

ODNI Review Group Comments
D.K.

Hello. I understand that you, the Office of the Director of National Intelligence (ODNI) and the Review Group on Intelligence and Communication Technologies (RGICT), are seeking public comment on how to balance the need for security with the civil rights that citizens should enjoy, all in light of advancements in communications technology. I am happy to respond.

Our country works best when we are all in it together! We must want to keep our eyes open, want to report what we know to the government, to cooperate to stop threats and elect the people who will keep us strong. This can only be done if we believe in our government and what it says. That means the government must follow the rule of law, must not lie under oath, and must have ways of policing itself.

The past months have proved that this is not currently the case. Government officials have lied to the Congress and to the American People. If we can't trust what you say, then why should we vote, cooperate with your requests, or listen to our elected officials for anything?

Your classified work is connected to the public trust. If you do not live up to the public trust then nothing you do, no matter how well intentioned and honorable, will mean anything for us. And you are currently operating with a large deficit in the trust category.

Bruce Schneier offered an excellent analysis and prescription on Sept 6th, 2013 (excerpted from https://www.schneier.com/blog/archives/2013/09/conspiracy_theo_1.html)

"...All of this denying and lying results in us not trusting anything the NSA says, anything the president says about the NSA, or anything companies say about their involvement with the NSA. We know secrecy corrupts, and we see that corruption. There's simply no credibility, and -- the real problem -- no way for us to verify anything these people might say.

It's a perfect environment for conspiracy theories to take root: no trust, assuming the worst, no way to verify the facts. Think JFK assassination theories. Think 9/11 conspiracies. Think UFOs. For all we know, the NSA might be spying on elected officials. Edward Snowden said that he had the ability to spy on anyone in the U.S., in real time, from his desk. His remarks were belittled, but it turns out he was right.

This is not going to improve anytime soon. Greenwald and other reporters are still poring over Snowden's documents, and will continue to report stories about NSA overreach, lawbreaking, abuses, and privacy violations well into next year. The "independent" review that Obama promised of these surveillance programs will not help, because it will lack both the power to discover everything the NSA is doing and the ability to relay that information to the public.

It's time to start cleaning up this mess. We need a special prosecutor, one not tied to the military, the corporations complicit in these programs, or the current political leadership, whether Democrat or Republican. This prosecutor needs free rein to go through the NSA's files and discover the full extent of what the agency is doing, as well as enough technical staff who have the capability to understand it. He needs the power to subpoena government officials and take their sworn testimony. He needs the ability to bring criminal indictments where appropriate. And, of course, he needs the requisite security clearance to see it all.

We also need something like South Africa's Truth and Reconciliation Commission, where both government and corporate employees can come forward and tell their stories about NSA eavesdropping without fear of reprisal.

Yes, this will overturn the paradigm of keeping everything the NSA does secret, but Snowden and the reporters he's shared documents with have already done that. The secrets are going to come out, and the journalists doing the outing are not going to be sympathetic to the NSA. If the agency were smart, it'd realize that the best thing it could do would be to get ahead of the leaks.

The result needs to be a public report about the NSA's abuses, detailed enough that public watchdog groups can be convinced that everything is known. Only then can our country go about cleaning up the mess: shutting down programs, reforming the Foreign Intelligence Surveillance Act system, and reforming surveillance law to make it absolutely clear that even the NSA cannot eavesdrop on Americans without a warrant."