

# NSA Insiders Reveal What Went Wrong

In a memo to President Obama, former National Security Agency insiders explain how NSA leaders botched intelligence collection and analysis before 9/11, covered up the mistakes, and violated the constitutional rights of the American people, all while wasting billions of dollars and misleading the public.

January 7, 2014

MEMORANDUM FOR: The President

FROM: Former NSA Senior Executives/Veteran Intelligence Professionals for Sanity (VIPS)

SUBJECT: Input for Your Decisions on NSA

## EXECUTIVE SUMMARY

Official Washington from Senate Intelligence Committee chair Dianne Feinstein to NSA Director Keith Alexander to former Vice President Dick Cheney to former FBI Director Robert Mueller has been speaking from the same set of NSA talking points acquired recently via a Freedom of Information request. It is an artful list, much of it designed to mislead. Take this one, for example:

– NSA AND ITS PARTNERS MUST MAKE SURE WE CONNECT THE DOTS SO THAT THE NATION IS NEVER ATTACKED AGAIN LIKE IT WAS ON 9/11

At a hearing of the Senate Judiciary Committee on October 2, Senator Feinstein showed her hand when she said: “I will do everything I can to prevent this [NSA’s bulk] program from being canceled.” Declaring that 9/11 “can never be allowed to happen in the United States of America again,” Feinstein claimed that intelligence officials did not have enough information to prevent the terrorist attacks.

Mr. President, we trust you are aware that the lack-of-enough-intelligence argument is dead wrong. Feinstein’s next dubious premise that bulk collection is needed to prevent another 9/11 is unproven and highly unlikely (not to mention its implications for the privacy protections of the Fourth Amendment).

Given the closed circle surrounding you, we are allowing for the possibility that the smell from these rotting red herrings has not yet reached you even though your own Review Group has found, for example, that NSA’s bulk collection has thwarted exactly zero terrorist plots.

The sadder reality, Mr. President, is that NSA itself had enough information to prevent 9/11, but chose to sit on it rather than share it with the FBI or

CIA. We know; we were there. We were witness to the many bureaucratic indignities that made NSA at least as culpable for pre-9/11 failures as are other U.S. intelligence agencies.

We prepared this Memorandum in an effort to ensure that you have a fuller picture as you grapple with what to do about NSA. What follows is just the tip of an iceberg of essential background information much of it hidden until now that goes to the core of serious issues now front and center.

The drafting process sparked lively discussion of the relative merits of your Review Group's recommendations. We have developed very specific comments on those recommendations. We look forward to an opportunity to bring them to your attention.

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## **Introduction**

We write you with a sense of urgency looking toward your upcoming decisions regarding the activities of the National Security Agency. We the undersigned (William Binney, Thomas Drake, Edward Loomis, and Kirk Wiebe) worked with NSA for a total of 144 years, most of them at senior levels. Our mission required the highest technical skills to keep the country safe from foreign enemies, while protecting the privacy rights of U.S. citizens under the Fourth Amendment to the U.S. Constitution.

For us, the 21<sup>st</sup> Century arrived with serious management and technical shortcomings at NSA in meeting the huge challenges posed by the digital and Internet age and the huge problems accompanying the transition from a Cold War footing over 40 years to an increasingly complex world with many asymmetric threats.

NSA management's reaction in this environment not only opened the door to the attacks of 9/11 but led to violation of what had been the "First Commandment" at NSA; namely, "Thou Shalt Not Eavesdrop on Americans Without a Court Warrant." Under the circumstances, three of us (Binney, Loomis, and Wiebe) left; Drake had just come on board in hopes of playing a constructive role in addressing the challenges at NSA.

We all share an acute sense of regret for NSA's demonstrable culpability for what happened on 9/11, and for those of us working there before the terrorist attacks a remorse for not having been able to stop them. We tried; but it is hard to escape a nagging regret that, somehow, we should have tried harder.

We were there; we know what happened. And we know how what happened has been

successfully covered up until now. Calamities like this tend to happen again if there is no accountability for what happened before. You need the unvarnished truth. The flood of revelations now in the public domain frees us to address facts and events formerly hidden behind a convenient, cover-up classification regime. We feel bound by the solemn oath we took to support and defend the Constitution of the United States against all enemies, foreign and domestic, to make truths known to you that you may find as unconscionable as we do.

Why do we still care? Because we have consciences; because the oath we took has no expiration date; because we know as few others do how critically important it is for our country to have a well functioning, Constitution-abiding National Security Agency; and because we know how that ship can be steered back on course at that important place of work by improving its ability to find terrorists and other criminals in massive amounts of data, while protecting the right to privacy and citizen sovereignty.

### **Getting in the Door**

It comes to us as no surprise that there is strong resistance on the part of the Establishment when it comes to giving us a hearing a shunning of the very people who know what happened and how to take steps to prevent it from happening again.

Our predicament calls to mind that of our colleague veteran intelligence professionals, who were ignored by Official Washington and an obsequious media, when we knew that fraudulent (not mistaken) intelligence was being used to “justify” the launching of an aggressive war on Iraq 11 years ago. Establishment Washington barred the doors in 2002-2003. Just five years later our own clearances were taken away.

Now, once again the voices of seasoned intelligence professionals are being muted, in favor of a closed group of officials with huge incentive to cover up their failure to keep America safe and their playing fast and loose with the Fourth Amendment.

Mr. President, we have given up hope that your palace guard will let us in. Our chances of reaching you seem far better via this Memorandum, the 28<sup>th</sup> of its kind issued since early 2003, prepared at the behest of the Steering Group of our Veteran Intelligence Professionals for Sanity (VIPS). If this gets past your in-box protectors, we encourage you to pay more heed to it than your predecessor did to VIPS’ warnings in the months before the attack on Iraq.

In one limited sense, we are better off than our colleagues 11 years ago. This time, mainstream media have been unable to ignore the documentary evidence of rank dishonesty on the part of senior NSA and other intelligence officials. This

time the media has come to us, seeking our views. This time we can comment rather freely on matters that until now were hidden under TOP SECRET stamps.

On December 26, for example, The Wall Street Journal published a lengthy front-page article, quoting NSA's former Senior Technical Director William Binney (undersigned) and former chief of NSA's SIGINT Automation Research Center Edward Loomis (undersigned) warning that NSA is drowning in useless data lacking adequate privacy provisions, to the point where it cannot conduct effective terrorist-related surveillance and analysis.

A recently disclosed internal NSA briefing document corroborates the drowning, with the embarrassing admission, in bureaucratize, that NSA collection has been "outpacing" NSA's ability to ingest, process, and store data let alone analyze the take.

#### **54 Now Down to Zero 'Thwarts'**

It is not difficult to connect NSA's collect-everything approach with one principal finding of the Review Group you appointed to look into NSA programs; namely, that exactly zero terrorist plots have been prevented by NSA's bulk trawling for telephone call records. One Review Group member, your former Chicago law professor colleague, Geoffrey Stone, has confessed to being "absolutely" surprised at the group's finding of zero. Clearly, the statements of top NSA officials left Stone wholly unprepared for the truth.

Reacting to the Review Group's report, a member of Congress involved in intelligence issues told a reporter, "That was the ballgame ... It flies in the face of everything they have tossed at us."

While this finding of the Review Group is a further blow to Keith "54-terrorist-plots-thwarted" Alexander's credibility, it is no surprise to us. More important, it goes to the heart of whether NSA's bulk collection is more hindrance than help in preventing terrorist attacks. We suggest, with all due respect, that you give us an opportunity to brief you, before you find yourself repeating undocumented claims like "lives have been saved," and demonstrably false claims that no abuses have occurred.

What passes for a process for collection and analysis at NSA appears to be highly inefficient and ineffective. How else does one explain missing the bombers of Boston, Times Square, and the underwear bomber over Detroit?

In short, we would like to talk to you about things you might otherwise have no way of knowing, given that our information reflects so poorly on top NSA management past and present. You and the country are ill served by the reluctance of your national security advisers to give a hearing to former

intelligence insiders like us. Your advisers may be too inexperienced to realize that circling the wagons is not going to work this time. This time the truth will out.

## **Clapper & Alexander**

Surely you have asked National Intelligence Director James Clapper flat-out why, in formal testimony to the Senate on March 12, 2013 he answered “No, Sir” to Senator Ron Wyden’s question, “Does the NSA collect any type of data on millions or hundreds of millions of Americans?”

Surely you know that Senate Intelligence Committee chair Dianne Feinstein persists in covering for Clapper, telling ABC three months after Clapper’s falsehood that “there is no more direct or honest person than Jim Clapper.” And now Director Clapper’s lawyer, Mr. Litt, is trying to convince readers of the New York Times that Clapper did not lie.

Surely you intuit that something is askew when NSA Director Keith Alexander testifies to Congress that NSA’s bulk collection has “thwarted” 54 terrorist plots and later, under questioning, is forced to reduce that number to one, which cannot itself withstand close scrutiny. And surely you understand why former NSA Director and CIA Director Michael Hayden protests too much and too often on Fox News and CNN, and why he and House Intelligence Committee Mike Rogers publicly suggest that whistleblower Edward Snowden be put on your Kill List.

Does a blind loyalty prevail in your White House to the point where, 40 years after Watergate, there is not a single John Dean to warn you of a “cancer on the presidency?” Have none of your lawyers reminded you that “electronic surveillance of private citizens ... subversive of constitutional government” was one of the three Articles of Impeachment against President Richard Nixon approved by a bipartisan 28 to 10 vote of the House Judiciary Committee on July 27, 1974?

Let us be clear. Candor dictates that we state up front that the more skeptical among us suspect that you are not as isolated from the truth about NSA activities as it might seem. That notwithstanding, for purposes of this Memorandum we choose to adopt a broader view and assume you would welcome help from former insiders who chose to leave rather than become complicit in NSA abuses.

What we tell you in this Memorandum is merely the tip of the iceberg. We are ready if you are for an honest conversation. That NSA’s bulk collection is more hindrance than help in preventing terrorist attacks should be clear by now

despite the false claims and dissembling.

What we shall now attempt to explain to you is how corruption born of lust for billions of dollars, and the power that comes with that scotched implementation of an inexpensive and demonstrably superior in-house technical program the prototype of which was up and running before 2001. Not only did it hold considerable promise, it also honored the privacy protections guaranteed American citizens under the Fourth Amendment.

#### **Fourth Amendment-Compliant Technology That Worked**

No one currently working for NSA Director Alexander is likely to tell you this, so please hear it from us. In the years before 9/11, a group of NSA mathematicians and computer technology experts led by Binney, Loomis, and Wiebe devised a process called THINTHREAD for collection and rapid analysis of billions of electronic records relating to targets of intelligence interest, with automatic encryption of information about U.S. persons, per the standard of FISA and the Fourth Amendment.

Data on U.S. citizens could be decrypted only if a judge approved it after a finding that there was probable cause to believe that the target was connected with terrorism or other crimes. It was also considerably cheaper, easier, and more secure to store such data in encrypted format rather than allow that raw information to remain vulnerable to unauthorized parties in unencrypted form, as NSA chose to do. A fuller understanding of THINTHREAD's capabilities is necessary to appreciate the implications of what came next.

THINTHREAD, you see, was a fundamental beginning to breaking the endemic problem of stovepipes that is, standalone collection systems with standalone databases. There was such a maze of databases, with special security compartmentation, that it was impossible for an analyst to "see" more than a few pages, so to speak, about a target, much less a whole chapter, let alone the whole available book. Information was fragmented by design, in order to placate functionaries blindly placing tight security above virtually all other considerations even, in this case, the analyst's need to know.

Thus, THINTHREAD was developed precisely to unite data associated with terrorists/criminals from all databases. An analyst was able to do one simple query on participants on a targeted activity and get access to all related content be it from computer, phone, or pager.

Now, Mr. President, perhaps you have been in Washington long enough not to be surprised by what happened next to THINTHREAD. Most of us have been around a lot longer than you, but even we found it shocking and, as we will show below,

ultimately devastating in its implications.

In short, since THINTHREAD was developed in-house at NSA, it cost about \$3 million to build and to make operational at three sites. Members of Congress, however, had political incentive (the imperative to appear to be doing something against terrorism) and financial interest (no need to spell that out) in throwing billions at NSA.

In the end, NSA Director Michael Hayden rejected THINTHREAD in favor of a contractor program called TRAILBLAZER, upon which billions of dollars were ultimately squandered and which never became operational. NSA SIGINT (signals intelligence) Director Maureen Baginski announced the Requiem for THINTHREAD to William Binney and Edward Loomis in a private meeting on August 20, 2001, three weeks before 9/11.

### **Some Programs Don't Cost Enough**

This is how it went down: In 2000, as THINTHREAD was beginning to show promise, the head of the NSA Transformation Office (NTO) asked the creators of THINTHREAD (Loomis, Binney, and Wiebe) what they could do with \$1.2 billion. We told him that, with that amount of funding, we could upgrade every one of our field installations that had access to foreign Internet sources, as well as upgrade collection equipment to access greater bandwidths available on fiber. But for the equipment, maintenance, and other costs for THINTHREAD, we only needed about \$300 million.

Director Hayden reacted swiftly on learning of this. He removed the NTO chief, replacing him with a senior vice president of Science Applications International Corporation (SAIC), which became one of the leading contractors for a replacement project called TRAILBLAZER. TRAILBLAZER was originally budgeted for \$3.8 billion, but after burning away most of that money, it had to be jettisoned in 2006.

No functioning components had been produced, much less delivered; Gen. Hayden had been forced to confess to the Senate Intelligence Committee that TRAILBLAZER was vastly over budget as well as well behind schedule. And our (Binney/Loomis/Wiebe) complaint to the Department of Defense Inspector General had generated a highly critical report on TRAILBLAZER, which was also a factor in its termination. SAIC, though, continued to serve as one of NSA's major prime development contractors and remains so to this day.

Hayden had announced TRAILBLAZER to great fanfare in the spring of 2000, as he began to show more preference for opening the door wider to the private sector. A year before, NSA's New Enterprise Team, which included some of the

undersigned, had begun to learn of contractor complaints over getting only maintenance contracts, while the most interesting work was being conducted in-house.

That fall, an NSA Red Team predicted that TRAILBLAZER would fail unless major changes were made to the program. Hayden, however, ignored the Red Team report, and none of the Red Team recommendations saw the light of day.

This particularly unconscionable (Hayden-SAIC-Congress) corruption is a case study in how the drive for big money and the power can squander big taxpayer bucks, chip away at our constitutional protections and, more important, as we shall explain below play a crucial role in the worst intelligence failure since Pearl Harbor 9/11.

You will hear the usual denials. With all due respect, we think caution is indicated in thinking about taking them at face value. We would encourage you to get ahead of the curve this time.

The financial fiasco could not be kept from Congress or the Pentagon. Recognizing NSA's inability to manage multi-billion dollar programs, NSA's "Milestone Decision Authority" that is, the responsibility for planning, acquiring, and implementing major intelligence capabilities was revoked and responsibility was transferred to the Under Secretary for Acquisition, Technology, and Logistics at the Department of Defense.

### **After 9/11, Most of Us Out**

The financial and managerial corruption was bad enough. To our horror, after 9/11 we came to realize that the abuses occurring during the years before 2001 had gravely damaged NSA's capability to thwart attacks like 9/11. Wiebe, Binney, and Loomis retired. Thomas Drake (also undersigned), who joined NSA on August 26, 2001, as a senior executive after many years as an NSA contractor, stayed on in an attempt to right the ship.

All of us very soon learned that we didn't know the half of it that is, of the misfeasance and malfeasance leading directly to NSA's substantial contribution to the intelligence failure that day.

Again, we are prepared to brief you on the whole nine yards, so to speak. For now, we have decided to supplement the above with observations from our former colleague, Thomas Drake, who, as a contractor, had been thoroughly briefed on NSA programs, including THINTHREAD, before he joined the ranks of NSA as a senior executive. Thomas Drake writes:

"My first day on the job at NSA was 9/11. I was immediately charged as the lead



NSA executive to find and deploy the best technology at NSA for the fight against terrorism. One of the programs I recommended to be resurrected for immediate operational implementation was THINTHREAD. I ran into a stone wall.

“As I pursued what I was tasked to do, I was surprised and deeply troubled to discover that, with a secret go-ahead from the White House, NSA had unchained itself from the protections of the Fourth Amendment and the Foreign Intelligence Surveillance Act of 1978. The vast power of NSA had been unleashed secretly on US citizens through a massive bulk surveillance program called STELLARWIND, a program completely unknown to most if not all of those working at the SIGINT Automatic Research Center. In the weeks after 9/11, 40 to 50 servers began arriving followed quickly by a whole new set of technical people who on September 26, 2001, turned STELLARWIND loose on all of us.

“Even after the developers of THINTHREAD left NSA in October 2001, I kept trying to get it authorized to go operational in vain. However, I was able to acquire enough funding to complete a THINTHREAD Content Evaluation of NSA databases that contained huge amounts of collected data.

### **Pre-9/11 Intelligence**

“That’s where I found the pre- and post-9/11 intelligence from NSA monitoring of some of the hijackers as they planned the attacks of 9/11 had not been shared outside NSA. This includes critical pre-9/11 intelligence on al-Qaeda, even though it had been worked on by NSA analysts. I learned, for example, that in early 2001 NSA had produced a critical long-term analytic report unraveling the entire heart of al-Qaeda and associated movements. That report also was not disseminated outside of NSA.

**“Make no mistake. That data and the analytic report could have, should have prevented 9/11.**

“Top NSA management knew that. They knew that I knew that. I was immediately shut down. In spring 2002, the remnants of THINTHREAD were unceremoniously put on the shelf in NSA’s ‘Indiana Jones’ data warehouse, never to be seen again.

### **Cover-up**

“Hiding the worst: In December 2001, Senator Saxby Chambliss, chair of a House Subcommittee on Homeland Security announced a preliminary investigation into 9/11. At a SIGINT Leadership Team meeting in February 2002, SIGINT chief Maureen Baginski directed me to lead a NSA Statement-for-the-Record effort for a closed-door hearing scheduled by Sen. Chambliss for early March to discuss what NSA knew about the 9/11 hijackers and their plotting before 9/11.

“As indicated above, the highly embarrassing answer was that NSA knew a great deal, but had not shared what it knew outside of NSA.

“After a couple of weeks Baginski rejected my draft team Statement for the Record report and removed me from the task. When I asked her why, she said there was a ‘data integrity problem’ (not further explained) with my draft Statement for the Record. I had come upon additional damaging revelations. For example, NSA had the content of telephone calls between AA-77 hijacker Khalid al-Mihdhar in San Diego, CA, and the known al-Qaeda safe house switchboard in Yemen well before 9/11, and had not disseminated that information beyond NSA.

“In short, when confronted with the prospect of fessing up, NSA chose instead to obstruct the 9/11 congressional investigation, play dumb, and keep the truth buried, including the fact that it knew about all inbound and outbound calls to the safe house switchboard in Yemen. NSA’s senior leaders took me off the task because they realized belatedly, for some reason that I would not take part in covering up the truth about how much NSA knew but did not share.

“When the 9/11 Commission hearings began, Director Hayden chortled at executive staff meetings over the fact that the FBI and CIA were feeling the heat for not having prevented 9/11. This was particularly difficult for me to sit through, for I was aware that NSA had been able to cover up its own culpability by keeping investigators, committees, and commissions away from the truth.

“I subsequently blew the whistle on the TRAILBLAZER fiasco, STELLARWIND, NSA’s hoarding of critical pre- and post-9/11 intelligence, and its cover-up. I shared this information via proper channels with the Joint Congressional Inquiry on 9/11 and the Defense Department Inspector General to no avail.

### **Preventing 9/11**

“Against this background, it is difficult to listen to the manufactured claim so frequently heard these days to the effect that, had bulk collection been operational before 9/11, it would have prevented the 9/11 attacks. The mantra is convenient for those defending NSA overreach; it is also bogus.

“It masks the reality that, as indicated above, NSA had already collected highly significant intelligence on the hijackers themselves but did not disseminate it outside of NSA before the attacks. At best, the claim about bulk collection is one part wishful thinking and nine parts red herring.

“Not only does it exaggerate the efficacy of a collection method with zero demonstrated successes to date, but it also blows smoke in the eyes of those genuinely interested in knowing what role NSA played, or failed to play, in the months and weeks before 9/11. Worse still, this specious claim amounts to a

cruel hoax on the thousands who died on 9/11, and the hundreds of thousands who died when Bush/Cheney used the attacks as a pretext to invade Iraq.”

Former Vice President Dick Cheney is widely reported to have been principally responsible for suborning then-NSA Director Michael Hayden into violating what had formerly been the “First Commandment” at NSA “Thou Shalt Not Eavesdrop on Americans Without a Court Warrant.” So it is no surprise to see Cheney come out of the woodwork and renew his contribution toward giving dishonesty a bad name.

On December 29, Cheney picked up where Senator Feinstein and former FBI Director Robert Mueller left off in promoting the disingenuous claim that had NSA’s bulk collection been in place before 9/11, the attacks that day would probably have been prevented. Adding to his unenviable record for credibility on Sunday talk shows, Cheney told Fox News Sunday:

“As everybody who’s been associated with the program has said, if we had this before 9/11, when there were two terrorists in San Diego two hijackers had been able to use that program, that capability, against that target, we might well have been able to prevent 9/11.”

Cheney was basking in the glow of Judge William Pauley’s ruling two days earlier that NSA’s bulk collection is legal, in contrast to Judge Richard Leon’s ruling on December 16 that it was “almost certainly” unconstitutional. Pauley simply bought into the NSA/Feinstein/Mueller mantra, hook, line and sinker. The mantra cannot bear close scrutiny, however, no matter how many leading lights of Establishment Washington sing it.

Former FBI Director Robert Mueller had prepared the ground for Cheney, when Mueller gave factually incorrect testimony to the Senate Judiciary Committee on June 13, 2013. Mueller said that we “could not know who was calling into that particular safe house [in Yemen]. We came to find out afterwards that the person who had called into that safe house was al-Mihdhar, who was in the United States in San Diego.”

Mueller was stretching the truth well beyond the breaking point in saying “we could not know.” His intent became abundantly clear as he proceeded to put his mouth around the Big Whopper: “If we had had this program [bulk collection of telephone records] in place at that time, we would have been able to identify that particular telephone number in San Diego.” Here was the FBI director kicking dust into the eyes of gullible Senators, in order to defend an NSA program of dubious effectiveness and even more dubious constitutionality.

More recently, the “outside” insider reportedly leading your Review Group, former CIA Deputy Director Mike Morell, recited the mantra in a December 19 op-

ed in the Washington Post. Morell claimed that “had the program been in place more than a decade ago, it would likely have prevented 9/11.”

### **Khalid al-Mihdhar**

The poster boy for this PR ploy is Khalid al-Mihdhar one of the hijackers of AA-77, who had been communicating from San Diego with people in a known al-Qaeda terrorist safe house in Yemen. Al-Mihdhar had been on the radar of U.S. intelligence at least since 1999, when NSA picked up communications from a “terrorist facility” implicating him. In early 2000 he lived in San Diego, California, with fellow hijacker Nawaf al-Hazmi.

NSA knew the telephone number of the safe house in Yemen at least by 1996 and was, of course, keeping track of calls to it from the U.S. Would Mueller, Morell and Cheney have us believe NSA doesn't know about caller ID? As William Binney has explained, automated systems take over when such calls are made and as long as you have one valid number you can obtain the other. Was it a case of gross ineptitude on NSA's part; or was NSA deliberately withholding information linking al-Mihdhar to the known al-Qaeda base in Yemen?

Richard Clarke, who was White House counterterrorism czar from 1998 through 2001, has told ProPublica that NSA had both the ability and the legal authority to trace calls from Mihdhar to Yemen. Clarke is correct. The targeting had been done; the numbers were known. The necessary authorities already existed.

No warrant would have been required, had Director Hayden simply made use of the authorities available to him via Executive Order 12333, Part II, Section 2.C, by which he could have obtained approval from the Attorney General to target all communications with the safe house in Yemen regardless of origination or destination. It remains unclear as to why this was not done, especially in light of the recent revelation that Hayden did exercise that authority AFTER 9/11 in approving STELLARWIND.

Michael Leiter, Director of the National Counterterrorism Center from 2007 to 2011, later acknowledged publicly that while monitoring the al-Qaeda switchboard safe house in Yemen (run by al-Mihdhar's in-laws), NSA intercepted and transcribed seven calls from al-Mihdhar to the al-Qaeda switchboard. Leiter claimed that NSA didn't figure out that the calls were coming from the U.S. Was Leiter never told that NSA knew about the switchboard and the calls from the U.S., but failed to share the intelligence with others?

We have been focusing on NSA but would be remiss were we not to add that there were plenty of opportunities to alert the intelligence community to al-Mihdhar and al-Hazmi and their whereabouts before 9/11.

For its part, the CIA had plenty of intelligence about al-Mihdhar and al-Hazmi but withheld critical pieces of it from dissemination outside CIA. This was firmly established in a Justice Department Inspector General report. The DOJ IG report added that, despite an attempt by a FBI detailee working at the CIA to share critical intelligence on the two hijackers, "that information was not released by the CIA to the FBI. We were unable to determine why this did not occur."

Richard Clarke was also deprived of the information. During an interview on August 11, 2011, he publicly accused former CIA Director George Tenet of personally barring the dissemination of intelligence on al-Mihdhar and al-Hazmi to him (Clarke) as well as to the FBI. Clarke suggested that CIA operations officers were planning to recruit the two terrorists to work for the CIA, and once the FBI learned they were on U.S. soil the CIA would lose jurisdiction and control.

### **Bottom Line**

It should now be clear, for those who can handle the truth, that the problems at NSA run deep in terms of effectiveness, integrity and respect for the Constitution. By withholding information and exploiting secrecy, NSA's leaders past and present have pulled off an unparalleled coup in concealing the sad reality that NSA could have prevented 9/11 and didn't. And Schadenfreude chortling by leaders at the top regarding the demonstrated bureaucratic advantages and success of such dishonesty has a tendency to be heard down through the ranks, corrupting even dedicated workers.

As you ponder more recent abuses, we hope you will address the deficiencies of NSA management past and present those who have been in charge of tens of thousands of patriotic workers doing their best in an agency whose mission is critical to our national security. And we suggest that you might wish to avoid repeating the dodgy rhetoric aimed at "proving" to us all that tragedies like 9/11 cannot be prevented unless we collect every bit and byte of signals intelligence we can.

We are in a position to know that collecting everything makes very little sense from a technical point of view. And, as citizens, we are offended by the callous disregard of the Fourth Amendment of the Constitution we all swore a solemn oath to support and defend against all enemies, foreign and domestic.

Signed/

William Binney, former Technical Director, World Geopolitical & Military Analysis; Co-founder of the SIGINT Automation Research Center.

Thomas Drake, former Defense Intelligence Senior Executive Service, NSA

Edward Loomis, former Chief, SIGINT Automation Research Center, NSA

J. Kirk Wiebe, former Senior Analyst, SIGINT Automation Research Center, NSA

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