

# Bush administration expands the infrastructure of a police state

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While claiming democracy and freedom as the goal of its invasion and occupation of Iraq, the Bush administration is moving step by step to restrict freedom and undermine democracy at home, building up the infrastructure of a police state with essentially unlimited powers to spy on, interrogate and arrest American citizens.

These measures have repeatedly received enthusiastic support from the Democratic and Republican politicians in Congress and from the federal courts: all three branches of the government joining in a concerted assault on the democratic rights of the American people.

The latest action was taken by the Senate Select Committee on Intelligence, which voted unanimously May 1 to approve a huge increase in funding for spying activities by the US government, including authorization for the creation of a government-wide “watch list” of suspected “terrorists,” defined so broadly that virtually any immigrant from the Middle East or a predominantly Islamic country, and virtually any left-wing political opponent of American imperialism, could fall under suspicion.

The actual amount spent by the US government to fund the CIA, National Security Agency, the National Reconnaissance Office, the Defense Intelligence Agency and other spy programs is classified, but press estimates suggest that the new legislation will raise spending from about \$35 billion a year to well over \$40 billion, making intelligence one of the largest federal expenditures, greater than any domestic social program except Social Security, Medicare and Medicaid.

The bill passed the committee by a bipartisan 19-0 vote. Chairman Pat Roberts, a Republican from Kansas, declared, “This nation has been and remains at war, and I believe that this bill reflects that reality.” According to ranking Democratic member Jay Rockefeller, the spending bill “dramatically increases funding to improve collaboration and data-sharing, analysis and penetration of terrorist organizations.”

One provision in the authorization bill would establish an \$8 million program to recruit future agents for the CIA and other intelligence agencies on US college campuses.

Another provision would have given the CIA and the Pentagon the same authority to obtain personal information on American citizens that is presently available only to the FBI. Longstanding historical precedents have barred the intelligence agencies and the military from issuing “national security letters,” formal orders to credit card companies, libraries, telecommunications companies and Internet service providers to produce records on their customers and users.

The Bush administration attempted to slip the extended authority into the financing bill, but there were objections by some members of the Senate panel, and the provision was dropped, at least for the time

being. Administration officials told the *New York Times* that the change in legal language was not that important, because the CIA and the military can still obtain personal information by asking the FBI to request it for them.

But a spokesman for the American Civil Liberties Union said that the proposal went beyond even the practices of the McCarthy witch-hunt of the 1950s, when the CIA was barred from collecting information on the domestic activities of US citizens.

On the same day, May 1, the administration launched the new Terrorist Threat Integration Center. The TTIC is charged with preparing the Daily Threat Matrix used by the White House and the Department of Homeland Security for deciding when to issue security alerts based on the five-color scale established after the September 11, 2001 terrorist attacks.

The new center is nominally an interagency task force, but it is headed by a 23-year CIA veteran, the former chief of staff to CIA Director George Tenet, and it is located at CIA headquarters in Langley, Virginia, giving the CIA a key role in domestic security operations for the first time.

The FBI has launched a \$600 million computer system called Trilogy to help it create a massive database on American citizens. Some 26 million agency records will be centralized in a database containing 100 terabytes (100 million megabytes) of information. Much of this information will be funneled from the National Crime Information Center (NCIC), the FBI’s principal criminal database.

The Justice Department recently exempted the NCIC database from the Privacy Act of 1974, which mandates that information can only be entered if proven accurate and relevant. This opens the way to incorporating gossip, slander and rumor in the files that will be used to target suspected “terrorists” who are potentially subject to arrest and indefinite detention.

Other forms of FBI spying are on the rise, especially bugging and wiretapping. In a recent report, Attorney General John Ashcroft revealed that the Justice Department had filed 1,228 applications during 2002 for secret wiretapping warrants under the FISA law, an increase of 30 percent over the previous year. The secret federal court that hears such requests did not turn down a single one of these applications.

Ashcroft has also signed more than 170 “emergency foreign intelligence warrants” since September 11, 2001, compared to only 47 authorized in the previous 23 years. These emergency warrants authorize wiretaps and physical searches of suspected terrorists for up to 72 hours before review by the secret FISA court. Those targeted by these warrants never have the opportunity to contest them, because they are applied for and approved in secret, and the FBI is not required

to reveal their existence unless evidence obtained is using in a criminal case.

A new barrage of measures strengthening the powers of the state and undermining democratic rights began under cover of the war with Iraq, with the Bush administration counting on the acquiescence of the Democratic Party and the judiciary, as well as the silence of the media.

Some of the most important measures adopted or initiated over the six weeks include:

\* March 17—The Bush administration began detaining asylum-seekers from Iraq and 33 other countries. These refugees were to be held in federal custody until the end of legal proceedings on their asylum pleas.

\* March 19—The administration announced it would seek an emergency spending package for domestic counterterrorism programs, after a month of criticism from congressional Democrats that not enough money was being provided for such programs, especially for state and local police departments and for monitoring air and sea traffic.

\* March 19—The Justice Department revealed that Attorney General Ashcroft had ordered FBI agents and US marshals to detain immigrants for alleged immigration violations in cases where there was not enough evidence to charge them under criminal laws.

\* March 21—Federal authorities announced they were seeking to arrest any Iraqi immigrants suspected of criminal actions or immigration violations. That date was also the deadline for thousands of Pakistani and Saudi immigrants to present themselves for registration at INS offices, under penalty of arrest.

\* March 24—The Supreme Court declined to allow the ACLU, the National Association of Criminal Defense Lawyers, and two Arab-American groups, AADC and ACCESS, to intervene in FISA proceedings. The civil liberties and immigrants' rights groups sought to gain standing to represent those who are unwittingly being subjected to FISA wiretaps and bugging.

\* March 25—President Bush issued an order halting for three years the implementation of a Clinton administration executive order, signed in 1995, which called for automatic declassification of most government documents more than 25 years old, with the burden of proof on those seeking to keep them secret. The Clinton order would have taken effect April 17, but was delayed to December 31, 2006. The Bush order also gives the vice president the power to classify information for the first time, an issue which bears directly on the corrupt relations between the administration and the energy industry.

\* March 31—The FBI announced plans to open 10 additional overseas field offices, all of them in capitals of countries which are either Muslim majority or located in the oil-rich regions of Central Asia and the Persian Gulf: Kabul, Jakarta, Tashkent, Belgrade, Sarajevo, Abu Dhabi, Kuala Lumpur, Tunis, Sanaa, Tbilisi. Baghdad will undoubtedly be added to that list.

\* April 17—In a decision with sweeping implications for immigrants fleeing oppression and poverty, Attorney General Ashcroft denied release on bond to an 18-year-old Haitian, David Joseph, who came ashore in Florida last October with more than 200 other refugees on a foundering ship. Ashcroft overruled an appellate panel of immigration judges, arguing that there was a "national security" reason to keep Joseph jailed indefinitely, even though he is not a terrorist or suspected of any criminal activity whatsoever.

Ashcroft advanced the argument that releasing Joseph and similar refugees "would tend to encourage further surges of mass migration

from Haiti by sea, with attendant strains on national and homeland security resources." He also claimed that Pakistani and Palestinian refugees, possibly linked to terrorist groups, would use Haiti as a transshipment point.

Immigrant advocacy groups said that this ruling marks an unprecedented extension of the concept of "national security," applying it to any conduct that impinges in any way on the functioning of the federal government. By the same logic, nonviolent civil disobedience on the Mall in Washington could be portrayed an attack on "national security," because the ensuing mass arrests would distract Washington police and the FBI from their anti-terrorist operations.

The attorney general's war against immigrants received further support from the Supreme Court in a ruling issued April 29, upholding a seven-year-old federal law that permits the federal government to detain immigrants indefinitely, including permanent resident aliens, if they have been arrested and convicted of a crime. The law has even been applied retroactively, with long-established resident aliens arrested, detained indefinitely and then deported for infractions committed decades ago.

Civil liberties groups petitioned the high court to rule that legal resident aliens should have the same constitutional right as US citizens to a court hearing before being jailed or deported. The same 5-4 majority of the Supreme Court which installed Bush as president in 2000 upheld Bush's repression of immigrants, overturning four separate decisions by appeals courts around the country.

Backed by Antonin Scalia, Clarence Thomas, Anthony Kennedy and Sandra Day O'Connor, Chief Justice William Rehnquist wrote in his majority opinion that "this court has firmly and repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens."

While civil liberties and legal groups have vehemently attacked such decisions—Alfred P. Carlton Jr., president of the American Bar Association, attacked the latest Supreme Court ruling for "ignoring 100 years of legal precedent"—the Democratic Party has largely supported these anti-democratic measures.

Some prominent Democrats, including several presidential candidates, have criticized the Bush administration from the right, demanding even greater resources to build up the repressive powers of the state.

Senator John Edwards of North Carolina has called for the creation of new domestic intelligence agency modeled on Britain's MI5. Senator Joseph Lieberman, the original sponsor of the proposal to establish the Department of Homeland Security, has called for the new department to become the center for gathering domestic intelligence, not just responding to threats once they are identified.



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