

# More revelations of illegal spying by US government

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Over the past week, several new reports have emerged casting additional light on the vast extent of illegal spying carried out by the US government. It is becoming increasingly clear that the government has initiated a major project to collect and database the communications of US citizens and non-citizens, including opponents of the war in Iraq and other policies of the Bush administration.

Moves to initiate the program began before September 11, 2001. However, as with all the policies pursued by the government since then, the terrorist attacks have been used to justify the spying under the overarching pretext of the “war on terrorism.”

James Risen, one of the authors of the original *New York Times* article exposing a broad program of spying by the National Security Agency (NSA) without legally required court-issued warrants, has published a book entitled *State of War: The Secret History of the CIA and the Bush Administration*. The book elaborates on what has already become clear from Risen’s own articles and other reports that have emerged in the press: that the spying program is much broader than the administration has been forced to acknowledge, and includes surveillance on purely domestic communications as well as communications entering and leaving the United States.

Risen reports that the NSA has been able to gain access to telecommunications switches, which are routing stations run by a handful of giant companies that direct large quantities of telephone calls and e-mails. “Unknown to most Americans,” Risen writes, “the NSA has extremely close relationships with both the telecommunications and computer industries, according to several government officials. Only a very few top executives in each corporation are aware of such relationships or know about the willingness of the corporations to cooperate on intelligence matters.”

These switches contain both international communications and communications entirely within the US. Because the US controls the Internet infrastructure, much of the world’s e-mail traffic at some point passes through stations located within the United States. “With its direct access to the US telecommunications system, there seems to be no physical or logistical obstacle to prevent the NSA from eavesdropping on anyone in the United States that it chooses,” Risen writes. The program established to allow the NSA spying is a highly secretive “special access program,” with no oversight or accountability required from the NSA regarding the communications it decides to monitor and for what reason.

*Washington Post* correspondent Walter Pincus reported in an article on January 1 that the NSA has been sharing the data it collects with other US agencies, including the military’s new command for North America, the Northern Command (Northcom). Citing current and former administration officials, the *Post* reported that the agencies that may have access to the information collected by the NSA include the FBI, the Defense Intelligence Agency (DIA), the CIA and the Department of Homeland Security.

According to Pincus, “At least one of those organizations, the DIA [the

military intelligence arm], has used NSA information as the basis for carrying out surveillance of people in the country suspected of posing a threat, according to two sources. A DIA spokesman said the agency does not conduct such domestic surveillance but would not comment further.”

While the officials insisted that the NSA tracks only individuals with apparent links to organizations that the US government considers to be terrorist, other agencies may be using it for more general purposes, the *Post* reported. “What data sets are included is a policy decision [made by individual agencies] when they involve other than terrorist links,” the newspaper quoted one former administration official as saying.

The DIA databases are coordinated by Northcom, which collects information from the NSA as well as other intelligence and police agencies. According to an earlier report by Pincus, one of the databases run by the military included information on anti-war protestors. This database is shared with other organizations, including law enforcement agencies.

This sharing of names and information within intelligence agencies is widespread. A brief report in *Newsweek* on May 2, 2005, which has received little attention in the media since, noted, “According to information obtained by *Newsweek*, since January 2004 NSA received—and fulfilled—between 3,000 and 3,500 requests from other agencies to supply the names of US citizens and officials (and citizens of other countries that help NSA eavesdrop around the world, including Britain, Canada and Australia) that initially were deleted from raw intercept reports.” In total, the news magazine reported, the number of names provided by the NSA to other agencies during this period surpassed 10,000.

The danger that these steps pose to the democratic rights and personal freedom of the American people can hardly be overemphasized. The establishment of the Northern Command in 2002 was a critical step in the expansion of the role of the military in domestic affairs. In the summer of 2005, reports emerged of plans being developed within Northcom for the military to assume sweeping new powers, using a terrorist attack or natural catastrophe as the reason. (See “Pentagon devising scenarios for martial law in US”)

Any databases or lists of names, culled from searches through e-mails and telephone conversations, could form the basis for mass round-ups and arrests of anyone considered to be a threat to “national security.”

Such plans are hardly unprecedented. In the 1980s, the Reagan administration worked out a procedure for mass arrests of opponents of a US invasion of Nicaragua or El Salvador. The current director of national intelligence, John Negroponte, was US ambassador to Honduras during the time, and was closely involved with US actions in Central America, including the US-financed war against the government of Nicaragua.

Negroponte, now occupying a position tasked with coordinating the work of 15 different intelligence agencies, including the NSA and the DIA, is presumably a central figure in the coordination of the illegal spying operations currently being employed by the Bush administration.

A central component of the administration's policy since it came to office has been to erect the foundations for what would amount to a presidential dictatorship. The same officials who developed pseudo-legal arguments to justify the spying program have argued that the president has the constitutional authority as commander in chief to detain any individual, including any US citizen, indefinitely and without charges on the grounds that he or she may be a threat to national security.

The new NSA spying program was so blatantly in violation of the 1978 Foreign Intelligence Surveillance Act, which requires the NSA to obtain warrants for domestic spying from a special intelligence court, that it generated divisions within the Bush administration itself.

A *New York Times* article on January 1 noted that at one point in 2004, Deputy Attorney General James Comey, then acting as attorney general while John Ashcroft was recovering from surgery, refused to give approval to some aspects of the program. Ashcroft himself apparently indicated some reservations after an emergency intervention by White House Chief of Staff Andrew Card and White House Counsel Alberto Gonzales, now attorney general. That Ashcroft, who was closely associated with all the attacks on democratic rights of Bush's first term, had some concerns is indicative of the extraordinary breadth of the spying program.

The Bush administration continues to lie about the extent and purpose of the spying. In a speech on January 4 to the Heritage Foundation, Vice President Dick Cheney repeated the argument that the spying is authorized by the US Constitution and the congressional resolution passed following the attacks on September 11. He also repeated the line that the spying is necessary for the "war on terrorism" and is limited to "terrorist-linked international communications." If the surveillance had been in place prior to September 11, "we might have been able to pick up on two hijackers who subsequently flew a jet into the Pentagon," he said.

According to the arguments of Cheney, Bush and the administration as a whole, the "war on terrorism" grants unlimited powers, and anyone who opposes these powers is aiding and abetting terrorism. The claim that if the government had these powers before September 11, it would have been able to stop the attacks is absurd on two counts. First, it is by now well documented that the FBI and CIA had information on at least some of the hijackers but did not act on this information. There is considerable evidence that points to the complicity at some level of the government itself in facilitating the attacks, which provided a pretext for a major policy shift, including the introduction of new spying powers and a vast expansion of US military action abroad, including the implementation of pre-existing plans to invade Iraq.

Second, plans for the expansion of NSA spying powers began before September 11. Their aim is not to combat terrorism, but to monitor the activity of the American people.

According to a January 3 report in the online magazine *Slate*, the NSA's attempts to gain access to telecommunications switches began months before the terrorist attacks on New York and Washington. "A former telecom executive told us that efforts to obtain call details go back to early 2001, predating the 9/11 attacks and the president's now celebrated secret executive order," *Slate* reporters Shane Harris and Tim Naftali wrote. "The source, who asked not to be identified so as not to out his former company, reports that the NSA approached US carriers and asked for their cooperation in a 'data-mining' operation, which might eventually cull 'millions' of individual calls and e-mails."

A report written by the NSA in December 2000 for the incoming Bush administration argued that the agency had to develop new ways to exploit modern communications systems. While circumspect on specific proposals, the Transition 2001 report, made public after a Freedom of Information Act request by the non-governmental National Security Archives, called for much more expansive monitoring of telecommunications.

The report stated that under conditions in which communications are now "mostly digital, carry billions of bits of data, and contain voice, data and multimedia...senior leadership must understand that today's and tomorrow's mission will demand a powerful, permanent presence on a global telecommunications network that will host the 'protected' communications of Americans as well as targeted communications of adversaries."

A report written somewhat earlier, in June 1999, by Lieutenant General Jim Clapper of the NSA Scientific Advisory Board, argued for similar measures. While heavily redacted, the report, also made available by the National Security Archives, called for the development of "digital network intelligence," which it defined as "the intelligence from intercepted data communications transmitted between, or resident on, networked computers." Modern communications posed the problem of "manipulating huge volumes of heterogeneous complex data," it said.

Such large-scale data mining operations have now been implemented.

The Democratic Party is complicit in the implementation of these broad new spying powers. Leading members of the party were informed and repeatedly briefed on the NSA program, going back to at least October 2001.

A letter recently released by House Minority Leader Nancy Pelosi, written on October 11, 2001, when she was the ranking Democrat on the House Intelligence Committee, demonstrates that the Democrats knew of the attempts to expand the powers of the NSA, even prior to an explicit and secret presidential authorization to begin the program.

The letter was written in response to a briefing given by the head of the NSA, Michael Hayden, to the House and Senate intelligence committees. In her letter, Pelosi does not object to the new programs as such, but rather raises concerns about "whether, and to what extent, the National Security Agency has received specific presidential authorization for the operations you are conducting."

In spite of the fact that the Democrats were informed of the illegal program, no attempt was made to inform the American people and oppose this illegal and unconstitutional violation of democratic rights. Even with the public exposure of the secret NSA program, and Bush's brazen assertion of his intention to continue its authorization, no leading Democrats have broached the possibility of impeachment. They are well aware of their own responsibility, and they have no disagreement with the administration's fundamental aim: the suppression of political opposition to the militarist and imperialist policies of the US ruling elite.



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