

The Original NSA Whistleblower

Intelligence analyst William Binney's revelations preceded Edward Snowden's by more than decade. Why didn't anyone listen?

Nick Gillespie | Apr. 17, 2014 10:00 am

"Where I see it going is toward a totalitarian state," William Binney says of the National Security Agency (NSA), the place where he worked for 30 years before becoming a whistleblower and eventually quitting. "You've got the NSA doing all this collecting of material on all of its citizens—that's what the SS, the Gestapo, the Stasi, the KGB, and the NKVD did."

Binney resigned from his high-ranking post as technical leader for intelligence in 2001. In 2002, more than a decade before Edward Snowden's NSA revelations rocked the world, he and several former colleagues went to Congress and the Department of Defense, requesting that the NSA be investigated. Not only was the super-secretive agency wasting taxpayer dollars on ineffective programs, they argued, it was broadly violating constitutional guarantees to privacy and due process.

The federal government didn't just turn a blind eye to the abuses Binney and company warned against; it accused the whistleblowers of leaking state secrets. A federal investigation of Binney—including an FBI search and seizure of his home and office computers that destroyed his consulting business—exonerated him on all charges. "We are a clear example that [going through] the proper channels doesn't work," he says. It's no wonder that Snowden went to the media first, Binney says, even if (in Binney's estimation) the now-resident of Russia was wrong to leak documents not directly related to unconstitutional NSA surveillance of American citizens.

Binney, now retired, still believes that his old employer is vital to national security, but he thinks technological advances and an expansive appetite for power have unmoored it from constitutional considerations. He sat down with **reason's** Nick Gillespie in January to discuss the NSA's "Trailblazer" program, his experience being raided by the FBI, and how the NSA could be reformed. For video of the interview, [click here](#), or see the embedded video at the end of this article.

reason: In 2002 you, Kirk Wiebe, and Edward Loomis asked the Department of Defense to investigate the NSA for wasting money on Trailblazer. What was Trailblazer?

William Binney: Trailblazer was the NSA's attempt to catch up with the digital age. The problem is, Trailblazer didn't do anything. As far as I know, it didn't produce anything for roughly a little over \$4 billion.

reason: You were a champion of a program called ThinThread, as opposed to Trailblazer, that would allow you to focus on information you thought was obviously important.

Binney: Yes. In fact, we had that one running on three different sites, full time, 24 hours a day. In late November 2000 we had the entire problem solved.

reason: Why would the NSA say, "Yeah that's nice, but we don't want that. We're going to go with a big program that costs more money but doesn't get any results"?

Binney: Because it helps build their empire. It adds more people to the government rolls—more contractors, more contracts, more money. You get a bigger budget. You get a bigger organization.

reason: Do you have evidence that the NSA and other intelligence agencies were actually doing mass gathering of data and surveillance on Americans?

Binney: No. In fact, that was one of their major problems. They couldn't collect enough. The phone networks were much more easy to manage because they had the telecommunications companies helping them.

But the Internet was a totally different story, so they had to build that one. That's what Trailblazer was all about. They called it a Volume Velocity Variety problem. On the Internet you get Voice Over IP, video, file transfers, chatter, email, all kinds of things. So that was the "variety." "Velocity" is going the speed of light. And "volume" means there's a lot of it. But with ThinThread we looked at those as positive things. Volume means you get more data to look through to find your targets. You get more data on your targets. Velocity means, of course, you get it faster. Variety means you get more aspects. All of that's positive. That's what we leveraged and that's what we had working before 9/11.

reason: Do you think that the U.S. should have been able to stop 9/11?

Binney: Absolutely.

reason: What allowed 9/11 to happen? Is it a human failing? Is it a technological failing? Is it a political failing?

Binney: Well, it was probably a mixture of all of that. Human because, first of all, a lot of material they didn't recognize or didn't see in the database. They thought they had a lot of data. But really it was only probably one tenth of 1 percent of what was really out there. Even with that miniscule amount, they still couldn't find information.

The technology issue was one of automation. That is, we had to build in automated processes that would go through that data to pull out what was important, what we knew about, and what was related, so then we could push that to the top of the queue of analysts to look at.

reason: In 2005, you were involved in a *New York Times* exposé of the NSA's warrantless wiretapping program that caused quite a scandal in the Bush administration. In 2007, you were investigated by the FBI about possibly leaking national security statements. You were cleared of all charges but you were also raided by the FBI. What were they looking for? And did you actually leak state secrets? Now that you're cleared you can tell us the truth.

Binney: No. In fact they knew I didn't, because they had Stellar Wind. They had all my phone calls and emails.

reason: Talk about Stellar Wind.

Binney: Stellar Wind was the basic reason I left the NSA in 2001. That's when they started to take the program that I created to do social network reconstruction of anybody in the world, and direct it against everybody *in the United States*. That means they were basically putting a PEN register on every phone number in the United States. They call it trace-and-tap, where they put this device on your line and I can monitor who you call, how long you call them.

reason: And the NSA, statutorily, is not supposed to be looking at things within the United States except under very rare or very specific circumstances.

Binney: A warrant built on probable cause.

reason: What were you suspected of having done?

Binney: The whole idea was retribution for our complaint against the NSA for corruption, fraud, waste, and abuse. That was the reason they raided us. Everybody who signed that complaint was raided. That was Ed Loomis, Kirk Wiebe, myself, and also Diane Roark, who was the senior staffer on the House Intelligence Committee. We were all raided at the same time because of that, and they used the pretext of the *New York Times* leak of the warrantless wiretapping.

reason: They were claiming you were one of the leakers.

Binney: But they already knew from Stellar Wind that we had no contact with those people.

reason: So what happens when the FBI raids your house or raids your belongings?

Binney: They came up and pointed guns at my family and me as I was getting out of the shower. I just asked them if I could put some clothes on. And they went through and searched everything and took my computer.

reason: At that point you were running a consulting business.

Binney: We had a consulting business.

reason: That can't be good for business.

Binney: No, in fact it destroyed our business.

reason: Did you get your materials back?

Binney: Not all of them. They claimed that under the NSA Act of 1959, if there was something that was sensitive to them they could keep it and not tell us what it was or return it. So in other words, they claimed that some of the stuff was a pretext to justify the raid. That's all.

reason: You think it was to send a scare into you?

Binney: Yeah, it was to intimidate us to keep quiet.

reason: You're a patriotic fellow. You volunteered for the military during Vietnam. You spent your entire career at the NSA. Does this type of activity make you think twice about the goodness of the American experiment?

Binney: That's the reason I've been coming out publicly-because where I see it going is toward a totalitarian state. I mean you've got the NSA doing all this collection of material on all of its citizens. That's what the SS, the Gestapo, the Stasi, the KGB, and the NKVD did. These are the people I worked for for 30 years.

reason: A common feature in East Germany or in the Soviet Union was that you'd look out the window and you'd see your neighbor being hustled out and then nobody ever talked about them again. Is that really happening in the U.S., or is it likely to?

Binney: Well, they're using that data that the NSA is collecting to arrest people right now, through the Drug Enforcement Agency and the FBI. They're already doing that. And they don't have a warrant so they have to do a parallel construction to go out and find other material that would substitute for that.

reason: Wait. So you're saying then that the DEA uses data that they gather from an intelligence agency-

Binney: From NSA.

reason:-and then they can't say "we got this tip from NSA so we're arresting you," but they know that this person is doing this, that, and the other thing so then they go out and track them?

Binney: Actually, they go out and arrest them. In the article at Reuters they said, "We were told simply to go to this parking lot, wait for this truck to come in, and when it comes in and parks over there, go arrest them. Bring the drug dogs in and go find the drugs."

reason: Isn't that what intelligence is for? As long as they're going after guilty people, what's wrong with that? You and I, or at least me, I have nothing to worry about because I am not a criminal. What's wrong with that kind of logic?

Binney: I don't have any problem with it as long as they do it constitutionally. This is a direct violation of privacy of everybody in the country. After all, there are so many laws in this country you can find some law you're breaking. If they want to come after you, then they have a pretext now, because they have everything you've ever done recorded.

reason: This might just be the Cold Warrior, America's-number-one-fanboy in me going, but we're doing it better than the Soviet Union or the Stasi ever did right?

Binney: We're doing it better in terms of collecting amounts of data so that you can individually target people if you want to. We're not doing very good at stopping terrorist attacks, for example.

reason: If the government is capable of surveilling basically everything everybody's doing, how does that not lead to stopping every possible terrorist attack?

Binney: Because fundamentally they have to do it manually, which means they're limited in capacity. So if you draw the analogy of this needle in the haystack: If you're looking for that needle, it doesn't help at all to make the haystack orders of magnitude bigger. It only makes

the problem orders of magnitude harder to find it. And that's why they're fundamentally failing. They're causing themselves to become dysfunctional.

reason: But you also argue essentially that that's kind of the point. They want to have a bigger and bigger haystack because that's where their empire is, that's where their power is—not really in actually finding the needles.

Binney: That's right. That's the real problem. That's why I had to leave there. Because it was all built on corruption.

reason: You are a whistleblower. You and your colleagues went through official channels. Was that a wise decision?

Binney: Since I always viewed the United States as the guys who had the white hats, I thought: "Gee, if the people downtown in different congressional committees knew about this, they would start to fulfill their oath of office to protect and defend the Constitution and would do the right thing." And if not there, perhaps through the inspector generals or through the courts we could get that done.

So we kept trying for the better part of seven years to make that known, to try to get the government to start to address some of its criminal activity. But instead they went the other way, to the dark side basically, doing retroactive immunity for the crimes of the telecoms and the crimes they were committing and basically keeping everything else secret so nobody could show anything in court.

reason: Lets talk about Edward Snowden. Was he wise not to go through official channels?

Binney: We were a clear demonstration that official channels didn't work. They just simply don't work.

reason: You've been critical in some of your discussions of what Snowden is doing. You think that he has absolutely provided a public service in bringing up the order for Verizon that's come to light over the past year. But when he starts talking about how the U.S. is surveilling other foreign countries, you think that might not actually be very useful.

Binney: Yes. For example, the back doors and things like that in different systems. I think every country in the world tries to do this. And they try to market products with their companies around the world with these back doors in them.

reason: Essentially, that's where a particular country's intelligence service can basically skip into whatever somebody's doing, using a particular piece of hardware or software.

Binney: Right. Because of implanted software that would allow them to manipulate those devices.

reason: I guess what I'm getting at is that you are not anti-NSA. You are anti-the way intelligence and surveillance is being gathered now.

Binney: Yes, because they moved away from targeting the groups that were doing bad things, or militaries, or governments and things like that, into collecting information of every individual in the world. I mean, when you do that, not only do you make yourself dysfunctional because of the volume of information, but you're also creating this totalitarian process and spreading it around the world, which is infecting all the democracies.

reason: Is the NSA a fundamentally incompetent agency?

Binney: Let me put it to you this way. In the ThinThread program in the late '90s, we were preparing and proposing to do an automated analysis of the network log. That meant if you set up a communications network with a bunch of computers on it and servers, then, when anybody sends a line of instruction down the network it always gets logged. Like if you hit your mouse, that click will send an instruction down the line. Or if you type something into your computer and hit return, that sends an instruction down the line. All that could be mapped back to your position because it carries your MAC number and IP and so on so forth. The network log knows everything you're doing on the network, and we could follow what everybody was doing.

One of the primary reasons we would do that would be to watch what analysts do with the data so that we could see whether they were using good analytic techniques or not, if they needed training or something like that. We would use it as a training tool. But also, if anybody started to download something, you would know it immediately.

We ran into two main camps of opposition in doing that. The first one-and this is a good one-is the analysts objected to being monitored. Which is a joke, right? Considering what they're doing.

Secondly, management opposed it because we would know every transaction going on with money transfers, all the spending on a given program, all the program returns. We could monitor all that and then we could list it out in terms of auditability, what is the return on

investment in this program or that one. And management did not want that at all, because that could make them accountable for how they spent money and the success or failure of a program.

reason: So basically what you're saying is that at the most technologically sophisticated and powerful reaches of government, you're seeing exactly the same dynamics that you would find at the lowest-level kind of division of motor vehicle bureau: "Hey! I'm getting my job done. You don't have to look at me. You don't have to follow me. Just trust me."

Binney: Right. But that leads to corruption because they're not audited. The government doesn't audit NSA, or CIA, or any of the other intelligence agencies.

reason: They can't though, right? Because it's all sensitive material.

Binney: Nothing's stopping them from having a cleared analyst come in and doing an audit.

reason: Is there a way for the NSA to actually collect data within the United States which would not just be a blank check to do whatever they want?

Binney: Yes, I mean we had proposed that-we left those principles with them when we left. Once we had a U.S. person contacting a terrorist, we would do things like encrypt all the attributes so you couldn't tell who it was and then it would be in the collection database as well, so you never really had the truth. It was always under encryption. It would stay that way until you built probable cause. If you could build probable cause and show it to a court, then you could decrypt them and target them that way. And also pass it on to the FBI.

reason: They talk about reforming the FISA [Foreign Intelligence Surveillance Act] courts, that metadata should stay in private hands rather than immediately be done in public, that there should be an end to National Security Letters-which are essentially a writ of assistance or a suspicionless warrant-and there should be a civilian to head the NSA rather than a general. Are these things going to work?

Binney: All that stuff that they're talking about is like putting lipstick on a pig. That's basically what it is. It does absolutely nothing. Because no matter what they do, the courts and the intelligence committees and the rest of Congress really have no way of really verifying anything that the NSA or the FBI are telling them. For example, the FISA court-it was published by *The New York Times* as early as August 2002 that they were misleading that court to get warrants. They knew that from the beginning. This is a longstanding problem.

reason: How can you actually rein in the power of the NSA so that it is both protecting American lives and interests and staying within the constraints of the Fourth Amendment under the Constitution?

Binney: We proposed to Congress that the courts should have organic, technical capabilities with them and subordinate to them so they're directly responsible to them-not to any intelligence agency. These technical groups would then be cleared and have positions inside NSA, or FBI, or any of the other agencies, where they could go in, go across any network, look at any of the data that's in there, monitor what's available in those databases.

reason: In your construct, who would man those task forces that are able to go through it?

Binney: I think that it should be drawn from the set of hackers inside of the United States and that these hackers should be rotated periodically so that they don't get infected by the existing structure, like Congress is. So that you would always have a fresh set of hackers in there trying to find out what they're doing wrong.

reason: Your first brush with whistleblowerdom took place under the George W. Bush administration.

Binney: Our replacement for George III.

reason: Right. That did not go well. Bush was doing warrantless wiretapping. He was trying really to push the limits of executive power.

Binney: In secret.

reason: Yes. Now Barack Obama. Is he better? Is he worse?

Binney: Obama is doing much more in terms of-Look at the PRISM surveillance programs [revealed by Snowden]. Most of that occurred on his watch, and now they're building Bluffdale, the large storage facility, under him. And building more storage, an over 600,000-square-foot facility over here at Fort Meade. All this is happening under President Obama, and that's because they're collecting so much more data.

reason: One of the things that's a bitter irony is that Obama came in saying "I am going to be the most transparent, run the most transparent administration ever." Does he understand what's going on, or is he like a lot of congressman, just in a haze of what he's being told by people who won't actually let him into the champagne room?

Binney: I can only guess. I don't know for sure. But certainly I had a lot of hope when he came in because he was a constitutional lawyer. I thought he would say: "OK, these are the violations of the Constitution. Let's correct them."

reason: Or, "These are the limits of the Constitution, here's how we exceed them." Is this a knowing practice on his part, or is he just being faked out?

Binney: I think when he took office, one of the first things he did is get a security brief from all the intelligence agencies, and they listed out all the threats in the world and the things that they're doing to oppose the threats. I think what that did was probably scare him and maybe bamboozled him into thinking about their narrative. Once he buys into that, then he's locked. He's stuck with them. I think that's the way it happened.

reason: Would you recommend a career in government for your grandchildren or for people who are just graduating college?

Binney: I would, because I think that it's better to infiltrate and infect it from the inside with character and integrity. I mean, you can't get it from the outside because they simply lie to you. They smile, walk away, and keep doing their things. But if you infect it from the inside, you've got good people coming up the ranks.