

# The Washington Post

## Wonkbook: Inside the NSA's secret world

By: Evan Soltas- June 12, 2013

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**Wonkbook's Number of the Day: 10 percent.** That's the edge Democrats have over Republicans on health issues, according to a new poll. The Affordable Care Act's implementation is certain to be at the center of the 2014 elections.

**Wonkbook's Quotation of the Day:** "No sir." That, of course, was Director of National Intelligence James R. Clapper's answer to a question from Sen. Ron Wyden, who asked whether Clapper's agency, the National Security Agency, operated any wide data-collection program — a question that would have fit the telephone-metadata collection program, or PRISM, exactly.

**Wonkbook's Graph of the Day:** Who holds security clearances?

**Wonkbook's Top 5 Stories:** 1) how can we ever debate secrecy?; 2) immigration reform advances to debate; 3) America trusts Democrats on health issues; 4) White House may be readying for climate-change push; and 5) CAP's latest on gun control.

### 1) Top story: Inside the NSA's secret world

**Secrecy blocks secrecy debate.** "[T]he legal and political obstacles to such a debate, whether in Congress or more broadly, are formidable. They only begin with the facts that the programs at issue are highly classified and that Mr. Snowden is now a hunted man, potentially facing a prison sentence for disclosing the very secrets that started the discussion that Mr. Obama welcomed." *Scott Shane and Jonathan Weisman in The New York Times.*

**...But that hasn't stopped some pushback.** "The challenge to the secrecy surrounding the NSA's activities stands in contrast to the reaction in Washington, where forces including the White House and senior members of both parties in Congress have rallied behind the status quo, saying the programs strike a balance between protecting privacy rights and combating terrorism." *Evan Perez in The Wall Street Journal.*

**Liveblog:** Debate on privacy in a digital world. *Timothy B. Lee in The Washington Post.*

**Americans say leaks didn't hurt national security.** "A new CBS News poll shows just 30 percent of Americans think Snowden's leaks have weakened national security, while 60 percent say his disclosures either have no effect or will strengthen national security." *Aaron Blake in The Washington Post.*

**Tech giants want to reveal data requests.** “Google, Facebook and Microsoft on Tuesday asked the government for permission to reveal details about the classified requests they receive for the personal information of foreign users...[T]he companies say they are frustrated that they are unable, because of a government gag order, to give more details of sharing user data with the government.” *Claire Cain Miller in The New York Times.*

@StephenAtHome: If you’re doing nothing wrong, you have nothing to hide from the giant surveillance apparatus the government’s been hiding.

**...And about 500,000 private contractors have access to top-secret info.** “Clearance doesn’t mean all these workers get to see every classified document out there. And, as various analysts have pointed out, Snowden likely would have needed even *higher* clearance than “top secret” to gain access to PRISM and other surveillance programs. (One former NSA official told the Post that “maybe 30 or maybe 40” people would have access to the secret court orders that Snowden leaked.)” *Brad Plumer in The Washington Post.*

**Senators ask NSA to declassify more information.** “The Senate Intelligence Committee is asking the director of the National Security Agency to declassify some pieces of information in order to better explain how the agency uses telephone and Internet intercept programs revealed in recent news reports to thwart terrorist attacks.” *Ed O’Keefe in The Washington Post.*

@RameshPonnuru: Snowden may not make good arguments against this surveillance program, but he is a good argument against this surveillance program.

**NSA chief briefs senators.** “Gen. Keith Alexander, chief of both the National Security Agency and the U.S. Cyber Command, met with members of the Senate Intelligence Committee for a briefing about the programs used to amass widespread phone records and online activity. The full Senate will meet with Alexander on Thursday.” *Ginger Gibson and Burgess Everett in Politico.*

**ACLU sues NSA over surveillance program.** “The American Civil Liberties Union filed a lawsuit Tuesday challenging the constitutionality of the U.S. government surveillance program that collects the telephone records of millions of Americans from U.S. telecommunications companies.” *Ellen Nakashima and Scott Wilson in The Washington Post.*

@charlesmurray: Just to clarify: I don’t think the NSA story is scary because Barack Obama is president. It’s scary, period.

**Hackers vs. suits: why nerds become leakers.** “Laptops with EFF or Tor stickers are common at technology conferences, and people who have them tend to have a lot in common. They tend to be technically-savvy, skeptical of authority, and comfortable defying social conventions. Like Snowden, a high school dropout, they tend to have unconventional career paths.” *Timothy B. Lee in The Washington Post.*

**Prosecutors develop extradition strategy for Snowden.** “The investigation of National Security Agency leaker Edward Snowden has become a legal game of cat and mouse, as federal

prosecutors weigh what criminal charges would help bring him back to the U.S... Several U.S. officials described competing interests as they prepare a criminal case against Mr. Snowden. Investigators would like to lodge some charge against him quickly, even under seal, which could prevent Mr. Snowden from traveling easily. But there are incentives to proceed slowly with extradition cases.” *Devlin Barrett in The Wall Street Journal.*

**The strange politics of spying.** “What may be just as significant is the way in which attitudes toward the security state could split voters and elected officials within each party — possibly creating a wedge issue in both party primaries in 2016. Politicians who are normally associated with being on the far left and the far right may find common cause with grass-roots voters in their objection to domestic surveillance programs, fighting against a party establishment that is inclined to support them.” *Nate Silver in The New York Times.*

@kjhealy: You know, we could interpret the appalling quality of most online comments as a kind of social immune system response to NSA surveillance.

*NSA opinion roundup:*

**SANCHEZ: How Sen. Rand Paul can take on the NSA.** “Paul, a Kentucky Republican, has pledged to spearhead a class-action lawsuit against the NSA on behalf of the millions of Americans whose phone and Internet activity logs have been vacuumed up under sweeping Patriot Act orders for “business records.” Yet the NSA program’s defenders insist it’s entirely legal — that the Constitution doesn’t even protect these records, making any court challenge a nonstarter. The terrifying thing is they may be right, which means we need to seriously rethink how the Fourth Amendment works in the 21st century.” *Julian Sanchez in Bloomberg.*

**NOLAN: The vain media cynics of surveillance.** “[T]he cynics on this story reside in the ultra-establishment. They are the journalists and pundits who feel compelled to demonstrate their own sophistication by dismissing these revelations as old hat (though documented proof of these programs has never been seen before). They are those who have grown so inured to the gross overreach of government power that they can no longer conceive of it as scandalous. They prefer to comfort the NSA, and afflict the leaker.” *Hamilton Nolan in Gawker.*

**SIMON: Is this an issue or is it not?** “The U.S. government has two contradictory responses to the leaks. First, it says, the stuff Snowden has leaked is no big deal and the media are guilty of “hyperbole” in their reporting on it.” *Roger Simon in Politico.*

**FOURNIER: The dirty secrets of Washington elites.** “There must be a way to shed a modicum of light on how far Presidents Bush and Obama stretched the Patriot Act. Surely, it’s possible to start an open and honest conversation about drone warfare, domestic surveillance, and big data in general terms that don’t expose cherished “sources and methods.”” *Ron Fournier in NationalJournal.*

**SHAFER: The selective leak.** “Without defending Snowden for breaking his vow to safeguard secrets, he’s only done in the macro what the national security establishment does in the micro every day of the week to manage, manipulate and influence ongoing policy debates. Keeping the

policy leak separate from the heretic leak is crucial to understanding how these stories play out in the press..Secrets are sacrosanct in Washington until officials find political expediency in either declassifying them or leaking them selectively. It doesn't really matter which modern presidential administration you decide to scrutinize for this behavior, as all of them are guilty." *Jack Shafer in Reuters.*

**IRWIN: Moore's Law, J. Edgar Hoover and the real roots of the NSA surveillance scandal.** "When Moore's Law was conceived, and J. Edgar Hoover was at the height of his power running the FBI, a world in which the government could plausibly suck in all the data created by hundreds of millions of Americans or billions of earthlings was simply beyond imagining. (Well, not completely beyond imagining. George Orwell did a quite good job)." *Neil Irwin in The Washington Post.*

**CROOK: Is the U.S. still the 'land of the free'?** "I'm mainly struck by the weaknesses of the constitutional checks and balances that one thinks of as quintessentially American — so often, they seem to be failing where they're needed most. There's a pattern here, and you don't need to be an NSA data-miner to see it...Obama is right that there's a trade-off, and most Americans seem to be happy, as I am, to accept some modest invasion of their privacy in return for more effective protection against terrorism. But that can't mean carte blanche." *Clive Crook in Bloomberg.*

**SARGENT: The right 'balance' on the NSA.** "Is there a way to continue giving the government the surveillance tools it says it needs to ensure national security, even as we do a better job safeguarding Americans' civil liberties? Here, with the help of Michelle Richardson, legislative counsel for the ACLU, are steps that could be taken to mitigate current government overreach." *Greg Sargent in The Washington Post.*

**FRIEDMAN: Blowing a whistle.** "Yes, I worry about potential government abuse of privacy from a program designed to prevent another 9/11 — abuse that, so far, does not appear to have happened. But I worry even more about another 9/11. That is, I worry about something that's already happened once — that was staggeringly costly — and that terrorists aspire to repeat. I worry about that even more, not because I don't care about civil liberties, but because what I cherish most about America is our open society, and I believe that if there is one more 9/11 — or worse, an attack involving nuclear material — it could lead to the end of the open society as we know it." *Thomas L. Friedman in The New York Times.*

**ROSENTHAL: Clapper lied.** "On March 12, James Clapper, director of national intelligence, testified at an open congressional hearing. Senator Ron Wyden, Democrat of Oregon, asked him whether the National Security Agency collects "any type of data at all on millions or hundreds of millions of Americans." His answer: "No sir." Then he added: "Not wittingly." It was a lie, as everyone now knows from the articles about the N.S.A.'s data-mining program." *Andrew Rosenthal in The New York Times.*

**DAVIDSON: Should contractors be doing national-security work?** "In an attempt to clarify what inherently governmental means, the Office of Management and Budget issued guidance in 2011 that said: "The FAIR [Federal Activities Inventory Reform] Act defines an activity as

inherently governmental when it is so intimately related to the public interest as to mandate performance by Federal employees.” Federal employee unions have long argued too many contractors are doing work meeting that definition.” *Joe Davidson in The Washington Post.*

**Music recommendations interlude:** James Taylor, “Shower the People,” 1988.

### *Top op-eds*

**ORSZAG: Retirement will kill you.** “Researchers at the Institute of Economic Affairs in the U.K. have also recently identified “negative and substantial effects on health from retirement.” Their study found retirement to be associated with a significant increase in clinical depression and a decline in self-assessed health, and that these effects grew larger as the number of years people spent in retirement increased. Similarly, a study published in 2008 by the National Bureau of Economic Research found that full retirement increased difficulties with mobility and daily activities by 5 percent to 16 percent and, by reducing physical exertion and social interactions, also harmed mental health.” *Peter Orszag in Bloomberg.*

**PORTER: Health care’s overlooked cost factor.** “[A]n elephant in the room appears to have been overlooked in the debate over how to rein in the galloping cost of health care: a lack of competition in what is now America’s biggest business — accounting for almost 18 percent of the nation’s gross domestic product... The share of metropolitan areas with highly concentrated hospital markets, by the standards of antitrust enforcers at the Justice Department and the Federal Trade Commission, rose to 77 percent from 63 percent over the period.” *Eduardo Porter in The New York Times.*

**SOLTAS: The U.S. economy still isn’t churning.** “The rate of labor market “churn” — the number of people moving from job to job per quarter — dropped by 2.3 million during the recession and hasn’t recovered... Low churn means that people may be choosing to hold down jobs that aren’t quite right for them. The average job change produces a \$1,000 productivity gain, according to Lazear and Spletzer, who found a total cost of \$208 billion since 2008.” *Evan Soltas in Bloomberg.*

**COHN: You call this insurance?** “[T]o engage in this debate, all of the trade-offs should be clear. And that includes the ones Taylor declined to highlight. Rate shock, which will ultimately affect only a small portion of the overall population, doesn’t simply reflect the extra premiums these people will pay while they are healthy. It also reflects the savings these people will realize while they are sick.” *Jonathan Cohn in The New Republic.*

**BARTLETT: Did the rise of finance contribute to our economic troubles?** “According to a new article in the Journal of Economic Perspectives by the Harvard Business School professors Robin Greenwood and David Scharfstein, financial services rose as a share of G.D.P. to 8.3 percent in 2006 from 2.8 percent in 1950 and 4.9 percent in 1980... According to Stephen G. Cecchetti and Enisse Kharroubi of the Bank for International Settlements, the impact of finance on economic growth is very positive in the early stages of development. But beyond a certain point it becomes negative, because the financial sector competes with other sectors for scarce resources.” *Bruce Bartlett in The New York Times.*

**Mother Earth interlude:** Timelapse of a supercell near Booker, TX.

## 2) *Immigration reform proceeds, 82-15*

**Immigration bill advances in Senate.** “The push to rewrite the nation’s immigration laws easily advanced in the Senate Tuesday, lending the effort a burst of momentum as lawmakers prepare to spend the rest of the month debating the issue. The Senate voted 82-15 on a motion that lets lawmakers formally debate the bill and begin offering amendments. All 15 “no” votes came from Republicans.” *Sara Murray and Corey Boles in The Wall Street Journal.*

**Explainer:** Which senators voted to debate immigration reform? Which opposed the debate? *Ed O’Keefe in The Washington Post.*

**Obama gives it his endorsement.** “For Mr. Obama, who has picked his shots in the immigration debate to avoid stirring partisan anger on Capitol Hill, it was a moment of promise and peril. While he threw his weight behind the bill, he conceded that it would not satisfy all sides and said he anticipated a bruising fight over issues like border security and the path to citizenship.” *Mark Landler and Ashley Parker in The New York Times.*

**...And Sen. Tim Kaine argues for it entirely in Spanish.** “Kaine decided to use language skills he learned years ago to explain aspects of the bill to the nation’s roughly 40 million Spanish speakers, and to make a political point...It was the first time a sitting senator has delivered a floor speech entirely in Spanish, according to the Senate records. The Senate Library said it has no record of the three Latino senators — Sens. Robert Menendez (D-N.J.), Marco Rubio (R-Fla.) and Ted Cruz (R-Tex.) — giving any extended remarks in Spanish.” *Ed O’Keefe in The Washington Post.*

**Rep. Becerra: House deal within two weeks.** “While the Senate has moved swiftly this year in drafting a bipartisan immigration reform deal – a package that hits the chamber floor Tuesday – the House negotiators have struggled to reach an agreement. Those talks hit a particularly rough patch last week when one of the GOP negotiators, Rep. Raúl Labrador (Idaho), left the table over the issue of how to pay for healthcare for the undocumented immigrants benefiting from the bill.” *Mike Lillis in The Hill.*

**Rubio to offer immigration bill amendment to strengthen English requirements.** “Sen. Marco Rubio (R-Fla.) wants to strengthen requirements in a sweeping immigration bill that mandate that illegal immigrants learn English before earning permanent U.S. residency. Under the current bill, immigrants would have to earn English proficiency or show they are enrolled in a language course. Rubio, a member of the bipartisan group that developed the legislation, plans to offer an amendment that would eliminate the second provision and require that undocumented immigrants be able to read, write and speak English before earning a green card.” *David Nakamura in The Washington Post.*

**Immigrant families face legal barrier to reunion.** “Three young immigrants had a jubilant and painful reunion here on Tuesday with parents who had been deported from the United States, sharing hugs through the steel bars of the border fence that separates this American town

[Nogales, AZ] from its Mexican twin.” *Rebekah Zemansky and Julia Preston in The New York Times.*

**Labor makes push for immigration reform.** “The Service Employees International Union, which claims more than two million members, said it had purchased more than \$1 million in television advertising to run in June on cable networks nationwide... The A.F.L.-C.I.O., the nation’s largest labor federation, said it would take 50 union leaders from 27 states to Washington on Wednesday to lobby in the Senate and the House. The organization said it was also starting a call-in campaign by union members focusing on about two dozen senators.” *Julia Preston in The New York Times.*

**Animals interlude:** Eagles trail remote-controlled airplane. Awesome.

### *3) America trusts Democrats with health*

**Poll: Democrats have edge on health issues.** “The survey, released by the Morning Consult website, found that 42 percent of likely voters trust Democrats to handle healthcare issues — compared with 32 percent who said they trusted Republicans. Democrats retained a 10-point edge over Republicans on healthcare issues despite sagging public approval of President Obama’s healthcare overhaul.” *Sam Baker in The Hill.*

**Obama didn’t change his mind on Plan B, Justice changed its legal strategy.** “The Obama administration announced Monday it would no longer defend age limits on over-the-counter access to emergency contraceptives. That does not, however, mean that President Obama has reversed his position on the issue... It could continue its a relatively long-shot legal challenge while allowing a possibly complex medication to land on pharmacy shelves. Or, recognizing the long odds, it could drop the challenge and allow a simpler version of the product to become available to women and girls of all ages, without a prescription.” *Sarah Kliff in The Washington Post.*

**...Stores are preparing to widen access.** “Changes to how the drug is sold won’t be immediate. Drug makers will need to relabel products, which could take weeks. Retailers have discretion over whether and how to stock Plan B, which sells for about \$50 a pill. The product could potentially be placed in a locked case in store aisles to prevent theft, as is done with other pricey products like baby formula, antiaging creams and razors.” *Jennifer Corbett Dooren in The Wall Street Journal.*

**Members propose bipartisan reforms to stop Medicare, Medicaid waste.** “The Preventing and Reducing Improper Medicare and Medicaid Expenditures (PRIME) Act is an attempt to find a middle-ground solution to the problem of waste in the country’s two huge health programs... The legislation makes numerous reforms to the two programs, including the imposition of tougher penalties for Medicare and Medicaid fraud, and makes efforts to reduce improper payments under those programs. The bill also seeks to phase out the “pay and chase” policy, under which the programs generally make payments without making an upfront effort to determine if the recipients of these payments are legitimate.” *Pete Kasperowicz in The Hill.*

**Go home designated drivers — you're drunk.** “The concept of a designated driver is a very, very simple one: This is the person who is designated to not drink and to drive his or her companions home at the end of the night. Easy in concept but apparently a bit difficult in execution. About one-third of designated drivers have at least one drink while carrying the title, according to a new paper in the *Journal of Studies on Alcohol and Drugs*. Twenty percent, breath tests showed, had a blood alcohol level higher than 0.05, enough to impair their driving skills.” *Sarah Kliff in The Washington Post*.

**Dictionary interlude:** How to use “ironic.”

#### ***4) Is the White House getting serious on climate change?***

**White House working on legislative strategy for climate change.** “Sen. Sheldon Whitehouse (D-R.I.) and Rep. Henry Waxman (D-Calif.) met with White House Chief of Staff Denis McDonough last week to coordinate climate strategy, the Rhode Island Democrat told reporters Tuesday.” *Zack Colman in The Hill*.

**Obama to ramp up international climate action, adviser says.** “President Obama’s top climate adviser said a recent agreement with China is the beginning of a more aggressive international agenda on climate change from the White House. “We’re ripe for a few more deliverables,” Heather Zichal said Tuesday during an energy and environment conference hosted by Sen. Sheldon Whitehouse (D-R.I.) at the Capitol.” *Zack Colman in The Hill*.

**Climate change by the numbers.** “A confidential draft of the new report on the causes and consequences of global warming was sent to governments to review on June 7, ahead of the publication of the final version this autumn... The initial results show that, at current rates of emissions of carbon dioxide and other greenhouse gases, average global temperature could be at least three degrees centigrade higher by the end of this century than it was before the onset of the Industrial Revolution and widespread burning of fossil fuels.” *Bob Ward in Project Syndicate*.

**Buzzfeed outdoes itself interlude:** “28 Dogs That Immediately Regret Their Decisions.”

#### ***5) Does gun control have a future?***

**Gun control groups try, try again.** “Six months since the mass shooting at Sandy Hook Elementary School in Newtown, Conn., parents of some of the youngest victims plan to visit Capitol Hill again this week to meet with lawmakers about crafting a bill to impose stricter gun laws... On Monday, Vice President Biden — normally ebullient when discussing the administration’s priorities — seemed less than certain that gun-control will return to the fore in the Senate.” *Ed O’Keefe in The Washington Post*.