

Another step toward a police state

# US Congress passes bill to restructure intelligence agencies

Patrick Martin  
8 December 2004

The House of Representatives voted Tuesday night to approve a major restructuring of the US intelligence establishment, giving sweeping new powers to a cabinet-level director of national intelligence and further undermining the democratic and privacy rights of the American people. The Senate, which passed a slightly different version of the bill by a 96-2 margin, was expected to adopt the bill in final form on Wednesday.

The Bush administration, Republican and Democratic leaders in Congress, and the American media all hailed the bill as a necessary measure to prosecute the “war on terror” and prevent another September 11. But the reorganization of US intelligence and police agencies is aimed not at protecting ordinary Americans from terrorism, but rather at building up the powers of the federal government to spy on, arrest and imprison those it deems to be a threat to the US ruling elite.

The legislation implements many of the recommendations of the bipartisan commission established by the Bush administration and Congress to investigate the September 11 attacks. It incorporates the essential thrust of the whitewash report delivered by the 9/11 commission in July—the claim that the terrorist attacks on New York City and Washington represented a “failure of intelligence” and might have been prevented had the CIA, FBI and other federal agencies coordinated their counterterrorist efforts more effectively.

As the *World Socialist Web Site* wrote at the time the commission report was released: “The fundamental premise of its investigation is that the CIA, the FBI, the US military and the Bush White House all acted in good faith. The 9/11 report thus excludes, *a priori*, the most important question raised by the events of September 11, 2001: did US government agencies deliberately permit—or actively assist—the carrying out of this terrorist atrocity, in order to provide the Bush administration with the necessary pretext to carry out its program of war in Central Asia and the Middle East and a huge buildup of the forces of state repression at home?”

The 9/11 commission covered up the most important political fact about the terrorist attacks that killed nearly 3,000 Americans: they were perpetrated by an organization which arose out of a massive covert operation carried out by the CIA, in which US government operatives armed, financed and trained Islamic fundamentalists to carry out terrorist attacks and guerrilla warfare against the Soviet army in Afghanistan. Osama bin Laden and his

Al Qaeda lieutenants fought side by side with the CIA in the 1980s and were no strangers to the US government.

The paradoxical result of this cover-up is a 600-page bill giving unprecedented powers and resources to the same intelligence establishment whose role, and possible complicity, in the events leading up to September 11 remains largely unexamined. Notwithstanding the many unresolved and disturbing questions surrounding the hijack-bombings, the rapid passage of this massive piece of legislation has been demanded in the name of preventing another September 11!

The House voted 336-75 to approve the National Intelligence Reform Act of 2004, with top-heavy majorities of both Republicans and Democrats endorsing it. The bill had been held up by opposition among House Republicans, led by Armed Services Committee Chairman Duncan Hunter and Judiciary Committee Chairman James Sensenbrenner, openly encouraged by the Pentagon brass, which did not want to cede control of spy agencies like the National Security Agency (NSA).

In the end, the Bush White House stepped in to broker a deal with Hunter, including language spelling out the supremacy of the Pentagon in the area of tactical battlefield intelligence. Sensenbrenner was appeased with a promise that his desired amendments—directed at intensifying the government persecution of immigrants—would be revisited in the new session of Congress that begins in January.

The major provisions of the legislation include the creation of the post of national intelligence director, an official who will exercise direct control over the CIA, the NSA, and 13 other intelligence agencies, including setting their budgets, and the establishment of a National Counterterrorism Center, drawing on the resources of the separate agencies to coordinate both defensive and offensive measures against suspected terrorists.

It was politically impossible, even during the height of the Cold War spy mania of the McCarthy period, for an American administration to propose the creation of such a centralized intelligence apparatus. Such a measure would have been regarded as tantamount to the establishment of a police state. Now such a bill has sailed through both houses of Congress by overwhelming margins.

The CIA, created in 1947, was forbidden by law from spying in the United States or against American citizens. The FBI was

supposed to conduct criminal investigations, seeking evidence to support court prosecutions, rather than intelligence-gathering. While these legal restraints were frequently ignored, they nonetheless served as a check on the emergence of a full-fledged American secret police, especially after the revelations in the early 1970s of illegal FBI political spying and CIA assassination plots.

Other provisions of the bill include greatly increased hiring of border patrol officers and customs and immigration agents—an additional 2,800 each year for the next five years—and the expansion of detention centers to hold an additional 8,000 immigrants imprisoned while awaiting deportation or trial. The bill also imposes tighter requirements for visas to visit the United States, including face-to-face interviews at a US consulate for applicants between the ages of 14 and 79.

The bill also provides more funding to develop technology for spying on the Internet and wireless communications systems. It stipulates heightened coordination and data-sharing between local, state and federal police agencies, with the eventual development of a single, centralized database on all those considered politically suspect or targeted for surveillance by the intelligence apparatus.

The bill gives the government new authority to conduct surveillance of suspects, including individuals who are not members of a terrorist organization. This provision greatly expands the existing conspiracy laws, which require probable cause in the form of provable links to an existing terrorist organization. Virtually any individual can be labeled a suspected “lone wolf” terrorist and subjected to the same measures approved for Al Qaeda.

A few of the more draconian provisions proposed by the Republican majority in the House were deleted in the final version of the bill. These included authorization for the deportation of suspects to countries known to torture prisoners—essentially, torture by subcontract, a practice already employed against suspects captured by the CIA or US military overseas, but still illegal treatment for any prisoner detained in the US.

The major delay in the adoption of the bill came after the Pentagon publicly sided with the House version of the bill rather than that passed by the Senate, which the White House was nominally supporting. In reality, Bush tacitly backed the Pentagon efforts.

General Richard Myers wrote a letter October 21 to House Armed Services Committee Chairman Hunter opposing the Senate bill on the grounds that it would undermine Pentagon control of satellite surveillance of battlefields, such as in Iraq and Afghanistan.

Hunter maintained his opposition to the bill for six weeks using this pretext, which had no substance. The Senate bill did not change the position of the military in relation to the control of satellites. Currently, the CIA director has final control over the positioning of satellites, but defers to the Pentagon when tactical information is requested. Under the new bill, that power will be transferred to the director of national intelligence, who will continue to defer to the Pentagon in regard to war zones.

The stalling of the bill was a product of both political calculation and conflicts within the state apparatus. In the short term, it prevented passage until after the election, avoiding a bipartisan bill-

signing ceremony at a time when Bush and Vice President Dick Cheney were suggesting that the Democrats were “soft” on terrorism and that a Kerry victory would lead to another September 11.

More fundamentally, the conflict over satellite control was an episode in the ongoing warfare within the military-intelligence apparatus, and especially between the CIA and Pentagon, which has been raging for years and has intensified along with the deteriorating situation for the US in Iraq. The CIA has sought to avoid being blamed for the lies it was ordered to tell by the White House about Iraq’s nonexistent weapons of mass destruction, and for its rosy predictions that a US invasion force would be greeted with cheering crowds of Iraqis celebrating their “liberation.”

Secretary of Defense Donald Rumsfeld, the principal architect of the occupation regime in Iraq, dismissed the 9/11 commission’s recommendations when they first came out, and made no move to rein in the military brass when they publicly opposed legislation supposedly backed by their commander-in-chief.

Among the most significant aspects of the bill, many of whose provisions have yet to be revealed, is the virtual absence of dissent from the Democratic Party. Only two senators voted against the first version of the bill, the retiring Ernest Hollings, and Robert Byrd, the oldest member.

Democrats repeatedly called on Bush to use his supposed reelection mandate to bring congressional Republicans into line behind the bill, and they praised the resulting agreement effusively. Senator Joseph Lieberman, the bill’s co-sponsor in the Senate, declared that its passage honored the memory of those killed on September 11, and he singled out the anti-immigrant measures for praise.

Senator John D. Rockefeller IV, senior Democrat on the Senate Intelligence Committee, said if the bill had been passed three years ago, “we might have had a chance not to go through the horrible experience that we did on September 11.” His House counterpart, Rep. Jane Harman of California, said, referring to the intelligence establishment, “I have always said that good people need better tools. Here come the tools to help good people succeed.”

The American Civil Liberties Union issued a statement opposing the bill because it “would centralize the intelligence community’s surveillance powers, increasing the likelihood for government abuses.” It criticized especially the expansion of wiretap and other surveillance powers.

The ACLU criticized the token measure of creating a Privacy and Civil Liberties Oversight Board. The board, it said, “risks becoming the proverbial fox guarding the hen house—the board would be appointed by the president, serve at his pleasure and have no subpoena power.”



To contact the WSWWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**