THE 2009 CHALLENGE TO THE DRAGNET

Ken Dilanian has a story about someone who looks a lot like Chris Inglis raising questions about the phone dragnet in 2009.

> A now-retired NSA senior executive, who was a longtime code-breaker who rose to top management, had just learned in 2009 about the top secret program that was created shortly after the Sept. 11, 2001, attacks. He says he argued to then-NSA Director Keith Alexander that storing the calling records of nearly every American fundamentally changed the character of the agency, which is supposed to eavesdrop on foreigners, not Americans.
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> Alexander politely disagreed, the former official told The Associated Press.
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> The former official, who spoke only on condition of anonymity because he didn't have permission to discuss a classified matter, said he knows of no evidence the program was used for anything other than hunting for terrorism plots in the U.S. But he said he and others made the case that the collection of American records in bulk crossed a line that had been sacrosanct.
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> He said he also warned of a scandal if it should be disclosed that the NSA was storing records of private calls by Americans — to psychiatrists, lovers and suicide hotlines, among other contacts.

While interesting, it's the kind of story — and it is accompanied by enough obvious errors and general lack of awareness about the program — that it raises questions about the further backstory (as for the errors, the most obvious include badly misstating how many people access

the data, misstating where Basaaly Moalin is from, and accepting the source's claim it has only been used to hunt terrorist plots rather than informants).

How do you write an intelligent story about anything having to do with the dragnet in 2009 and not mention the other issues going on with the dragnet, the 9 month process during which the ultimate structure leftover from Stellar Wind was cleaned up?

Indeed, the buried lede of this story is that someone this senior in the NSA would just be discovering the program, 8 years after it started and 3 years after it got put under FISC review. That's consistent with what we saw from dragnet data, mind you — one reason the program was so screwed up in 2009 was that NSA's regular coders hadn't been overseeing its integration, even while the program appears to have gotten integrated into ICREACH in 2008.

But especially given the evidence that tech people committed the worst known violation and had access to commit far more serious ones, this part of the story should be the news.

It also raises questions about two other things going on that year. It is true that DOJ delayed quite some time from when Dianne Feinstein and Kit Bond first asked for language to resume the reauthorization program. Then, once they did start the process, DiFi was up boasting about how this (and presumably the PRTT program) were the most important investigations going on. Whether the government was honest about what they told SSCI about the program, it's fairly clear that's where the legislative push to retain it came from.

Then there's the question I already raised: the change in FBI's interpretation of Basaaly Moalin's donations to Al-Shabaab, which earlier in 2009 they viewed as an effort to fight back against (US-backed) Ethiopian invaders. That is, did Moalin get prosecuted solely so they could have a dragnet win to justify all the other

things they're doing with the data?