

EMPTYWHEEL AND FIRST LOOK MEDIA: BEGINNINGS AND CONTINUITY

I've got some exciting new beginnings – and some continuity – to announce.

As Pierre Omidyar and Eric Bates just announced, I will be joining First Look Media as part of a new magazine that will publish Glenn Greenwald, Laura Poitras, Jeremy Scahill, and others' work. It's really exciting to join Glenn and others in their work, and to join the larger First Look effort as it launches.

But that opportunity won't change much here. I am just working for First Look as a consultant – just doing document analysis, not my own reporting – and just part time. I will continue to do the kind of reporting I always do here – and potentially for other media outlets.

Some of the stories I have broken or significantly advanced since the Snowden leaks started (ignoring that I guessed the Bush's illegal program had been moved under PATRIOT back in 2009) include:

- FISC never issued an opinion finding the dragnet legal until last year (confirmed by PCLOB 7 months later)
- NSA's phone dragnet violated Section 215's minimization requirements (confirmed by PCLOB 2 months later)
- NSA can query the Section 215 dragnet for Iranian targets in addition to al Qaeda related ones

- NSA uses the dragnet to identify potential informants
- Technical personnel have unaudited access to raw dragnet data to remove “high volume” numbers and carry out other still-secret tasks
- NSA destroyed the evidence of such tech personnel moving and retaining data outside FISC guidelines
- NSA watchlisted 3,000 US persons under the phone dragnet with no First Amendment review
- NSA itself considered some of its 2009 practices similar to Project Minaret’s watch-listing of anti-war activists
- NSA trains analysts to recreate domestic phone dragnet queries using E.O. 12333 data to get around dissemination protections
- NSA rolled out a new contact-chaining approach overseas just as NSA began disclosing its 5-years of Internet dragnet violations to FISC (the timing was subsequently confirmed by additional government disclosures)
- Section 702 is used

for counterterrorism, counterproliferation, and cybersecurity (strongly suggested by the Review Group 6 months later)

- NSA uses upstream Section 702 collection for cybersecurity purposes (and Leahy-Sensenbrenner would end this use)
- NSA can query US person content incidentally collected under Section 702 (reported by the Guardian 2 months later)
- NSA does not even need Reasonable Articulate Suspicion to conduct these queries
- FBI has had that authority to search incidentally collected content since 2008 (confirmed by subsequent government release)
- NSA secretly expanded minimization procedures meant to protect life and body to cover property
- Mike Rogers never shared the written notice to Congress in 2011 (confirmed by Justin Amash, then reported by multiple outlets)
- In one of the briefings held instead, FBI misled Members

about abuses committed under Section 215

- NSA did not inform the Intelligence and Judiciary Committees about significant interpretations of Section 215 until after PATRIOT was reauthorized in 2010
- NSA did not inform the Judiciary Committees about its geolocation efforts until after PATRIOT was reauthorized in 2011
- John Brennan briefed Colleen Kollar-Kotelly on the need for the Internet dragnet in 2004 along with the “hospital confrontation” heroes and villains (I’ve been promising more interesting details about this in the future – stay tuned!)
- Roughly 9% of NSA’s violations consist of analysts breaking standard operating procedures they’ve been trained on

All this in addition to debunking the obfuscations and lies of the NSA’s defenders on a daily basis.

I’ve done that work with the support and encouragement of emptywheel’s readers. You’ve been a big part of that work.

You should still expect to see the same caliber of reporting here at emptywheel for the foreseeable future and my original reporting

will continue to be my emphasis.