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Bio: William Binney and J. Kirk Wiebe

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William Binney and J. Kirk Wiebe are clients of GAP and National Security Agency (NSA) whistleblowers who worked at the agency in excess of 36 years. As Technical Director, Binney developed a revolutionary information processing system called ThinThread that, arguably, could have detected and prevented the 9/11 terrorist attacks, but NSA officials ignored the program in favor of Trailblazer, a program that not only ended in total failure, but cost taxpayers billions of dollars.

Concerned over national security, Binney and Wiebe blew the whistle on the mismanagement over Trailblazer, using internal channels to share their concerns with Congress and the Department of Defense Inspector General (DoD IG). Despite their efforts, no one was held accountable at NSA for one of the worst intelligence failures in history. Little did they know at the time, Binney and Wiebe would face harsh retaliation from NSA for their efforts to make the truth known.

After the failure of U.S. intelligence to prevent the events of 9/11, the NSA wrongfully applied a component of the ThinThread system to illegally spy on the private communications of U.S. citizens. Unable to stay at the NSA any longer in good conscience, Binney and Wiebe retired in October 2001. After retiring, Binney and Wiebe continued to blow the whistle from outside the agency. GAP provided Binney and Wiebe with legal advice on whistleblowing matters and assisted them with media and public advocacy.

Since that time, Binney and Wiebe have made several key disclosures crucial to the ongoing public debate about America's national security state, such as the first public description of NSA's massive domestic spying program, Stellar Wind, which intercepts domestic communications without protections for US citizens. Binney revealed that NSA has been given access to telecommunications companies' domestic and international billing records, and that since 9/11 the agency has intercepted between 15 and 20 trillion communications. Binney further disclosed that Stellar Wind was grouped under the patriotic-sounding "Terrorist Surveillance Program" in order to give cover to its constitutionally-questionable nature.

Background

William (Bill) Binney is a former NSA crypto-mathematician, and J. Kirk Wiebe is a former NSA senior analyst who was awarded the Meritorious Civilian Service Award, NSA's second highest distinction. They both worked in the agency's Signals Intelligence Automation Research Center (SARC), and served in the NSA for decades. As Technical Director of the World Geopolitical and Military Analysis Reporting Group, Binney mentored some 6000 technical analysts that eavesdropped on foreign nations, collecting private phone calls and emails for NSA databases. However, with the expansion of the Internet during the 1990s and the explosion of communications that went with it, it quickly became clear that NSA could not keep up with, and effectively analyze, all the new data available. Working in the SARC, Binney and Wiebe both realized this was a dangerous vulnerability for NSA and the country.

In response, Binney and his team (of which Wiebe was a member), created a program – ThinThread – that could effectively isolate and streamline data in the new Information Age. More importantly, it could filter out all types of irrelevant data, thus eliminating the need to forward and store large amounts of information for subsequent analysis. To ensure the privacy rights of American citizens were adequately protected, Binney and his team installed an "anonymizing" feature to ensure Fourth Amendment protections for the communications of U.S. citizens.

ThinThread was ready to deploy by January 2001 – eight months before the 9/11 attacks. But NSA leadership, including then-NSA Director General Michael Hayden, ignored ThinThread in favor of an undeveloped program, Trailblazer – which existed only on paper and was far more costly. While ThinThread racked up a bill of only \$3 million, Trailblazer cost billions before it was cancelled in 2006. The culture of NSA itself gave favor to more expensive projects like Trailblazer. Trailblazer's large budget and requirements meant that it

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would benefit private contractors, where ThinThread (as an internal operation) was developed with existing NSA resources.

Though Binney and Wiebe continuously advocated for ThinThread among their superiors, they were ignored. In early 2000, they went to Congress to blow the whistle on the mismanagement and waste of funds they had witnessed in connection with Trailblazer. Diane Roark, a staffer on the House Permanent Select Committee on Intelligence with a reputation for aggressive oversight, attended several meetings. Their contact with Congress angered General Hayden, who denigrated Binney, Wiebe, and their colleagues after one congressional meeting. Hayden sent an internal memo accusing the whistleblowers of betraying the agency: "Actions contrary to our decisions will have a serious adverse effect on our efforts to transform NSA and I cannot tolerate them." In retaliation for communicating with Congressional overseers, Binney was demoted to a different position, so that he would not have easy access to the Congressional oversight committees. Wiebe was denied an assignment that would have been a career advancement.

Stellar Wind and the Wake of 9/11

NSA failed to detect 9/11 in advance of the attacks. But the 9/11 attacks didn't come as a complete surprise to Binney and Wiebe, as they had long been aware that NSA was incapable of handling all the communications data it received. This failure resulted from NSA's decision to shelve ThinThread and dump billions into Trailblazer while the latter failed to move beyond initial planning stages, and instead served as a funding vehicle. If ThinThread had been deployed in January 2001, as planned, Binney and Wiebe are confident that data indicating the movements of al-Qaeda in the days leading up to the attacks would not have been missed.

Meanwhile, in response to the terrorist attacks, President Bush approved new domestic surveillance programs, including Stellar Wind, which was organized and launched by NSA official **Ben Gunn** (<http://www.wired.com/threatlevel/2012/04/shady-companies-nsa/all/1>). Wiebe personally witnessed the program's launch one day when he noticed piles of new computer hardware lined up in the hallway of his SARC office. He made his way to the "Situation Room," a part of SARC's lab that deals with threat warnings, when Gunn almost removed him from the room. At that point, Wiebe knew something important was in the works.

Binney became aware of the program when members of his ThinThread team were drafted to work on it and, alarmed by its violations of the law, immediately approached Binney about it. Hearing their descriptions, Binney knew that Stellar Wind was based on a component of the ThinThread capability, without the built-in privacy protections. Without Binney's protections, any American could be targeted by name, phone number, or other attribute. Not only did Stellar Wind include collecting information on domestic phone calls, but also *the inspection of domestic email*.

At the outset, Stellar Wind recorded 320 million calls a day. However, the program continuously expanded, and Binney estimates that NSA has intercepted between 15 and 20 trillion transactions since 9/11. The massive data collection necessitated that the NSA have an enormous amount of storage capacity – the **giant data center currently under construction in Bluffdale, Utah** (http://www.wired.com/threatlevel/2012/03/ff_nsadatacenter/all/1) serves this purpose.

But the NSA was not only collecting data on Americans without a warrant – the agency approached telecommunications companies, asking them to participate and facilitate in surveillance. NSA gained access to AT&T's domestic and international billing records containing detailed information on telephone calls, such as when they were made. Verizon added its calls to NSA's data, giving the agency access to records for "over a billion and a half calls per day."

Binney and Wiebe attempted to persuade NSA to use their version of ThinThread, proposing an additional capability that would computerize the process of getting a warrant to spy on domestic communications based on probable cause. At the time, federal law gave NSA 72 hours (from the time of interception) to obtain a warrant to track American conversations. Automating the system would have made it possible to legally intercept a couple of million communications per day.

This proposal required close coordination with the courts, and NSA officials weren't interested. They continued to collect all the data they could find. "Get the data" was the new NSA mantra after the attacks, disregarding Americans' constitutionally-protected privacy rights. The Bush administration grouped Stellar Wind with a handful of other programs under the so-called "Terrorist Surveillance Program," which made it sound patriotic and made it politically difficult for Congress to challenge.

As they watched wasteful, fraudulent, and unconstitutional behavior involving both Trailblazer and Stellar Wind continue and expand after 9/11, both Binney and Wiebe knew they could no longer work for an agency that had strayed so far from its mission and the law. On October 31, 2001, both men accepted retirement packages.

Retirement and Continued Disclosures

As partners with a colleague in a newly-formed private company, "Entity Mapping, LLC", Binney and Wiebe worked to market their analysis program to government agencies. Although demonstrating success on several short-term contract efforts with the government, NSA continued to retaliate against them for blowing the whistle, ultimately preventing them from getting work, or causing contracts they had secured to be terminated abruptly.



Finally, after seeing no change at NSA, Binney, Wiebe, Diane Roark, and former NSA colleague Edward Loomis filed a complaint with the DoD IG in September 2002. The complaint accused the NSA of massive fraud, waste, and mismanagement in connection with NSA's rejection of ThinThread and endorsement of the failing Trailblazer. GAP client **Thomas Drake (/node/80)** did not sign the complaint, because he was still working for NSA at the time and feared retaliation. (*Drake was mentioned as an unnamed "DoD senior executive" in the complaint and became a critical material witness for the DoD IG, fully cooperating with the investigation and using proper channels to provide the office with thousands of documents – classified and unclassified*).

The resulting audit report from the DoD IG, which amounted to several hundred pages, was issued over two years later, in late 2004/early 2005. It substantiated the whistleblowers' concerns. Using FOIA, GAP obtained a **heavily-redacted copy of the audit report** (/sites/default/files/IGR.pdf) in 2011.

After the DoD IG report was issued, Binney and Wiebe continued to engage in protected whistleblowing activity, including reporting their concerns about waste and domestic surveillance to members of the House Permanent Select Committee on Intelligence.

New York Times Warrantless Wiretapping Story and Aftermath

In December 2005, the *New York Times* published an **explosive story disclosing the NSA's secret domestic spying program** (<http://www.nytimes.com/2005/12/16/politics/16program.html?pagewanted=all>). The FBI launched an expansive – and fruitless – investigation into the sources of the article, which at one time consumed five full-time prosecutors and 25 FBI agents. Although none of the DoD IG complainants were a source for the article, Binney, Wiebe, Diane Roark, and (later) Tom Drake were targeted as suspects. All

 (<https://twitter.com/GovAcctPr>)
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cooperated fully and voluntarily with the investigation.

In July 2007, the FBI conducted coordinated raids of each of the complainants of the DoD IG report. FBI officers held a gun to Binney's head as he stepped naked from the shower. He watched with his wife and youngest son as the FBI ransacked their home. Later Binney was separated from the rest of his family, and FBI officials pressured him to implicate one of the other complainants in criminal activity. During the raid, Binney attempted to report to FBI officials the crimes he had witnessed at NSA, in particular the NSA's violation of the constitutional rights of all Americans. However, the FBI wasn't interested in these disclosures. Instead, FBI officials seized Binney's private computer, which to this day has not been returned despite the fact that he has not been charged with a crime.

Meanwhile, Wiebe's family was subjected to a day-long armed raid, during which FBI agents rummaged through all the family's belongings, taking phone directories and computer hard drives containing business records and other personal information, some of which have still not been returned. Binney, Wiebe, and the other complainants were forced to sue (<http://www.baltimoresun.com/news/breaking/bs-md-nsa-property-response-20120119,0,5716807,full.story>) the NSA in November 2011, in order to attempt to recover their property.

The day after the raids, both Binney and Wiebe were summoned to NSA headquarters, where they were informed that the Agency was suspending their security clearances, a decision that cannot be adequately challenged. Binney had held a security clearance since 1965, and Wiebe since 1964.

Despite the extreme retribution for exposing fraud, waste and abuse of taxpayer dollars, Binney and Wiebe did not give up on reforming NSA's unconstitutional programs. They hoped that President Obama might be more open to reigning in the agency, given the constitutional concerns indicated. But when they brought their idea of an automated warrant approval system to the Department of Justice IG, no one was interested. DOJ refused to comment on the matter.

Going Public

In January 2010, the Department of Justice issued Binney and Wiebe identical letters of immunity. These important truth-tellers continue to receive advocacy and support from GAP. GAP has provided legal advice on whistleblowing matters and media and public advocacy assistance.

After going public, they have acted as sources for several significant news reports, including groundbreaking stories and important segments by *Wired Magazine* (<http://www.wired.com/search?query=bill+binney&cx=010858178366868418930%3Afk33zkiunj8&cof=FORID%3A9&ie=UTF-8>), *The New Yorker*

(http://www.newyorker.com/reporting/2011/05/23/110523fa_fact_mayer?currentPage=all), *60 Minutes* (<http://www.cbsnews.com/video/watch/?id=7366912n>), *Democracy NOW!* (<http://www.democracynow.org/search?query=bill+binney&commit=Search>), *Glenn Beck TV* (http://web.gbtv.com/media/video.jsp?content_id=21043131&topic_id=24584158), and *Viewpoint with Eliot Spitzer* (<http://current.com/shows/viewpoint/videos/nsa-whistleblowers-warn-of-secret-spying-programs-that-can-target-anyone/>).

Binney and Wiebe's disclosures continue to have a tremendous impact on the ongoing debate about the scope of the ever-expanding American national security state.