Framework for a police state

US government phone spying targets all Americans

The editorial board
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The exposure in Thursday's *USA Today* of a vast and secret National Security Agency data base tracking the phone calls of hundreds of millions of Americans is further evidence of the advanced preparations for the establishment of a police state in the United States. The NSA database is a blueprint for political repression and intimidation on a massive scale.

The patently illegal government surveillance has nothing to do with preventing terrorist attacks, as claimed by President Bush and echoed by both the media and Democratic Party politicians who criticize various aspects of the program. It has been implemented by a state apparatus which sees its major opposition as coming from among the American people, not scattered bands of Islamic terrorists. At a time of growing social opposition, the government is systematically collecting data to find out what people are thinking and to whom they are talking.

The phone-tracking program has, according to the *USA Today* report, been underway since shortly after the terrorist attacks of September 11, 2001. The three largest telecommunications companies in the US, AT&T, Verizon and BellSouth, agreed secretly to collaborate with the Bush administration and hand over to the NSA their records of every telephone call made by every one of their approximately 200 million customers. The program, carried out without court-issued warrants or Congressional oversight, is in flagrant violation of federal statutes as well as civil liberties guarantees laid down in the Bill of Rights.

It means that the government has at its disposal information concerning the personal, business and political relationships and activities of most Americans—information that can be turned over to the FBI, the CIA, the Pentagon and other state agencies.

This program, as well as the previously leaked program of illegal NSA eavesdropping on international telephone and email communications, has been carried out with the knowledge and approval of leading members of Congress from both the Republican and Democratic parties. Whatever protests are made by politicians in either party in the wake of the program's exposure, and whatever congressional hearings are held, their primary purpose will be to provide political cover for the collaboration of Democrats as well as Republicans in an unprecedented attack on democratic rights.

Nothing will be done to halt the illegal spying or hold accountable those, beginning with Bush himself, who have systematically lied to the American people and broken the law in order to create the infrastructure of a police state.

The willing participation of major corporations in this operation underscores the erosion of any serious support within the American ruling elite as a whole for democratic rights, and the turn toward authoritarian forms of rule to suppress growing opposition among working people to the vast concentration of wealth in the hands of a financial oligarchy.

The secret surveillance program reported by *USA Today* goes far beyond the program for intercepting international phone calls which was revealed last December through a leak to the *New York Times*. In what one source for the *USA Today* story called "the largest database ever assembled in the world," the NSA has compiled a record of nearly every phone call made in the United States since 9/11, combined with a historical record of phone calls going back for many years before. The records include the phone number from which each call was made, the number dialed, and the duration of the call.

While the name of the person making the call is supposedly not included in the NSA database, such information is easily obtained by cross-referencing with other government and commercial databases.

USA Today said the program did not involve actual listening to the conversations—a physical impossibility given the billions of calls monitored—but rather the amassing of information for data mining, in which complex software programs are used to find patterns in the calling. Having created "a database of every call ever made," the NSA is in a position to track down the personal, business, social and political affiliations of any person targeted by the US government.

According to Leslie Cauley, the reporter who wrote the story, "Chances are that your cell phone calls, as well as your home phone calls, have been tracked." She added in a press interview that there was a "high likelihood" that this information was being passed on to the FBI and CIA.

AT&T, Verizon and BellSouth control local, long-distance and cell phone service in most of the country. A fourth company, the much smaller Qwest, has refused to participate in the NSA program. The Denver-based Qwest provides local phone service in 14 western states as well as long-distance service in some areas. According to the *USA Today* article, Qwest balked at going along with the NSA program because of its dubious legality.

The phone companies were asked to provide the complete past telephone history of all their customers, as well as regular updates of contemporary phone usage. This means that the NSA now possesses a historical database that extends back at least to the 1984 breakup of the old AT&T monopoly, if not back to the oldest records available. The lifetime telephone usage of virtually every living American is now in a government dossier.

The NSA database could be used to track down anyone associated with political organizations opposed to the policies of the Bush administration, such as socialist, antiwar, civil rights and civil liberties groups. Anyone in regular telephone contact with such organizations is undoubtedly flagged as a potential "terrorist" in the NSA database. In the event of a roundup of such political opponents, the database would supply the names and phone numbers of all those in close contact with those targeted for arrest, thus providing a road map for further arrests and detentions.

Searches of the NSA database could also pinpoint all those who

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regularly called selected countries overseas, thus generating a list of potential targets for immigration raids. The database could also be used to monitor phone calls made to the media—such as those from the whistleblowers who spoke to the *Washington Post* about secret CIA torture centers in Eastern Europe or who exposed the illegal NSA monitoring of international phone calls. The White House could also identify government employees who regularly call Democratic members of Congress.

The information could be used to intimidate and blackmail individuals and coerce them into informing on friends, relatives and business associates.

As with all its other attacks on democratic rights, the Bush administration is defending the massive NSA phone spying as an "anti-terrorist" measure. But it is preposterous to claim that the federal government needs information on the call patterns of every American in order to locate and monitor a handful of terrorists. Nor would there be any reason, in relation to anti-terrorist investigations, for the NSA to accumulate the records of phone calls made long before Al Qaeda came into existence.

President Bush essentially confirmed the *USA Today* report in a brief prepared statement issued Thursday after the article sparked a flurry of commentary in the media and on Capitol Hill. Bush did not deny the substance of the newspaper's account, while claiming that all the administration's surveillance actions are legal and are solely directed against Al Qaeda and other foreign terrorist groups. "The privacy of ordinary Americans is fiercely protected in all our activities," he claimed. "We're not mining or trolling through the personal lives of millions of innocent Americans."

The credibility of this statement can be judged by recalling what Bush said after the *New York Times* first reported the secret NSA warrantless surveillance of international telephone calls. Bush claimed at the time that only international phone calls made by or to terrorist suspects were being monitored. "In other words," he said, "one end of the communication must be outside the United States." It has since emerged that the NSA eavesdropped illegally on thousands of domestic phone calls as well.

Bush used a similarly deceptive formulation in his statement Thursday. "The government does not listen to domestic phone calls without court approval," he declared, although what *USA Today* reported did not concern listening to phone calls, but rather recording private call information, which is equally illegal under Section 222 of the 1934 Communications Act. The Bush administration did not seek approval for the call-monitoring program from the secret court set up under the 1978 Foreign Intelligence Surveillance Act, just as it bypassed the FISA court for the warrantless phone-tapping.

Bush added this claim: "The intelligence activities I authorized are lawful and have been briefed to appropriate members of Congress, both Republican and Democrat." The White House has briefed only a handful of members—although the legal requirement is for briefing of the entire membership of both Senate and House intelligence committees. Nonetheless, Bush has repeatedly cited the briefing of key Democrats on his administration's domestic spying programs to highlight the collaboration of the Democrats, exposing the hypocrisy of their pro-forma protests.

On Monday, Bush demonstratively reaffirmed his intention to continue these programs by naming Air Force Gen. Michael Hayden to head the CIA, replacing Porter Goss, who was ousted last week. Hayden, now deputy director of national intelligence, headed the NSA from March 1999 to April 2005, and was therefore responsible for the establishment of the call-tracking program.

Both Democrats and Republicans on the Senate Intelligence Committee said that they would question Hayden about the program during his confirmation hearings, scheduled to begin next week. Hayden has vociferously defended the NSA program of warrantless interception of international phone calls. He called it "targeted and focused," adding, "This is not about intercepting conversations between people in the United States." The phone-tracking program, however, is the opposite: a massive dragnet targeting every telephone call placed by every person in the US.

Last month, during an appearance before the House Judiciary Committee, Attorney General Alberto Gonzales asserted that the White House might have the legal authority to order warrantless wiretapping of domestic phone calls as well as international calls. "I wouldn't rule it out," he said. Gonzales was not asked about tracking phone calls, only about listening in.

It is not yet known whether President Bush signed a secret executive order for the call-tracking, or whether the program was undertaken without such formal authorization. Bush did sign an executive order for the warrantless NSA wiretapping of international calls and emails.

The Bush administration has already moved to suppress one inquiry into illegal NSA spying. The Justice Department's Office of Professional Responsibility (OPR) announced Wednesday that it was closing down an investigation into whether Justice Department lawyers took improper action in approving the NSA warrantless wiretapping program, on the grounds that the NSA refused to grant the OPR the security clearances required to proceed. In other words, those carrying out the illegal wiretapping used the "classified" stamp to block any investigation into their activities.

With each revelation of police state measures, the lack of any genuine commitment to democratic rights within the political establishment becomes more evident. Not a single leading Democrat, and none of the leading US newspapers, responded to last December's exposure of NSA phone tapping by demanding that the program be halted. The Democratic leadership has opposed even a token resolution for Bush's censure over the illegal operation.

Already the media and politicians of both parties have sought to downplay the significance of the phone-tracking program, while accepting uncritically the pretext that it is motivated by the vicissitudes of the so-called "war on terrorism." The truth is that the program exposes the enormity and immediacy of the assault on the democratic rights of the American people.

This threat must not be underestimated. It is the outcome of a protracted breakdown of American democracy, rooted in the crisis of the capitalist system and the resulting malignant growth of social inequality.

The only social force that has a genuine interest in and commitment to democratic rights is the working class. Working people can defend these rights only by forging an independent socialist movement in opposition to the two-party system through which the corporate oligarchy maintains its rule.

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