/sitzungen/11/page-86.html#efmAULAU0)

SPD (/bnd-nsa/sitzungen/11/page-87.html#efmAX9AYU)

- Advice for Snowden? Danger for him, if he enters into/stays in Germany?
- Trust in IT-providers, fundamentally?
- Suggestions for parliamentary control, reforms in the USA?
- Technical controls for asserting technical limitations in the NSA?

### Third round of questions

DIE LINKE (/bnd-nsa/sitzungen/11/page-91.html#efmALPALz)

- Sham firms on behalf of secret services to obtain technical solutions?
- Has BND stated doubts in terms of the front-end source code of ThinThread? Do you know the name of BND members who, back then, were involved in the ThinThread case? (/bnd-nsa/sitzungen/11/page-92.html#efmAHLAHw)
- Have U.S. citizens ever initiated cases against the NSA due to misuse or surveillance of their data? (/bnd-nsa/sitzungen/11/page-92.html#efmAHLAHwAVsAWJ)
- Engagement of NSA with drug trafficking?

CDU/CSU (/bnd-nsa/sitzungen/11/page-94.html#efmARIARw)

- How many Germans' data are intercepted by NSA? How can surveillance be reverted again?
- Before 2001, was there only mass surveillance of US-citizens?

- NSA data in lawsuits?
- Has ThinThread been deployed by the BND?
- Have you spoken publicly about mass data before or only after Snowden? Are the Snowden documents crucial because they offer concrete evidence for the first time? (</bnd-nsa/sitzungen/11/page-100.html#efmAPDAPO>)
- Signals for a policy change (in terms of protection of privacy) in the NSA?

BÜNDNIS 90/DIE GRÜNEN (</bnd-nsa/sitzungen/11/page-101.html#efmANZAOG>)

- Why must we have data exchange between intelligence agencies of different countries?
- Do governments have to sign respective agreements or only secret service authorities? (</bnd-nsa/sitzungen/11/page-102.html#efmAMBANH>)
- Do intelligence agencies transfer information to the private sector? (</bnd-nsa/sitzungen/11/page-102.html#efmAajAbQ>)
- Consequences of current debate on community of shared values, considering Russia, North Korea, China etc. in particular?
- Does mass surveillance to date still happen? (</bnd-nsa/sitzungen/11/page-104.html#efmAKAAKO>)
- Is mass data collected, retained and processed in Europe as well? (</bnd-nsa/sitzungen/11/page-106.html#efmATNAT5>)
- Better legal protection of population in the USA?
- Collection of data at the Internet node Frankfurt, without the provider's knowledge?

## Testimony from Thomas Drake

*Thomas Drake (</bnd-nsa/sitzungen/11/page-116.html#efmAKJAK4ASnATC>) is a former senior executive at the NSA. He was Senior Change Leader reporting to the Director of Signals Intelligence as the Chief of the Change Leadership & Communications Team, and also served as a Technical Director for Software Engineering Implementation across all of NSA. He became a whistleblower after challenging the NSA's Trailblazer project.*

Initial statement from Jesselyn Radack, Thomas Drake's lawyer and legal advisor (</bnd-nsa/sitzungen/11/page-113.html#efmASQASn>)

### **Summary of Input from Thomas Drake (</bnd-nsa/sitzungen/11/page-116.html#efmASnATD>)**

Secrecy destroys democracy. (</bnd-nsa/sitzungen/11/page-120.html#efmAP8AVT>). The unfettered surveillance state apparatus is a fundamental breach of trust and abuse of power and simply went too far unilaterally on numerous fronts in terms of aggrandising executive branch power with few checks and balances, when it was entirely and categorically unnecessary to do so. Casting such wide nets is just ineffective. (</bnd-nsa/sitzungen/11/page-151.html#efmAH0AKR>); the utter lack of safeguards for the rights of non-citizens is a ticking digital time bomb. Who controls whom? How can it be realised that national security does not outweigh constitutionally protected rights and freedoms?

NSA and corporate partners are profoundly embedded within Germany. Germany's control of its intelligence agencies is too weak. BND's silence is deafening. These secret surveillance programs were born following 9/11, as the result of willful decisions made by the highest levels of the United States government.

Quotes from Thomas Drake's input:

"9/11 was the equivalent of the Reichstag Fire in the United States" (/bnd-nsa/sitzungen/11/page-133.html#efmAlJAp6).

"My criminal case is direct evidence of an out-of-control and 'off the books' government that is increasingly alien to the Constitution and democracy both at home and abroad" (/bnd-nsa/sitzungen/11/page-128.html#efmALpASI).

"They claim these records are used only to track down terrorists overseas, and that collection is carefully vetted - and that it's all legal. I'm here to tell you that these are all lies" (/bnd-nsa/sitzungen/11/page-147.html#efmAbXAeN).

Will the German government trim back data exchanges with the United States, knowing that they would lose access to the privileged inner-circle (On the cooperation between BND and NSA (/bnd-nsa/sitzungen/11/page-151.html#efmAH0AKRAV0AWV))? Will Germany consequently assert and tighten the control of its own agencies? There must be far more strict legal constraints on the bulk collection of data - (some recommendations on that (/bnd-nsa/sitzungen/11/page-158.html#efmAGfAHG)).

## Questions for Thomas Drake

Roderich Kiesewetter (CDU/CSU) (/bnd-nsa/sitzungen/11/page-161.html#efmAKIAKw)

- Concrete examples of cooperation between BND and NSA?
- Comparison between 9/11 and Reichstag Fire: do you suggest that the USA has developed 9/11?
- What collaboration does the NSA have with Google, Facebook and Twitter?
- Knowledge of accusations against NSA at Church Committee? (/bnd-nsa/sitzungen/11/page-164.html#efmAOJAOv)
- Concerning Snowden documents on "Transfer of the NSA-intercept instrument XKeyscore to the Federal Office for the Protection of the Constitution (BfV)": The BND would provide technical support, because the programme contains "CES equities" (/bnd-nsa/sitzungen/11/page-165.html#efmATnAUO) that a "non-technical partner" unintentionally could jeopardise. - What does "CES-equities" stand for, and what is a "non-technical partner"?

Additional question from Sensburg (/bnd-nsa/sitzungen/11/page-166.html#efmAQIARI)

- What cooperation between NSA and Google already existed 9/11 and how have they been expanded? Do you have further knowledge of corporations working closely with the NSA?

Excerpt from Thomas Drake's response (/bnd-nsa/sitzungen/11/page-168.html#efmAdFAf3): "The concern I have, once again, is: Why would Europe - including Germany - so overly rely on US-based companies that are known to have extraordinarily deep relations with the NSA?"

Tankred Schipanski (CDU/CSU) (/bnd-nsa/sitzungen/11/page-168.html#efmAdFAf3AjOajv)

- How can you compare the memory of the Stasi in June 17th, 1953 to the actions of the NSA?
- BND as "vermiform appendix" of the NSA?
- How and by whom has the source-code of ThinThread been delivered?

Martina Renner (DIE LINKE) (/bnd-nsa/sitzungen/11/page-

171.html#efmAUfAU9)

- Additional question on cooperation of NSA with private sector: who at the NSA is occupied within the respective secret department concerning cooperations with the private sector?
- Praxis of "ring-exchange" (exchange of data between intelligence agencies to evade domestic law)? (/bnd-nsa/sitzungen/11/page-172.html#efmAkdAIA) Which data has been exchanged?
- Do you know of concrete cases where information has been delivered e.g. by BND or BfV? (/bnd-nsa/sitzungen/11/page-173.html#efmAa8AbZ)

Christian Flisek (SPD) (/bnd-nsa/sitzungen/11/page-174.html#efmAgaAgx)

- Further information (except for the addressed agreements) on collaboration between BND and NSA?
- What exactly do you refer to, when you say that Germany is used as a platform for deployment of drones (including assassinations)?
- Does this mean a control of strikes over American military bases in Germany or a direct cooperation between BND and NSA?
- Is there a concrete exchange of target data?
- Do these data facilitate the assertion of factual (deadly) strikes? (/bnd-nsa/sitzungen/11/page-177.html#efmANtAOO)
- Which organisational entities of the NSA have been responsible for these deployments? Return service between agencies for exchange of information?
- Within which regulations did the collaboration between NSA and e.g. Google take place (Keyword Enduring Security Framework)? (/bnd-nsa/sitzungen/11/page-179.html#efmAJqAKC)
- What concrete significance did the Internet node Frankfurt have?

Dr. Konstantin von Notz (BÜNDNIS 90/DIE GRÜNEN) (/bnd-nsa/sitzungen/11/page-180.html#efmAiXAJE)

- Do you know any individuals from IT or telecommunication corporations that should be invited by this commission?
- Who was it, that after 9/11 said to you "We need all data?" - can this person be invited?



WL Research Community - user contributed research based on documents published by WikiLeaks.  
(<https://our.wikileaks.org>)



Tor is an encrypted anonymising network that makes it harder to intercept internet communications, or see where communications are



Tails is a live operating system, that you can start on almost any computer from a DVD, USB stick, or SD card. It aims at preserving



The Courage Foundation is an international organisation that supports those who risk life or liberty to make significant



Bitcoin uses peer-to-peer technology to operate with no central authority or banks; managing transactions and the issuing of bitcoins is

coming from or going to. (https://www.torproject.org/) your privacy and anonymity. (https://tails.boum.org/) contributions to the historical record. (https://www.couragefound.org/) carried out collectively by the network. (https://www.bitcoin.org/)

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