

Senate hearing on CIA nominee: Democrats rubberstamp Bush police-state spying

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The Senate hearing Thursday on the nomination of General Michael Hayden to head the Central Intelligence Agency demonstrates the bipartisan congressional support for the Bush administration's assault on the democratic rights of the American people.

While there were scattered criticisms of the methods of the Bush administration, particularly its failure to consult with Congress, every senator on the Intelligence Committee accepted the premise that the United States is engaged in a "war on terror" and that the Bush administration's escalation of domestic surveillance and wiretapping is a product of that war.

There was no challenge to the Orwellian label, "terrorist surveillance program," which the Bush administration has chosen to apply to a program which actually involves the surveillance of the telephone calls and Internet messaging of nearly the entire American population—an estimated 225 million people. It would be far more accurate to describe the electronic monitoring and data-mining by the National Security Agency (NSA) as the "universal surveillance program"—or as the Pentagon once labeled its own version of the program, "Total Information Awareness."

Not one senator, on the Intelligence Committee or off it, will acknowledge the basic truth that the Bush administration is a far greater threat to the democratic rights of the American people than all the terrorists in the world. Osama bin Laden and Al Qaeda may be capable of terrible crimes, but they cannot impose a totalitarian dictatorship in the United States. That threat comes solely from the American ruling elite and its military-intelligence apparatus.

General Michael Hayden is a sworn enemy of the democratic rights of the American people. In his six years as head of the NSA, from 1999 to 2005, he was responsible for both the program of interception and eavesdropping on international phone calls, revealed by the *New York Times* in December, and the creation of an enormous database of the telephone calling records of 225 million Americans, made public by *USA Today* May 11.

While some press reports in the past week have suggested that the domestic telephone monitoring was less sweeping than reported by *USA Today*, perhaps limited to long distance phone calls, about 20 percent of the total, the *New York Times* quoted an unnamed "senior government official, granted anonymity to speak for publication about the classified program" confirming that "the security agency had access to records of most telephone calls in the United States."

A lawsuit brought by the Electronic Freedom Foundation (EFF),

a group opposed to Internet censorship and spying, has produced evidence of widespread interception of traffic on the web by the same telecommunications companies that turned over phone records to the NSA. EFF legal director Cindy Cohn told Bloomberg News Wednesday that AT&T had carried out "real-time diversion of customer Internet data" as part of its collaboration with the NSA.

In his appearance before the Senate committee, Hayden adamantly defended both the legality and the necessity of telecommunications spying, while refusing to discuss any aspect of the program except in a closed session, where members of the Senate panel were sworn to secrecy. This was combined with a denunciation of leaks to the press which exposed both the illegal domestic surveillance and the CIA's network of secret prisons overseas, where selected prisoners are interrogated and tortured outside of any legal process. CIA officers "deserve not to have every action analyzed, second-guessed, and criticized on the front pages of the newspapers," he said.

Intelligence Committee Chairman Pat Roberts, a Kansas Republican, sounded the same note in his opening remarks, when he rejected concerns that domestic spying was a violation of democratic rights, declaring, "You have no civil liberties if you are dead." This is a particularly moronic version of the bullying threats by the Bush White House that anyone who criticizes its repressive measures is opening the way for new 9/11-style attacks.

Roberts also denounces critics of the NSA spying as ill-informed, saying they were talking about a subject "about which they know little or nothing." This was a curious line of argument, given that the intelligence agencies, the Bush administration and its congressional apologists like Roberts have done their best to keep the American people in the dark about these abuses. Presumably only those who know quite a lot about the spying—i.e., the wiretappers themselves, and their political overseers—should be permitted to discuss the subject, and then only behind closed doors.

The chief spokesmen for the Democrats on the committee, Senator Carl Levin of Michigan, accepted the framework put forward by Roberts, only in more restrained language. "The war on terrorism not only requires objective, independent intelligence analysis," Levin said, "it also requires us to strike a thoughtful balance between our liberty and our security."

The truth behind this soporific cliché, however, is that the liberty of the American people is being sacrificed to provide greater

security for the US ruling class, the privileged class of multimillionaires and corporate CEOs who use both the Democratic and the Republican parties as their political instruments. The ruling elite is far more fearful of the intensifying opposition to the Iraq war and of a mass political upheaval provoked by the growing socioeconomic polarization within the United States than it is of any possible action by small bands of terrorists.

In selecting Hayden as the nominee to head the CIA, Bush is signaling an escalation of this war against the democratic rights of the American people. Hayden headed a top-secret spy agency, the NSA, which is supposedly focused entirely on foreign signals intelligence and legally prohibited from targeting Americans. Under his leadership, the NSA was refocused on the American population, accumulating what *USA Today* described as “the biggest database in the history of the world,” consisting of the personal telephone records of nearly every person in the country.

There is every reason to believe that Hayden will play the same role at the CIA, another top-secret spy agency supposedly focused entirely on foreign intelligence and legally prohibited from targeting Americans. He is tasked by the Bush administration to intensify domestic operations of the CIA which are no doubt already under way on a large scale.

In that context, one should note the fact reported by the *New York Times* Thursday: by next year the number of trained CIA case officers will have tripled since 2001. Who are these agents and where are they at work? Few of these new recruits are likely to speak Arabic, Farsi, Pashtun, Chinese or other languages necessary for assignment as intelligence operatives in the countries on the Pentagon’s current target list. They don’t know the cultures of those countries, but these recruits do speak English and could operate undetected within the United States. Many of them are likely already deployed in domestic spy operations, despite the legal prohibitions.

Hayden gave a hint of this in his opening statement, when he declared, “I would reaffirm the CIA’s proud culture of risk-taking.” He was using political code words to reassure right-wing critics of the CIA, who have complained that the agency became too timid after the exposure in the 1970s of CIA involvement in assassination plots, fomenting military coups overseas and other criminal activities, including illegal domestic spying. The “old firm” is back in business, Hayden was suggesting, and once again, anything goes.

The public hearing, which began Thursday morning, took on the character of a stage-managed farce, in which the participants were going through the motions by rote. One Republican after another voiced praise for the nominee and for President Bush. One Democrat after another raised questions, only to be told by Hayden that he could not discuss the issue in open session but would respond fully in the closed session, scheduled for the afternoon.

Among the questions he declined to answer were those related to NSA wiretapping, his attitude to torture techniques such as “waterboarding,” and his opinion on whether the US government could hold a prisoner without trial indefinitely, even for life.

The ritual of the hearing was preceded by a secret briefing Wednesday of the full Intelligence Committee, conducted by the

current head of the NSA, General Keith Alexander, who provided details of the eavesdropping program directed at international phone calls placed by or to telephone numbers in the United States. This is the program first made public by the *New York Times* last December.

The Bush administration had refused to brief the full membership of the committee, limiting the information to a selected subcommittee of only seven of the 15 members. It became impossible to sustain this arrangement given that Hayden would have to testify before the entire committee in closed session.

The briefing satisfied one of the principal demands of both the Democrats and some “moderate” Republicans on the Intelligence Committee, which was that all the members from both parties should have access to information on the eavesdropping program so they could exercise “oversight.” As an unacknowledged quid pro quo, the Democrats will rubberstamp the nomination of Hayden to head the CIA.

No member of either party has suggested that the illegal program be shut down. Instead, they have debated whether the program should be retroactively legalized through new legislation or simply allowed to continue on the basis of Bush’s assertion of executive authority.

The complicity of both parties in Congress with the illegal program of domestic surveillance was underscored by the administration’s release Wednesday of a list of 30 briefings on the program that it conducted with Democratic and Republican leaders in the House and Senate since the September 11 terrorist attacks. A total of 31 members of Congress attended at least one such briefing, far more than the eight previously reported, including five briefings for House Democratic Leader Nancy Pelosi.

The list includes seven Senate Democrats: two former senators, former Democratic Leader Tom Daschle and former Intelligence Committee chairman Bob Graham; and five currently in the Senate, John D. Rockefeller IV, Carl Levin, Democratic Leader Harry Reid, Diane Feinstein and Daniel Inouye. The seven House Democrats included Pelosi, Jane Harman, the ranking member of the Intelligence Committee, John Murtha, Rush Holt, Anna Eshoo, Bud Cramer and Leonard Boswell.



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