

# The Spillover from Data-Mining

U.S. government officials (and many mainstream pundits) assure Americans that there's nothing to fear from the electronic surveillance aimed at "terrorists," but some intelligence experts say the new techniques could ultimately intimidate people from participating in democracy, as author Christopher Simpson tells Dennis J Bernstein.

By Dennis J Bernstein

The disclosures by whistleblower Edward Snowden have given Americans a window into the national surveillance state that took shape under George W. Bush in the years after the 9/11 attacks and that has continued under Barack Obama.

Christopher Simpson, the author of *Blowback* and other books on the history of U.S. intelligence agencies, has called these current National Security Agency programs, including the Internet data-mining operation PRISM, "more dangerous to democracy than intercepting phone conversations" because of their indiscriminate nature. Simpson, a professor of Journalism at American University in Washington D.C., explained why in an interview with Dennis J Bernstein.

DB: Professor Simpson, you said, the newly public National Security Agency's PRISM and similar operations are actually more dangerous to democracy than intercepting phone conversations. We know that Senator [Dianne] Feinstein here in California assured us that the opposite was the case. That it's not, because they are not listening to the conversations. Could you please respond to this?

CS: Let's take the simplest possible approach to this and assume that the basic description that the NSA itself, and the President himself, have given of what's being recorded are true. So, what he's saying is that the signals data, which is to say the "to" number, the "from" number, the amount of time on-line, the particular channels it's travelled through and so on, that that's what's being captured. There are several problems with this claim.

First of all, the way in which that data is searched is done through a process of data-mining and it selects pieces of this technical data that analysts think might be related to terrorism. And that's what gets captured. So, let me give you a scenario here. Suppose they have a suspect A that they think is a bad person, is involved in espionage, terrorism or some other offense against the state. What they do is they go and get all of A's records. And that second round of contacts of A, or A's contacts become a new round of suspects, suspects B. And then they look at B's records, all the different B's, and they get yet another round, the C's, and so on down the line.

Okay, this is done at the speed of light. It's done mathematically. It's not the same algorithm as Google but it's essentially the same process by which Google can return, it claims to have searched literally millions, sometimes tens of millions of records in a second or two. Those records are then cross referenced, so to speak, to see if there are additional linkages either with the subject A, or among the B's, or among the C's. Or to see if there are loop backs between the C's and the A's. Do you follow me here?

DB: Well, I do follow you and where I follow you is to implications that might get a whole bunch of people in trouble who never did anything.

CS: That's exactly right.

DB: Could you talk a little bit more about that the dangers here?

CS: Yes. Well, the danger is that each of these search probes, they never disappear. So if you turn up as a subject B in connection with the original A suspect, that's noted, even if there is no other information that you have any association with subject A. Subject A might have been calling a pizza parlor. He might be calling his brother-in-law, he might be calling anybody. And, nevertheless, that gets captured as someone who is associated with subject A, the suspected bad guy. So to throughout the C's and so forth, and so on.

And those black marks are not lost. Those probes which continue 24/7, 365 days a year, are as the same numbers and contacts show up in relationship to various other suspects, and even non-suspects. The numbers that are showing up become more suspect, so that what happens is literally the creation of a network where no actual network exists. A creation of a network of people who are supposedly linked to each other through their telephone communications, but who in fact may have no relationship with each other.

And the reason why this is more dangerous than telephone conversations is at least in the old days if you intercepted a telephone conversation and somebody was talking to Aunt May, and you know, wishing her a happy birthday or something of that sort, and presumably an analyst would say "No, Aunt May, well she might be involved in this, but this phone call doesn't prove it."

DB: Right. And if it was a mafia hit you'd hear "We're going to hit JoJo" ... or some suggestion of an action that you would actually hear on the phone. Right?

CS: That's right. So what is happening here is a very important, legal transformation from identifying somebody with some kind of cause, some kind of substantial cause who may be complicit in a crime, to assuming that the people who have been contacted for any reason whatever, have some degree of guilt associated with them, whether or not in fact, they do. It is the algorithms work

to attribute responsibility to the contacts rather than to identify specific acts that may or may not be legal or compromising.

There's another layer to this too. And that has to do with how suspect A gets identified in the first place. Now I live in the national capital area. There are at least five different people who have my name who live in this same telephone area, and I get calls quite regularly for other people named Chris Simpson, who somebody is trying to call them. What that means is that I'm in touch with people who either they get nailed for talking to me, or I get nailed for talking to them, when in fact the whole interaction was based on misinformation that I was the same person that they were actually trying to call.

Another example of this same type of thing, how often do you get junk mail, that's addressed at your house, that's addressed to somebody else? Why does that happen? That happens because people in the United States move all the time, on average once every five years. So that means that there's all these addresses out there on computer lists that have the wrong information about your house.

When these types of searches are done for suspected terrorists they draw on either, prior to the telephone records search, or subsequent to the telephone search, they draw on all sorts of public records, any type of media mention, Facebook, Twitter, social media, you name it, that's gathered.

So what that means is, is that at about the same rate you get mail that's not addressed to you, your name is being associated with something that you had nothing to do with. That's a serious problem with the reliability of the records that are used to compile dossiers on suspects. And the problem now, for democracy is that there is no way to know whether you have been pinged in this fashion. There's no way to inspect the file or to correct it. And equally important, there's no way that the government, that claims to know everything and be treating people so fairly, to know and correct what they've got wrong.

DB: So that means that if you get stuck in this sort of nightmare, you wouldn't even know where to begin to clear your name.

CS: Yes, absolutely right. And you would not necessarily even know that your name had been pinged. So, what are the results of that? Well, increased attention as far as your use of your passport, or any type of crossing borders. We have clear examples from the case of the man who was accused of spreading germs in the wake of 9/11. And the FBI was after him, for years, harassed him day after day. And other cases of that sort.

The point being is the way investigative agencies work, and this is well known,

this is not like some big secret, is they settle in on a target, and they build a case about that person. Now some agencies are more professional, some are less professional, some police are more honest, some police are less honest. But the point is that that's how the policing process works. The role of the courts, supposedly, is to protect citizens from that. But in the on-line intelligence collection business these associations are generated automatically, by algorithm, at the speed of light, with no accountability for who gets sucked up in these lists, and who doesn't.

DB: Well, Professor Simpson, now you suggest that these programs aren't new. It just so happens we know a little bit more about them. What can we say about those who have been the stewards of these programs? Have they been lying to the American people? How come we don't know more about this, and didn't know a lot more, sooner?

CS: Well, I think KPFA listeners are probably pretty well aware of this type of thing in all honesty. But in terms of the mainstream media, no, it's a big revelation. I think one of the modern revelations was that there was actual papers that proved ... including an order from a secret court that established, or continued these types of operations. That was a breakthrough. But in point of fact there have been whistleblowers going back at least to the Bush administration years who have brought the basics of this system to light.

Much of what I've said here about data-mining is presented in simple terms, but anybody who is familiar with data-mining can recognize the basic properties of how it is done, and how algorithms are used to identify, what are in commercial terms, people who you might sell to, but which are intelligence terms, people who are suspected of crimes. So it's possible to take the known information and compare it, the known information about the NSA, for example, and compare it to what is basic to data-mining and get a reasonably clear picture of how this goes on.

Not long ago, one of the members of the Senate Intelligence Committee, a senator from Oregon, asked very directly to [the Director of National Intelligence] James Clapper, the gist of it was "Are there any programs in which the intelligence community captures data about millions of Americans?" And Clapper said "No. No. Oh, well, wait, excuse me, we might do it inadvertently sometimes but on purpose, no." Well, some people would call it dissembling, some people would call it lying. But in any case, it is clearly false.

So you get this same type of falsehood, and in many cases, misunderstanding, even, from political figures such as [House Minority Leader Nancy] Pelosi and so forth, who confuse different aspects of these programs with one another, who make claims about being briefed, but who, based on their comments, don't seem to

understand what they were briefed on, or what we know the facts to be.

So we've got a real problem here where not only are there these powerful, secret programs that are themselves unaccountable, that the people who are held up as being accountable such as the congressional intelligence committees and so forth, either don't understand or are not telling the truth, about what they've been told about these programs. So there's a situation in which there is no recourse, in which there is no probable cause for the collection of this information about Americans, or for that matter anybody else. And there's no way to identify errors in these databases, and provide correct information.

More than that, when people have sued these agencies and attempted to at least get information about themselves, those cases have been tossed out of court on what's called a state's secret claim, in which the government in essence tells the courts "Go away, don't interfere in this matter, it's [a] government intelligence matter." So the courts don't have jurisdiction either. Where they can be easily...or in the past, anyway, been easily deflected from exercising jurisdiction.

DB: Well, Professor Simpson, before we let you go I really want you to step back just a little bit and talk about, reflect on the implications of the level of spying and government interference that's taking place now. What do you see some of the implications? Talk about some of your concerns in this context.

CS: Well, two things. One is, is that it's not surprising that people who feel vulnerable to these sorts of programs, ordinary people I'm talking about now, will shy away from political activity and political involvement. Why? Well, you know, they've got kids maybe, they've got a job, they're worried about their job, and so forth and so on. They just don't want to get involved. That's what's called a chilling effect. And it's very dangerous for democracy.

On the other hand, it seems to me that now is exactly the time to stand up and to be noisy, frankly, about how these programs operate. To push, to make clear that this is a Fourth Amendment issue, contrary to what [Rep.] Pelosi has to say. And that it is important that peoples' right to privacy is respected.

Now, there's one other aspect of this, and that is, frequently you hear, even President Obama said this just recently about well, you can have security or you can have privacy, but you can't have both. I'm paraphrasing. That is a basic misunderstanding, and a misleading way to frame the question.

In a democracy privacy means the right to be left alone by the state. It means at least that. Now some people say it means more. But we'll start with that basic idea – to be left alone by the state, if you have not broken a law. What

is being institutionalized here is a surveillance system that is so pervasive that there is no such thing as being left alone by the state, if you are abiding by the laws. That's dangerous. How it's going to play itself out in a modern democracy, I don't think anybody knows, but it's a form of intrusion into people's lives that is different from what we read about in those 1984, *Brave New World*, or cyber-punk fiction sort of thing. It's different from that, but it is more pervasive and more pernicious.

DB: And just finally in this context, we're talking about getting more noisy, speaking out...it seems that while the government is increasing, expanding, and intensifying this kind of surveillance activity, they're also intensifying any attempt, in other words they're intensifying the punishment that they offer and threaten to whistleblowers who want to tell the truth. It does seem like a two-pronged policy here.

CS: Absolutely. Absolutely. And it's predictable that that's how things would unfold. At the same time I would offer in reply to that ... look at the history of the women's movement. Look at the history of the African-American movement, the gay movement, all sorts of movements. What has worked is standing up, speaking out, and not standing up and not speaking out does not work. It doesn't protect anybody. So I think the lessons of history are now is the time to stand up, speak out, exercise your rights because if millions of people are exercising their rights the state does not have the capacity to punish all of them.

DB: That is a good place to leave it. Incredible information and very troubling. I suspect Professor Simpson that there's going to be a lot more revelations coming down the line. But we appreciate the good information and you helping us to untangle this and have a better micro-understanding of what's going on.

**Dennis J Bernstein is a host of "Flashpoints" on the *Pacifica radio network* and the author of *Special Ed: Voices from a Hidden Classroom*. You can access the audio archives at [www.flashpoints.net](http://www.flashpoints.net).**

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## Escaping the 'War on Terror'

It is true, as President Obama says, that you can't have 100% security and 100% privacy, but it's also true that you can never have 100% security and seeking it often makes you less secure by creating more enemies. Any debate on this must include the imperfect process called "conflict transformation," says Patrick T. Hiller.

Patrick T. Hiller

A little leak can be quickly fixed by stuffing it or wrapping it. Large leaks, however, often require more structural repairs or completely different solutions. Bradley Manning's and just days ago Edward Snowden's leaking of classified information demonstrates just how big our structural repairs need to be.

What they exposed are further indicators of the faulty framework of the national security debate. In other words, a poorly designed security construct is collapsing.

We discuss the acts of those individuals on a sliding scale from "nominate them for the Nobel Peace Prize" to "try them for treason" I opt for the first. Distracted by character debate, however, we are missing opportunities to engage in more meaningful discussions about the faulty structures they exposed.

We are operating out of the perpetual fear that evil is out there to eradicate the United States of America. The government's guiding foreign policy principle is to keep the American people safe, and in doing so the military and intelligence agencies are overstepping legal and ethical boundaries in an outdated understanding of security. While very few would argue against the need of security in fact it is a shared basic human need for everyone we are constantly missing opportunities as a nation to re-define security.

Security, particularly national security, unfortunately is defined in relation to military power and its global projection. A fact worth repeating is that we are spending as much as the world's next 15 countries on our defense (Stockholm International Peace Research Institute). It is too much and it does not serve our national defense. Our country is not under attack. There is no clash of civilizations or a battle between American freedom versus the perceived darkness of an Islamist world.

For the sake of having the security discussion let us look at the "war on terror" and the perpetual terrorist threats which led us into two real wars and are driving the current security conversations. The most recent leak of confidential governmental information was that of Edward Snowden, a computer analyst working for the private government contractor Booz Allen Hamilton. He revealed the existence of PRISM, a clandestine electronic American national security surveillance program designed to identify terrorists.

More than that, PRISM appears to be highly invasive of the privacy of all citizens in an unprecedented collection of data, the full extent yet to be revealed. Instead of resorting to science fiction surveillance tactics out of

George Orwell's novel *1984* through PRISM and "pre-crime" enforcements tactics out of Steven Spielberg's film "Minority Report" through drone strikes, we have an opportunity to resort to real science in our responses to terrorism.

The bottom line is that we now understand patterns and dynamics of violence and ways of constructive conflict transformation. And quite frankly, the strategies and tactics employed by our government are not constructive pathways toward eliminating terrorism.

Scientists studying the causes and consequences of war offer multiple nonviolent responses to terrorism which are part of an evolving global system of peace. Effective nonviolence, international adjudication, conflict resolution, peace education, indigenous rights, smart sanctions, non-governmental organizations and effective humanitarian work, peaceful interpretation of religious scriptures or human rights are just a few real trends accompanied by proven approaches to move them forward.

John Paul Lederach, a pioneer in the peace and conflict studies field who teaches at the University of Notre Dame, suggests that nonviolent responses to terrorism should be based on engagement rather than isolation particularly of civil society. Those strategies allow for solutions over the mid-term and long-term which are more likely to address the root causes of the grievances. Imagine the new horizons that would open up.

A talented computer analyst like Edward Snowden would not need to fear for his future and life for acting out of his conscience and could be put to work on creating sophisticated early warning violence prevention networks. Our aeronautical engineers could design, manufacture and program drones for tornado warnings, disaster relief or atmospheric research. Then we don't need to have discussions about the perpetual "war on terror," drone strikes, Guantanamo Bay, or the manufactured fear of an established Islamist state.

Then we are indeed strengthening an evolving global peace system, which is not based on utopian thinking but based on numerous trends of constructive conflict transformation, social change and global collaboration.

As to security, we can re-define security as a more positive role for the United States in the world rather than constantly preparing for war and going to war in the name of freedom. That is not only patriotic and demonstrates love for our country, it addresses the human need for security of all.

**Patrick. T. Hiller, Ph.D., Hood River, Oregon, syndicated by PeaceVoice, is a Conflict Transformation scholar, professor and Director of the War Prevention Initiative of the Jubitz Family Foundation.**



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# Why Ballpark Workers Might Strike Out

The chasm between rich and poor in America continues to widen as people who actually work for a living struggle and those who shift around money do very well, thanks. That reality is underscored by a labor dispute between San Francisco ballpark workers and the management, Michael Winship reports.

By Michael Winship

It was in *The San Francisco Examiner* on June 3, 1888, 125 years ago this month, that there first appeared a poem titled, "Casey at the Bat, a Ballad of the Republic." In the decades since, "Casey" has become the classic ode to baseball as the all-American pastime; its stanzas once memorized by school kids, its lines recited and recorded by everyone from James Earl Jones to Garrison Keillor.

So poignant and evocative is its tale that Albert Goodwill Spalding, 19th century professional pitcher, team owner, and co-founder of the sporting goods company that still bears his name, wrote, "Love has its sonnets galore. War has its epics in heroic verse. Tragedy its somber story in measured lines. Baseball has 'Casey at the Bat.'"

The melancholy account of the vainglorious power hitter Casey stepping to the plate, his Mudville team down 4-2 at the bottom of the ninth with two men on base and two outs, epitomizes baseball as the game that will break your heart, especially in its immortal final lines:

*Oh, somewhere in this favored land the sun is shining bright,  
The band is playing somewhere, and somewhere hearts are light;  
And somewhere men are laughing, and somewhere children shout,  
But there is no joy in Mudville, mighty Casey has struck out.*

The poem was written by Ernest Thayer, a college friend of media magnate William Randolph Hearst, the Rupert Murdoch of his day who owned the *Examiner* and the man on whom Orson Welles based *Citizen Kane*. Thayer used the pen name "Phin," and was paid five dollars for his masterpiece, or around \$125 at today's prices.

I know of some baseball employees who can relate to that kind of bargain basement salary, and they're in San Francisco, too. They're not the A-Rods, Riveras and Pujols who pull down ten million and more. The people I mean are the 800 concession workers who sell hot dogs and beer, serve and clean the

restaurants, and cater to the luxury skyboxes at AT&T Park, home of the championship San Francisco Giants. Employed by a South Carolina-based company called Centerplate, their jobs only last the six months of the season and they make but \$11,000 a year, right at the poverty line for a single individual in the United States. Their situation is yet another flagrant example of the vast and widening gap created by income inequality in America.

As Dave Zirin at *The Nation* magazine recently wrote:

“Concession workers at the park earn their \$11,000 in a city where a one-bedroom apartment runs \$3,000 a month and people are spending near that much to live in laundry rooms and unventilated basements. These same workers, who commute as much as two hours each way to get to the park, have now gone three years without a pay increase. This despite the fact that the value of the team, according to Forbes, has increased 40 percent, ticket prices have spiked and the cost of a cup of beer has climbed to \$10.25. This also despite the fact that, as packed sellouts become the norm, the stress and toil of the job has never been greater.”

Job security, health care and pensions are issues as well. ThinkProgress reports:

“Under the current plan, a worker who staffs 10 events in a month receives health care for the next month, but Centerplate wants to increase that to 12 events per month under a new contract, workers said (A Centerplate spokesperson would not confirm that detail). That would make it impossible to obtain health coverage in months like June, when the Giants have just nine home games, and making health care harder to obtain is a major sticking point for the workers.”

The workers are represented by UNITE HERE Local 2 and on May 11, 97 percent of them voted to authorize a strike. (This does not necessarily mean there will be a strike, but union leaders now have the go-ahead to call one if they think it’s needed.)

A one-day walkout was staged at a Giants/Rockies game during the Memorial Day weekend, an action histrionically described by Centerplate spokesperson Sam Singer as a “slap in the face of our nation’s military.” He told George Lavender of the progressive magazine *In These Times*, “Local 2 has insulted the servicemen and servicewomen and veterans.”

There were long lines at the concession stands. Centerplate bussed in replacement workers for the day, including, *In These Times* reported, volunteers from non-profit organizations who worked for free in exchange for donations. This is common practice at sports venues to raise money for churches and other

charities, but in San Francisco, it undermines the workers' dispute.

The president of Local 2, who just happens to be named Casey, said, "It's a real scam. They [Centerplate] make huge savings. They don't have to do any of the contractual requirements that they have to do for a worker."

The Giants management is quick to claim that they have no skin in the game, that the workers are paid not by them but by Centerplate. But as Dave Zirin and others point out, 55 cents of every dollar spent by fans at the concessions in the stadium goes into the Giants' pockets.

"Centerplate says talk to the Giants," one of the workers told Zirin. "The Giants say talk to Centerplate. If we stepped back for five minutes, they'd figure it out after they started to lose all that money. All we're saying is, we want a fair share."

The team could easily step up to the plate if it wanted to. The Giants' principal owner is Charles B. Johnson, 80, the multibillionaire chair of the Franklin Resources mutual fund, founded by his father in 1947. He and his wife Ann live in the Carolands Chateau, a 65,000-square-foot mansion built by the daughter of railway industrialist George Pullman, who notoriously used Federal troops to suppress workers during the Pullman strike of 1894. The Johnsons bought the 98-room property for several million and reportedly spent more than \$20 million in its restoration.

The architecture was inspired by a 17th century French design, which in turn was a prototype for Versailles. Republican fundraisers have been held at Carolands, including one for Mitt Romney in May 2012, and Charles Johnson has been a generous contributor to the party and its candidates, including, according to the nonpartisan Center for Responsive Politics, a \$200,000 donation last year to Karl Rove's American Crossroads super PAC, as well as \$50,000 to the pro-Romney super PAC Restore Our Future.

For that same \$200,000, you can rent Johnson's AT&T Park stadium for a day. Recently, millionaire hedge fund manager Mike Wilkins did just that, inviting 100 of his nearest and dearest hedge fund pals to come to the empty ballpark (the Giants were on the road), have a drink at a bar moved out to the playing field, run the bases, and take batting practice with a bullpen pitcher (which costs an additional \$5,000 per person and includes "a paramedic standing by").

They were living the dream, "grown up boys fantasy time," a source told BuzzFeed. Meanwhile, the men and women who barely scrape by are feeding the fantasy, making and selling hamburgers and fries, peanuts and Cracker Jack, and cleaning up the mess after. If they don't win, it's a shame.

Michael Winship, senior writing fellow at the public policy and analysis group Demos, is senior writer of the weekly public affairs program, "Moyers & Company," airing on public television. Check local airtimes or comment at [www.BillMoyers.com](http://www.BillMoyers.com)

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