

# NSA'S INSPECTOR GENERAL APPEARS TO BE DISAPPEARING 299 DELIBERATE VIOLATIONS A YEAR

Bloomberg is getting a lot of attention for reporting the results of a still-classified (and unclassified) NSA Inspector General audit showing that NSA averages one rule violation a year.

Some National Security Agency analysts deliberately ignored restrictions on their authority to spy on Americans multiple times in the past decade, contradicting Obama administration officials' and lawmakers' statements that no willful violations occurred.

[snip]

The incidents, chronicled in a new report by the NSA's inspector general, provide more evidence that U.S. agencies sometimes have violated legal and administrative restrictions on domestic spying, and may add to the pressure to bolster laws that govern intelligence activities.

The inspector general documented an average of one case per year over 10 years of intentionally inappropriate actions by people with access to the NSA's vast electronic surveillance systems, according to an official familiar with the findings. The incidents were minor, the official said, speaking on the condition of anonymity to discuss classified intelligence. [my emphasis]

Now, perhaps the IG is using the rule laid out

by Barton Gellman saying that intentionally inappropriate action that serves “the mission” isn’t an intentionally inappropriate action.

If they are performing the mission that the NSA wants them to perform, and nevertheless overstep their legal authority, make unauthorized interceptions or searches or retentions or sharing of secret information, that is not abuse, that’s a mistake.

But this seems to be another example of NSA’s funny math.

Because the NSA’s own internal count of such violations suggests there would be closer to 300 such violations a year (counting just those deemed a lack of due diligence). The 772 violations for the S2 Directorate in the first quarter of 2011 represented 89% of all NSA’s violations that quarter; if their 68 due diligence violations represented 89% of all due diligence violations (S2’s rate for due diligence violations is lower than the two other categories broken out), you’d expect 76 each quarter, or just over 300 a year.

So whereas the NSA is telling itself that there are 300 examples a year where someone doesn’t follow rules – not because they don’t know them (those are training violations) or because they make a data entry error (those are human error), but something else – it is telling Congress there is just one example a year.

Poof! Magic math.

Update: If Kimberly Dozier got it too, it’s an official leak.

They apparently don’t fire people who use all these spy tools to spy on their exes.

Two U.S. officials said one analyst was disciplined in years past for using NSA resources to track a former spouse. The officials spoke on condition of anonymity because they were not

| authorized to speak publicly.