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## Whistleblower: The NSA Is Lying—U.S. Government Has Copies of Most of Your Emails

National Security Agency whistleblower William Binney reveals he believes domestic surveillance has become more expansive under President Obama than President George W. Bush. He estimates the NSA has assembled 20 trillion "transactions" — phone calls, emails and other forms of data — from Americans. This likely includes copies of almost all of the emails sent and received from most people living in the United States. Binney talks about Section 215 of the USA PATRIOT Act and challenges NSA Director Keith Alexander's assertion that the NSA is not intercepting information about U.S. citizens. *This interview is part of a 5-part special on growing state surveillance.* [Click here to see segment 1, 2, 3, and 5.](#) [Includes rush transcript]

### TRANSCRIPT

*This is a rush transcript. Copy may not be in its final form.*

**JUAN GONZALEZ:** Well, I wanted to ask William Binney about this issue. When it comes to snail mail, the old postal system, it's very tough for the government to intercept mail, except in times of war, particular situations. When it comes to phone conversations, land phone conversations, you need a warrant to be able to intercept phone conversations. But what about email, and what about the communication now that is really the dominant form that not only Americans, but many people around the world communicate? What are the restrictions on the government in terms of email?

**WILLIAM BINNEY:** Well, after some of the laws they passed, like the PATRIOT Act and their secret interpretation of Section 215, which is—my view, of course, is same as Tom Drake's, is that that gives them license to take all the commercially held data about us, which is exceedingly dangerous, because if you take that and put it into forms of graphing, which is building relationships or social networks for everybody, and then you watch it over time, you can build up knowledge about everyone in the country. And having that knowledge then allows them the ability to concoct all kinds of charges, if they want to target you. Like in my case, they fabricated several charges and attempted to indict us on them. Fortunately, we were

able to produce evidence that would make them look very silly in court, so they didn't do it. In fact, it was—I was basically assembling evidence of malicious prosecution, which was a countercharge to them. So...

**AMY GOODMAN:** Do you believe all emails, the government has copies of, in the United States?

**WILLIAM BINNEY:** I would think—I believe they have most of them, yes.

**AMY GOODMAN:** And you're speaking from a position where you would know, considering your position in the National Security Agency.

**WILLIAM BINNEY:** Right. All they would have to do is put various Narus devices at various points along the network, at choke points or convergent points, where the network converges, and they could basically take down and have copies of most everything on the network.

**AMY GOODMAN:** Jacob, your email?

**JACOB APPELBAUM:** Well, I selectively chose to use certain public services, like Sonic.net and Gmail, and I specifically did that so as to serve as a warning to other people. I didn't use it for anything interesting, never once emailed Julian, for example, from those accounts. But the U.S. government again asserted in those cases, according to the *Wall Street Journal*, which is one way to find out about what's going on with you—they asserted that they have the right to all that metadata. And it is possible—on Monday, I had a little interaction with the FBI, where they sort of hinted that maybe there might be a national security letter for one of my email accounts, which is also hosted by Google, specifically because I want to serve as a canary in a coal mine for other people.

**AMY GOODMAN:** A national security letter—it's believed the government has given out hundreds of thousands of those.

**JACOB APPELBAUM:** Yeah.

**AMY GOODMAN:** I have also written about NSLs. But if you get one, you are not allowed to talk about it, on pain of something like up to five years in prison, even to mention that you were handed a national security letter that said turn something over.

**JACOB APPELBAUM:** Yeah. That was the case of Nick Merrill, for example, who's a brave American, who essentially fought and won the NSL that was handed down to him.

**AMY GOODMAN:** And the librarians of Connecticut—

**JACOB APPELBAUM:** Yes.

**AMY GOODMAN:** —who were taking on the USA PATRIOT Act and didn't want to give information over about patrons in the library that the FBI wanted to get information on.

**JACOB APPELBAUM:** Right, absolutely. So, an NSL, what's specifically scary about it is that all that is required is for an FBI agent to assert that they need one, and that's it. And you don't have a chance to have judicial review, because you aren't the one served. Your service provider will be served. And they can't tell you, so you don't get your day in court.

**AMY GOODMAN:** Laura, can you set up this clip that we have?

**LAURA POITRAS:** Yes, actually, this is what Jake was alluding to. On Monday, there was a panel at the Open Society Institute. And Jake—and there was a deputy general counsel of the FBI who was present, and Jake had the opportunity to question her about national security letters.

**JACOB APPELBAUM:** Are you including national security letters in your comment about believing that there is judicial oversight with the FBI's actions?

**FBI DEPUTY GENERAL COUNSEL:** National security letters and administrative subpoenas have the ability to have judicial oversight, yes.

**JACOB APPELBAUM:** How many of those actually do have judicial oversight, in percentage?

**FBI DEPUTY GENERAL COUNSEL:** What do you mean by that? How many have—

**JACOB APPELBAUM:** I mean, every time you get a national security letter, you have to go to a judge? Or—

**FBI DEPUTY GENERAL COUNSEL:** No, as you well know, national security letters, just like administrative subpoenas, you don't have to go to a judge. The statute does allow for the person on whom those are served to seek judicial review. And people have done so.

**JACOB APPELBAUM:** And in the case of the third parties, such as, say, the 2703(d) orders that were served on my — according to the *Wall Street Journal* — my Gmail account, my Twitter account, and my internet service provider account, the third parties were prohibited from telling me about it, so how am I supposed to go to a judge, if the third party is gagged from telling me that I'm targeted by you?

**FBI DEPUTY GENERAL COUNSEL:** There are times when we have to have those things in place. So, at some point, obviously, you became aware. So at some point, the person does become aware. But yes, the statute does allow us to do that. The statute allows us.

**AMY GOODMAN:** Now, Jacob, explain who she was again.

**JACOB APPELBAUM:** So, my understanding is that she's the deputy general counsel of the FBI.

**AMY GOODMAN:** And the significance of what she has just said?

**JACOB APPELBAUM:** Essentially, what she says is, "We are just and righteous because you get judicial review. But there are some cases where you don't, and we are still just and righteous. And you should trust us, because COINTELPRO will never happen again." That's what I heard from that. And, in fact, later, someone asked about COINTELPRO and said, "How can we" —

**AMY GOODMAN:** The counterintelligence program that targeted so many dissidents in the 1970s.

**JACOB APPELBAUM:** Yeah. Tried to get Martin Luther King Jr. to kill himself, for example. The FBI wrote him a letter and encouraged him to commit suicide. So for her to suggest that it is just and right and that we should always trust them sort of overlooks the historical problems with doing exactly that for any people in a position of power, with no judicial oversight.

**JUAN GONZALEZ:** William Binney, what about the companies that are approached by the government to participate or facilitate the surveillance? Your sense of the degree of opposition that they're mounting, if at all? And also, has there been any kind of qualitative change since the Obama administration came in versus what the Bush administration was practicing?

**WILLIAM BINNEY:** Well, first of all, I don't think any of them opposed it in any way. I mean, they were approached to saying, "You'll be patriotic if you support us." So I think they saluted and said, "Yes, sir," and supported them, because they were

told it was legal, too. And then, of course, they had to be given retroactive immunity for the crimes they were committing. So—

**JUAN GONZALEZ:** Approved by President Obama.

**WILLIAM BINNEY:** And President Bush, yeah. It started with Bush, yeah.

**JUAN GONZALEZ:** And the differences in the administrations?

**WILLIAM BINNEY:** Actually, I think the surveillance has increased. In fact, I would suggest that they've assembled on the order of 20 trillion transactions about U.S. citizens with other U.S. citizens.

**AMY GOODMAN:** How many?

**WILLIAM BINNEY:** Twenty trillion.

**AMY GOODMAN:** And you're saying that this surveillance has increased? Not only the—

**WILLIAM BINNEY:** Yes.

**AMY GOODMAN:** —targeting of whistleblowers, like your colleagues, like people like Tom Drake, who are actually indicted under the Obama administration—

**WILLIAM BINNEY:** Right.

**AMY GOODMAN:** —more times—the number of people who have been indicted are more than all presidents combined in the past.

**WILLIAM BINNEY:** Right. And I think it's to silence what's going on. But the point is, the data that's being assembled is about everybody. And from that data, then they can target anyone they want.

**AMY GOODMAN:** Bill Binney, talk about Bluffdale, Utah. What is being built there?

**WILLIAM BINNEY:** Well, a very large storage device, basically, for remote interrogation and remote processing. That's the way I view that. Because there's not enough people there to actually work the data there, so it's being worked somewhere else.

**AMY GOODMAN:** Where do you get the number 20 trillion?

**WILLIAM BINNEY:** Just by the numbers of telecoms, it appears to me, from the

questions that CNET posed to them in 2006, and they published the names and how—what the responses were. I looked at that and said that anybody that equivocated was participating, and then estimated from that the numbers of transactions. That, by the way, estimate only was involving phone calls and emails. It didn't involve any queries on the net or any assemblies—other—any financial transactions or credit card stuff, if they're assembling that. I do not know that, OK.

**JUAN GONZALEZ:** And the original—the original allegations that you made, in terms of the crimes being committed under the Bush administration in terms of the rights of American citizens, could you detail those?

**WILLIAM BINNEY:** Well, I made that—I reported the crime when I was raided in 2007. And it was that Bush and Cheney and Hayden and Tenet conspired to subvert the Constitution and violate various laws of the—that exist in the statute at the time, and here's how they did it. And I was reporting this to the FBI on my back porch during the raid. And I went through Stellar Wind and told them what it did and what the information it was using and how they were spying on—or assembling data to be able to spy on any American.

**AMY GOODMAN:** I want to go to a clip of Congress Member Hank Johnson—he's the Georgia Democrat—questioning National Security Administration director, General Keith Alexander, last month, asking him whether the NSA spies on U.S. citizens.

**REP. HANK JOHNSON:** Does the NSA routinely intercept American citizens' emails?

**GEN. KEITH ALEXANDER:** No.

**REP. HANK JOHNSON:** Does the NSA intercept Americans' cellphone conversations?

**GEN. KEITH ALEXANDER:** No.

**REP. HANK JOHNSON:** Google searches?

**GEN. KEITH ALEXANDER:** No.

**REP. HANK JOHNSON:** Text messages?

**GEN. KEITH ALEXANDER:** No.

**REP. HANK JOHNSON:** Amazon.com orders?

**GEN. KEITH ALEXANDER:** No.

**REP. HANK JOHNSON:** Bank records?

**GEN. KEITH ALEXANDER:** No.

**REP. HANK JOHNSON:** What judicial consent is required for NSA to intercept communications and information involving American citizens?

**GEN. KEITH ALEXANDER:** Within the United States, that would be the FBI lead. If it was a foreign actor in the United States, the FBI would still have the lead and could work that with NSA or other intelligence agencies, as authorized. But to conduct that kind of collection in the United States, it would have to go through a court order, and the court would have to authorize it. We are not authorized to do it, nor do we do it.

**AMY GOODMAN:** That was General Keith Alexander, the NSA director, being questioned by Democratic Congress Member Hank Johnson. Bill Binney, he's the head of your agency, of the NSA. Explain what he's saying—what he's not saying, as well.

**WILLIAM BINNEY:** Well, I think it's—part of it is a term, how you use the term "intercept," as to whether or not what they're saying is, "We aren't actually looking at it, but we have it," you know, or whether or not they're actually collecting it and storing it somewhere.

**JUAN GONZALEZ:** So the mistake of the congressman was not to ask, "Are you collecting information?"

**WILLIAM BINNEY:** Well, he also said things like, "We don't collect" — or, "We don't collect against U.S. citizens unless we have a warrant." And then, at the same time, he said that we don't—at the same interview, he said, "We don't have the capability to collect inside this country." Well, those are kind of contradictory.

**AMY GOODMAN:** Is he lying? Is General Keith Alexander lying?

**WILLIAM BINNEY:** I wouldn't—you know, the point is how you split the words. I wouldn't say "lying." It's a kind of avoiding the issue.

**AMY GOODMAN:** Jacob Appelbaum, how does this relate to you? And how powerful is General Keith Alexander?

**JACOB APPELBAUM:** I was saying to Bill that I think he's probably the most powerful person in the world, in the sense that—

**AMY GOODMAN:** More powerful than President Obama?

**JACOB APPELBAUM:** Well, sure. I mean, if he controls the information that arrives on Obama's desk, and Obama makes decisions based on the things on his desk, what decisions can he make, if—except the decisions presented to him by the people he trusts? And when the people he trusts are the military, the military makes the decisions, then the civilian government is not actually in power.

**AMY GOODMAN:** Bill Binney, you're nodding your head.

**WILLIAM BINNEY:** Yes. I mean, well, for example, their responsibility is to interpret what they have and report up echelon. So, I mean, that's the responsibility of all the intelligence agencies. So, they basically filter the information to what they believe is important, which is what they should do, because, you know, they're occupying—it takes time for leaders to review material to make decisions. So they have to boil it down as best they can. So it's a function of their processing, but it is important that they do it correctly to make sure the information that gets there is correct and complete as it can.

**AMY GOODMAN:** Is General Alexander more powerful than President Obama?

**WILLIAM BINNEY:** In the sense of making—of presenting information for decision making, sure.

**JUAN GONZALEZ:** And Laura, the impact on journalists, who have to go through what you go—you've gone through the last few years, just to be able to report what's going on with our government? The chilling effect that this has on—maybe not on you, but on many other journalists?

**LAURA POITRAS:** Sure. I mean, I feel like I can't talk about the work that I do in my home, in my place of work, on my telephone, and sometimes in my country. So the chilling effect is huge. It's enormous.

**AMY GOODMAN:** You keep your computers and telephones away from conversations you're having in a room?

**LAURA POITRAS:** Yeah. When we had a meeting with you, remember, we told you—we kicked all your cellphones and all your computers out of the room.

**AMY GOODMAN:** You un—the wired phone, you unwired.

**LAURA POITRAS:** Yeah.

**AMY GOODMAN:** My cellphone, you didn't allow me to have it in the room. And you made sure there were no computers in the room.

**LAURA POITRAS:** Right.

**AMY GOODMAN:** Why?

**LAURA POITRAS:** Because we wanted—well, we wanted to talk about—because we were bringing—we were bringing William to New York. And—

**AMY GOODMAN:** We have to leave it there, but we're going to go online right now at democracynow.org. We're going to continue this conversation with Bill Binney of the NSA, formerly with NSA; Laura Poitras and Jacob Appelbaum.

*This interview is part of a [4-part special](#). Click here to see segment [1](#), [2](#), and [4](#).*



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