

HERALD LIVE BLOG "MOMENT OF TRUTH" 2014-09-15 DEREK CHENG

- 6:42 Welcome to The Moment of Truth at Auckland Town Hall
- 6:42 Packed house here, with loads of Internet Mana t-shirts. Only empty seats are the media ones.
- 6:43 A very active few hours ... The release of an article on the Intercept quoting Edward Snowden, claiming that the GCSB was actively involved in a project to trawl through the metadata of New Zealanders: New Zealand Launched Mass Surveillance Project While Publicly Denying It - The Intercept - New Zealand began work on a program to intercept citizens' metadata, according to NSA documents.
- 6:44 "The GCSB, whose operations he is responsible for, is directly involved in the untargeted, bulk interception and algorithmic analysis of private communications sent via internet, satellite, radio, and phone networks," Snowden said.
- 6:45 The article claimed that operation Speargun involved the covert installation of "cable access" equipment, referring to New Zealand's main undersea cable link, the Southern Cross cable.
- 6:46 That was the first phase. The second phase involved installing "metadata probes" scheduled for mid-2013
- 6:47 The whole operation was allegedly called the Ironsand mission
- 6:47 PM John Key responded by releasing documents, including cabinet papers, that back up what he's been saying in the past few days
- 6:48 In a statement, John Key said: "There is not, and never has been, a cable access surveillance programme operating in New Zealand. "There is not, and never has been, mass surveillance of New Zealanders undertaken by the GCSB. "Regarding XKEYSCORE, we don't discuss the specific programmes the GCSB may, or may not use, but the GCSB does not collect mass metadata on New Zealanders, therefore it is clearly not contributing such data to anything or anyone."
- 6:49 XKEYSCORE was mentioned by Snowden in the Intercept article. Snowden said: "At the NSA, I routinely came across the communications of New Zealanders in my work with a mass surveillance tool we share with GCSB, called 'X KEYSCORE' ... the GCSB provides mass surveillance data into XKEYSCORE. They also provide access to the communications of millions of New Zealanders to the NSA at facilities such as the GCSB facility in Waihopai, and the Prime Minister is personally aware of this fact."
- 6:50 The crowd cheers at Mana leader Hone Harawira arrives at the Town Hall
- 6:51 Cabinet papers show that they were looking at a "high-speed detection and defence capabilities to protect government and industry and potentially extends a degree of protection to all New Zealanders".
- 6:52 Cabinet minute shows that this option, previously preferred, was formally rescinded in Sept 2013.
- 6:54 The papers do not mention Ironsand or Speargun. So we will wait and see what kind of evidence Glenn Greenwald will present to tie the GCSB to the claim that Speargun went ahead - and the Southern Cross cable was accessed - and that there was a plan to install metadata probes by mid-2013.
- 6:57 Earlier in the day an email was released purporting to show that John Key knew about Kim Dotcom in 2010, contrary to Key's claims about when he first found out about Dotcom. The email appeared to show that Key was involved in a plan to grant Dotcom NZ residency so that he could then be extradited to the US.
- 6:59 The email was allegedly sent between a Warner Bros senior executive and a member of the Motion Picture Association of America - but they both denied the email was real, as did John Key.
- 7:00 So now I think we have set the scene ...

- 7:00 Laila Harre, Bob Amsterdam, Glen Greenwald and K Dotcom walk out onto the stage. Standing ovation from some. Loud cheers and whistles.
- 7:00 Here we go!
- 7:01 "Tonight we welcome the world to the Auckland Town Hall. We are meeting at the democratic centre of NZ's largest city, and we are here to celebrate and protect our democracy" - Laila Harre
- 7:02 Long cheer as Harre introduces Greenwald. Foot stomping. And again as Bob Amsterdam is welcomed.
- 7:02 Julian Assange smiles via video link!
- 7:02 Kim Dotcom blows a kiss to the crowd. Thumbs up to the crowd.
- 7:04 Laila Harre talks about the political and economic independence in the digital age. Talks about the Treaty of Waitangi, women's suffrage, winning the 40-hour week, the first voters to demand a welfare state, protesting French nuclear testing and South African apartheid
- 7:05 "It is we, NZ, who declared ourselves nuclear free, house by house, town by town, and forced our Govt to follow suit." - Harre
- 7:05 "It is those movements, those victories, that define more than anything else what it means to be a NZer." - Harre
- 7:05 Now it is our turn again.
- 7:06 "And perhaps another very special visitor" - Harre alludes to Ed Snowden, but where is he?
- 7:07 Harre now gives a resume of Greenwald, including his Pulitzer Prize.
- 7:07 Greenwald thanks everyone for coming and the Internet Party for inviting him.
- 7:07 "I am extremely excited to be here ... I've only been here for 96 hours, but it has been very eventful" Crowd chuckles.
- 7:08 Greenwald says there are 3 extraordinary things that have happened. Firstly, being publicly maligned by the Prime Minister with the most "adolescent epithets imaginable". Firstly called him a henchman, and this morning called him a "loser".
- 7:09 "Something I don't think I've been called since I was 14 years old." - Greenwald
- 7:10 Greenwald says NZ is not the first Govt to attack him. "But in every other country ... it wasn't the head of state." Usually the head of state is concerned about "appearing dignified".
- 7:10 Greenwald says facetiously that NZ should be proud of a leader who has completely unburdened himself of dignity or statesman-like behaviour
- 7:11 "I'm not going to lower myself to the PM's level," Greenwald says ... a very unusual line he has never had to use before.
- 7:11 The second extraordinary thing: The first day, the PM for the very first time admitted that his Govt had in fact planned a programme of mass surveillance aimed at NZers.
- 7:12 He said that was a stunning admission in the context of the 18 months of debate about spying laws. "A very intense debate .. over a new internet law that the Key Govt insisted upon enacting."
- 7:13 As this country was immersed in this very serious and sustained debate in surveillance ... he concealed from the citizenry, all of that time ... that his own Govt over many months was developing a programme of mass surveillance."

- 7:14 Extraordinary event number three: The PM's vow that he would declassify information to prove that he is right. "The reason why it is so amazing ... " is that Govt's cannot declare information classified, unless disclosing that information would jeopardise public safety.
- 7:15 These documents that "he is now going to release, because he thinks doing so would be helpful to him politically." Key is only doing it for political and personal gain – Greenwald
- 7:16 Greenwald says the Key Govt either properly classified this info in the first place, and its release would harm public safety, or the info should never have been classified in the first place. Key should explain which of those two is correct.
- 7:17 Greenwald now defending the timing of his appearance in NZ, claims of interfering in the election and manipulate the outcome. "I promise you ... I have spent very little time the domestic political disputes that take place in NZ."
- 7:18 And he is not that interested in who sits in power in NZ. Greenwald said it is "frivolous" to suggest that he suddenly developed an "urgent desire" to influence NZ politics.
- 7:19 Greenwald now addressing being paid to come to NZ. Says he is not being paid at all, and his appearance fee is being donated to a charity.
- 7:19 "People who make accusations about other people's hidden corrupt motives ... are saying a great deal about themselves." - Greenwald
- 7:21 Greenwald says people who say other people cannot act on principle or conviction are usually "plagued by the pathology of soullessness", and they themselves have never acted on conviction or principle.
- 7:21 Says he wanted to come because of his journalistic instincts. "Mass surveillance is a serious menace to all sorts of important political values."
- 7:22 "I am thrilled that there is somebody in this country ... devoted to internet freedom and opposing mass surveillance." - Greenwald. Says he is proud to participate to reach as many people in the world.
- 7:23 Now we get to the substance...
- 7:23 "What really has been triggered by these disclosures is an awareness" ... of govts deceiving the public about things we have the most right to go
- 7:24 Greenwald says what makes this different is that no one needs to rely on someone's word. The NSA docs means we can see info that we were never meant to see.
- 7:25 Now the public can look at the information and decide for themselves what is true and what is false.
- 7:25 My very heroic source Edward Snowden
- 7:25 "People have different views of the actions that he undertook ... " Greenwald on Snowden
- 7:26 He is overwhelmingly considered a hero ... Even his harshest critics have not been able to say that anything he has claimed about surveillance is either unreliable or untrue.
- 7:27 Greenwald says there are three primary areas where the Key Govt has deceived. "I don't make those accusations lightly ... I can categorically and with great confidence say that it is (true)"
- 7:28 First area are his statements in the past four days, about the plan to engage in mass electronic surveillance aimed at NZers. He said it was only a proposal, simply an idea ... it never got implemented because Key pulled the plug because it went too far.

- 7:28 Greenwald says his evidence shows the NSA discussing internally the project and what its status is. The project was labelled as "underway" by the NSA. Not in development or as a proposal, but "underway.
- 7:29 "Project SPEARGUN underway" - Oct 2012, internal top secret document about the GCSB produced by the NSA - on the slide
- 7:30 Next slide: NSA partner activities about access to data - it says "NZ: Partner cable access program achieves phase 1"
- 7:30 For PM to say it was a mere proposal ... "that is an outright falsehood. This was a programme that was officially embraced and adopted ... and steps taken to bring it into reality". - Greenwald
- 7:31 Greenwald now talking about the new GCSB bill last year, passed by 61-59 votes last August, which saw a lot of civic engagement.
- 7:31 Greenwald says that J Key repeatedly said that the bill did not give extra powers or allow mass collection of metadata ...
- 7:32 "Internally however, the Key Govt was saying exactly the opposite." They needed a new law to enable mass surveillance.
- 7:33 NZ: "GCSB's cable access program SPEARGUN Phase 1; awaiting new GCSB Act expected July 2013; first metadata probe mid 2013" - New slide
- 7:34 Any programme of mass surveillance would have been illegal when the Govt was looking into a proposal for mass cyber security. Greenwald says the only answer possible to explain this was that they were expecting the law to change. "That was exactly what he denied the law would do over and over again to get the law enacted."
- 7:35 The article on the Intercept quotes Edward Snowden's first hand experience of interacting with enormous amounts of metadata about NZ citizens ... much of which is processed by the GCSB. Exactly what John Key promised he would resign over - Greenwald. Big crowd applause.
- 7:36 "I am here as a journalist. I am not in support of or in opposition to any political party ..." but to scrutinise Govt claims. Greenwald questions again why PM only now revealing to NZ the plan for mass cyber protection
- 7:37 "Those are a lot of Qs that I hope NZ journalists confront him with in the next 5 days leading up to the election." Greenwald on Key
- 7:37 "Bring back Sean Plunkett" says Laila Harre. [edit She actually said "Beat that Sean Plunkett!"]
- 7:38 Laila Harre now talking about Edward Snowden. "Without Edward Snowden, the world may not have learned the extent" of global surveillance. Are we about to see Snowden?
- 7:38 And here is - he a standing ovation
- 7:39 Standing ovation and lots of loud cheering, sustained ... whistles and screams.
- 7:40 Blue jacket. black shirt. Black background ... Snowden smiles and talks about the denial of mass surveillance. "But you know there are actually NSA facilities in NZ that the GCSB is aware of ... and one of them is in Auckland. Another one is in the north of the country ... I'll leave it there."
- 7:41 Being interviewed by Greenwald now.
- 7:42 Snowden talks about his NSA experience. "When the PM is making these statements about there is no mass surveillance ... When the bulk collection of private citizens' communications ... what you order online, who you talk to ... when these things are collected by any arm of Govt.. that is a violation of rights not on a national level, but on a human level ... that are given to us by nature."

- 7:43 When I worked at the NSA ... you can think of it as a state-sponsored hack, you look at companies you look at targets around the world ... that was when I realised the absolute scale of how deep this went.
- 7:44 I could be looking at a system in Japan ... in Germany ... in NZ." XKEYSCORE means that the NSA and the five eyes alliance has a system of sensors around the world. "Some of them are cable taps ...
- 7:45 "there is a network of sensors around the world." They say there's no way to tap a fibre optic cable without us knowing about it and without taking our cable down, but the NSA has done it around the world.
- 7:46 I sitting at the NSA come in in the morning. I type in my search. Let's say I want to read J Key's emails ... it sends that search to every sensor around the world, and they search the metadata and content - which is held for about three to five days ... I can see everything. What book you looked at at amazon.com last week. I can see who you talked to, who your friends on FB are ... I can read the emails you wrote ... fingerprints that track where you've been on the web.
- 7:47 When I'm typing in this search, I say where in the world, which sensor I want it to go to. I know there is mass surveillance in NZ, because one of those sensor networks is in NZ.
- 7:48 "What about the GCSB's involvement in XKEYSCORE ... to this day he says 'I won't talk about it because it's related to foreign intelligence.'" But it's related to every man woman and child in NZ
- 7:49 That decision [for mass surveillance] doesn't belong to John Key ... that decision belongs exclusively to the people of that country. I think it's wrong of him to take away the public seat at the table of Govt, and say 'you'll simple have to trust us'.
- 7:50 Greenwald asks based on his firsthand work with XKEYSCORE that within Five Eyes there are large amounts of indiscriminate data about NZers and the GCSB contributes to that. Snowden says "absolutely ... and it's not just metadata ... that exists comprehensibly."
- 7:51 "Specifically yes, the GCSB not only uses XKEYSCORE, they have expanded it, contributed to its development. And that's a tremendously concerning thing," - Snowden
- 7:52 "Tell us what you want to do and we'll pass the law for you." Snowden on NZ to Five Eyes
- 7:52 Snowden agrees with Greenwald that PM needs to justify why the information wasn't released last year.
- 7:53 Snowden says XKEYSCORE involves metadata and content collection on citizens in NZ, their private communications ... and GCSB all have access to these communications. They are theoretically constrained by policy, they aren't really overseen. No accountability or public say on how they operate or whether they should exist at all.
- 7:54 Snowden asks why NZ was considering a programme that was illegal - even just as a business case.
- 7:55 Snowden says there is no problem if the public agrees to mass surveillance, but the public are deceived by Govts
- 7:56 Is it right for our Govts to have the opportunity to know everything about us ... without us having any knowledge, without us having a say on it... this is every individual citizen to decide what kind of society it wants to live in.
- 7:56 Snowden gets applause for saying that at election time, the citizenry gets to decide about the Govt, rather than the other way round
- 7:56 Laila Harre now introducing Wikileaks founder Julian Assange.
- 7:57 Another standing ovation for Assange.

- 7:58 "A loud banging sound as if someone has acquired the flat under the embassy ..." - Assange on the applause.
- 7:58 Assange says NZ has a very important historical contribution to the understanding of the Five Eyes alliance.
- 7:59 Drilling sound in Assange's background. People chuckle.
- 7:59 Calls Nicky Hager a "great NZ journalist" for writing about the GCSB in the 1990s.
- 8:00 NZ is part of the Five Eyes Alliance, and it's easy to become confused as to what that means ... it is not an alliance of nations.
- 8:00 "It is an alliance of intelligence agencies operating within those five nations. It is often presented as if those five nations have come together ... " to bring their nations geopolitical power. But there has not been informed consent by those five nations.
- 8:01 "While once we could have considered this significant, but not a crucial matter that starts to affect the structure of society, that is no longer true. The level of mass surveillance ... is something that is now at the level where it must inevitably affect the structure of our society" and the international order.
- 8:03 If we look at simply the scale of the activity, we now have a situation where every single person who has access to the internet is being affected. Sometimes we think a claim about a general phenomena is a claim about the air, or the sky ... so general that we cannot be affected by it. Stalin once said that one man's death is a tragedy but the death of a million is a statistic. But I have been one of those people ... a target of the NSA.
- 8:03 Kim Dotcom in NZ has been a target of the GCSB, unlawfully, and no doubt most of the people on the panel have been some kind of target. We are specialists in this area ... we can see that we have been individually targeted.
- 8:05 Five Eyes is a "radical extremist project" putting NZers under a mass surveillance regime that automatically collects information ... "an extreme, bizarre Orwellian future".
- 8:06 People within GCSB have become addicted to that relationship with these bigger players, so they are happy to sacrifice the rights of NZers and move the society of NZ in a very strange direction in exchange for membership of this international intelligence club.
- 8:07 It operates without proper oversight ... having looked at the development of the Five Eyes Alliance ... I want to reiterate what Glen has talked about ... This is how things are done at this level. It is all back room deals about how to construct laws ... how to subvert monitoring of behaviour of intelligence agencies.
- 8:08 NSA was used to take revenge against NZ for its nuclear-free policy by cutting of the flow of information to NZ ... but that secret flow and access to that club continued in the background.
- 8:09 "Covert intelligence agencies by definition are designed to operate outside proper scrutiny and outside the law, and so they cannot be trusted, and the people who get into bed with them ... also cannot be trusted." Someone yells out "Kia ora!" and prompts applause.
- 8:10 Kim Dotcom thanks everyone, including Assange and Snowden. Calls them heroes.
- 8:10 Kim Dotcom says "we will close one of the five eyes". More wild applause.
- 8:11 Back to Assange again. He says he and Dotcom "share the same prosecutor". Dotcom waves at prosecutor, hoping he is watching the live stream.
- 8:12 Assange says US apply their laws to as many other countries as possible.
- 8:13 Groups operating out of Virginia are applying their law into NZ taking control of NZ police force to coerce actions in NZ to pluck out residents in NZ to other states.

- 8:13 When you are able to control their police forces, you are ... annexing that country, and that is a problem for NZ, and it's a problem for the rest of the world.
- 8:14 There are more than 69 countries being pulled in to extradition cases to that centre in Virginia ... trying to extend US law to other countries. - Assange
- 8:15 Kim Dotcom says there are two ways to fight mass surveillance. Politically, and with technology. He says his site Mega fights surveillance. Plugs his Mega video suite, fully encrypted. "So I'm really passionate about keeping everyone's data safe." Use Mega! Be safe!
- 8:17 Amsterdam to talk about why we must vote to stop the Trans Pacific Partnership Agreement. Amsterdam says it is a privilege to represent K Dotcom.
- 8:17 Amsterdam says he found John Key's biography in a bookstore ... reads the opening paragraphs.
- 8:18 About playing golf with Obama in Hawaii, watching his son sink a putt and get a high-five from Obama. "This was face time beyond their dreams," the books says.
- 8:19 Amsterdam says the TPP is an arrangement "that will take from you your sovereignty in a very powerful and personal way".
- 8:19 Using stealth tactics. "American Trade policy is manufactured by special interests ... for instance in respect to intellectual property, it is drafted by the Motion Picture Association".
- 8:20 They then engage in negotiations, and if a country that is a trading partner of the US does not behave according to US standards, a section 301 listing can be made which impacts their ability to continue to work with the US.
- 8:21 Amsterdam says this has pushed other countries to change their IP laws so they can access the US market. "Once an agreement is reached, there is another process called certification. NZ would actually give up its own right to certify compliance."
- 8:22 That right goes to the US Congress to determine NZ has actually amended its laws in keeping with the agreement, and if it hasn't, the agreement will not go into force. In Peru, the US govt drafted Peru's laws to allow them to enter a trade agreement with the US.
- 8:22 The power of these trade agreements to impact your life directly is very strong.
- 8:24 Amsterdam says the impact means that for a trader like John Key, you have a limited number of chips to give up. "John has begun improvising, and one of the chips he's begun to give up is your rule of law. I'm not alone in saying that .. The Law Society of NZ has been very strong in terms of the Key Govt and in terms of have the Key Govt behaved in terms of the spy bill." They went to the UN to complain.
- 8:24 What it complains of is the ways in which the Govt is using emergency or speedy powers to pass legislation.
- 8:25 Amsterdam now talking about the red shirt movement in Thailand. Thailand has more generals than the US. "Who's attacking Thailand?" And when he hears about terror in NZ, "Who's attacking NZ?"
- 8:26 "Our govts are trying to alienate us from each other, and they are using terror to invade our homes, to invade our internet accounts, and to engage in mass surveillance that is violative of our most basic constitutional rights." - Amsterdam
- 8:29 They need secrecy so we don't get pissed off. They have given that to themselves." Four years of secret negotiations over the TPPA - Amsterdam "This is what your Govt has agreed to.
- 8:29 The US use trade agreements to extraterritorially legislate, exporting American law and the "militarisation of justice". These are not commonwealth values, Amsterdam says.
- 8:31 "Large corporations are criminalising what they see as violations." The power of the state can be directed against individuals. Amsterdam now talking about the freezing of Dotcom's assets.

- 8:32 Amsterdam jabs at John Key who "can't remember what happened yesterday". Mentions "dirty politics".
- 8:32 I'm old enough to remember Watergate ... In Watergate, the Q was when did the president know what? That was always the situation.
- 8:33 "Can you imagine if there was email during Watergate. This is what Watergate looks like on email," Amsterdam says holding up a copy of Dirty Politics.
- 8:33 Even with Crusher resigning, we need to understand that a system isn't purged ... with only one amputation.
- 8:34 Amsterdam calls for a royal commission of inquiry into the behaviour of the Key Government. One guy yells out "F*ck John Key."
- 8:35 Do not accept narrow terms of reference." Amsterdam talking about the Crusher inquiry. "Do not accept the beast investigating its own belly.
- 8:35 What is critical to understand in the era of the internet and the era of mass surveillance, is that your PM, who is inherently a traitor ...
- 8:36 Amsterdam now justifying his "traitor" call. What the Govt of NZ did to Dotcom when they raided his home was so awful that John Key "should have resigned that day".
- 8:38 We really need to come together and put the feet of the next Govt to the fire" about what rights cannot be traded away "the party in control of the spy agencies can use those spy agencies and feed information to blogs ... history shows when a Govt is empowered with information it will ultimately turn against its own citizens. It is time to stop the TPPA under its present conditions.
- 8:38 Amsterdam finishes. More applause. Some stand.
- 8:39 Laila Harre summing up. "What an extraordinary evening."
- 8:40 Laila Harre says the last few days has been a "textbook example" of dirty politics, and will dictate John Key's response tomorrow.
- 8:42 Laila Harre thanks the evening's guests for informing before the vote on Saturday. "This moment of truth has delivered. It is up to every person in this hall to speak the truth, to hear the truth, and to vote for the truth on Saturday."
- 8:43 The crowd rises to applaud. Nothing from Kim Dotcom about this afternoon's alleged email involving John Key and the conspiracy to extradite him. A few people try to start chants, but there is a lack of response.
- 8:44 Well, the evidence presented by Greenwald was largely what was in his Intercept article this afternoon. Guest appearances via video link were the crowd favourites. Snowden spoke about his firsthand experience with NZers' metadata and Assange about the Five Eyes alliance.
- 8:44 We will see what John Key says tomorrow. People filing out now. There is a press conference at 9pm. But for now this is the Herald's live blog signing off.