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On The Media

Not All Plots, Not All Thwarted

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Summary Transcript

Transcript

BROOKE GLADSTONE: While we're on the subject of government misdirection, let's consider the number 54, otherwise known as "over 50" or "dozens." Back in June, after the first of Edward Snowden's NSA leaks were published, NSA chief, General Keith Alexander testified before Congress about the success of its surveillance program.

GENERAL KEITH ALEXANDER: In recent years the information gathered from these programs provided the U.S. government with critical leads to help prevent over 50 potential terrorist events in more than 20 countries around the world.

BROOKE GLADSTONE: President Obama echoed that statement that same week while on a visit in Germany, with Angela Merkel by

his side, and no doubt before she knew that her own phone was being surveilled, Obama made the case for the importance of the program.

PRESIDENT OBAMA: We know of at least 50 threats that have been averted because of this information, not just in the United States but, in some cases, threats here in Germany.

BROOKE GLADSTONE: Eventually, the “over 50” transformed into the more specific “54.” At the end of July, Congressman and chair of the House Intelligence Oversight Committee, Mike Rogers, went on CBS's Face The Nation, where he told Bob Schieffer -

[CLIP]:

REP. MIKE ROGERS: That's a pretty impressive record, zero privacy violations, 54 terrorist attacks that saved real American lives and our allies, as well. That's, that – that's real success.

[END CLIP]

BROOKE GLADSTONE: Some went a step further, like Representative James Lankford, at a town hall meeting in August.

[CLIP]:

REP. JAMES LANKFORD: So that's been used 54 times, to be able to interrupt 54 different terrorist plots here in the United States that had originated from overseas –

MAN: No!

REP. JAMES LANKFORD: - in the past eight years. That's documented.

[END CLIP]

BROOKE GLADSTONE: Fifty-four attacks here in the United States. The NSA itself didn't even make that claim. In September NSA Chief Alexander testified before the Senate, where he offered a more nuanced explanation of the program's success.

[CLIP]:

GEN. KEITH ALEXANDER: NSA's programs have contributed to understanding, disrupting 54 terror-related events - 25 in Europe, 11 in Asia and 5 in Africa and 13 in the United States.

[END CLIP]

BROOKE GLADSTONE: "Contributed to understanding," not exactly the same as prevented or thwarted. ProPublica's Justin Elliott says that the notion that the NSA surveillance program has thwarted 54 terrorist attacks has been picked up and spread, largely unchecked, by media and members of Congress.

JUSTIN ELLIOTT: Some outlets did better than others, but often the original sort of heavily-qualified version, "This surveillance has contributed to our understanding of 54 terrorist-related activities,"

often those qualifications would fall away, and the media version would just become, "These surveillance programs thwarted 54 plots."

BROOKE GLADSTONE: You call it a zombie assertion.

JUSTIN ELLIOTT: Right, if one was going to be cynical. From the NSA's perspective, you could expect that this would happen, this very carefully worded statement that's a – you know, a 35- or 40-word sentence that Keith Alexander originally came out with in June. You know, the media is not going to be able to handle that and it's just going to become, "Fifty-four attacks thwarted by NSA surveillance."

BROOKE GLADSTONE: You say that the AP was actually an exception to this rule.

JUSTIN ELLIOTT: Yeah, the AP, to its great credit, did an excellent story when the NSA came out and said, here's an example of one of these cases. And the example had to do with a plot to attack the New York subway system back in 2009, which everyone agrees was an actual real terrorist plot. They're citing this case to defend some of this new surveillance that you can do without a warrant. The AP did a close fact check of that claim, and they said, look, it, it may be true, as the NSA says, that these surveillance programs helped. But, on the other hand, no judge would deny you a warrant to surveil an al Qaeda email address, so arguably that's not a particularly good defense of this new warrantless program.

BROOKE GLADSTONE: What prompted you to write the story you did, about the number 54, was because of an event that happened on Capitol Hill. It was during a hearing.

JUSTIN ELLIOTT: Senator Patrick Leahy was questioning Keith Alexander, the head of the NSA.

[CLIP]:

SEN. PATRICK LEAHY: Would you agree that the 54 cases that keep getting cited by the administration were not all plots, and of the 54 only 13 had some nexus to the US? Would you agree with that, yes or no?

GEN. KEITH ALEXANDER: Yes.

[END CLIP]

JUSTIN ELLIOTT: Patrick Leahy has seen the full list, and he's actually gone further and said, not only are the 54, quote, unquote, "events" not all plots, the NSA surveillance did not play a significant role in all these events.

BROOKE GLADSTONE: We have this number. It has become something of a fixture; it's a zombie eating our brains. And what do you want the media to do about it?

JUSTIN ELLIOTT: I understand why, if Keith Alexander goes out there or, certainly. President Obama goes out there and, and makes

this claim, you're gonna quote it. I mean, that's what you should do. I think it's reasonable to do two things after that. One is to ask for evidence that it's true, which some outlets, to their credit, have. And the next thing is if that evidence is not forthcoming, to add a sentence that says, "The NSA has not substantiated this claim." And, in this case, I would go even further and say, "In the 4 cases out of the 54 that they have detailed, this is what we know and, frankly, those examples are, are rather weak.

BROOKE GLADSTONE: What do we know about those four examples?

JUSTIN ELLIOTT: One of them is the New York subway plot.

BROOKE GLADSTONE: Which could have been foiled, you think, with a simple warrant.

JUSTIN ELLIOTT: Right, according to the AP's analysis.

BROOKE GLADSTONE: Mm-hmm.

JUSTIN ELLIOTT: Another one is a case of a guy, Basaaly Moalin, a Somali American living in San Diego who, according to the NSA, was found via the phone metadata program, and he was ultimately convicted of sending \$8500 Somali militant group, al-Shabaab. So that- that's a real conviction of - for materials for, for - for terrorism, but that is not, I don't think anyone would argue, a terrorist plot that has been thwarted.

BROOKE GLADSTONE: Mm-hmm.

JUSTIN ELLIOTT: It's a - catching a guy who was sending \$8500 to al-Shabaab.

BROOKE GLADSTONE: Mm-hmm.

JUSTIN ELLIOTT: Another example involves David Coleman Headley, who was an American involved in the Mumbai terrorist attacks and, according to the NSA, a subsequent attack that he was planning on a, I believe, a Dutch newspaper was stopped with the help of NSA surveillance. One of my colleagues, Sebastian Rotella, who has been covering the Mumbai case and Headley for a long time, looked at that and determined that the real thing that broke that case was a tip from British intelligence, not NSA surveillance. And finally, a group of men in Kansas City were convicted, again, of material support for terrorism for sending money to Yemen. The NSA came out and said that those same men were actually also planning an attack on the New York Stock Exchange. But they were never charged with that. According to court filings in their case, it was one of these things where they were due going around for New York Stock Exchange, again, I think, hard to call that a plot that was thwarted. Those are the four episodes that they have gone public with, so I think that's sort of an important piece of context that outlets should consider including or, at least keeping in mind when they're quoting this number.

BROOKE GLADSTONE: Some might say, well, if this metadata collection even partially thwarted a partial plot, that's good enough.

JUSTIN ELLIOTT: Sure, and I mean, if that's the argument that people want to make, I think it's a completely legitimate argument and that that's a debate that can be had on the merits. I just think you have to have an agreed-upon set of facts about the actual record here to have that debate in an informed way.

BROOKE GLADSTONE: Justin, thank you very much.

JUSTIN ELLIOTT: Thanks a lot.

BROOKE GLADSTONE: Justin Elliott is a reporter for ProPublica.

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