

New exposure of US government spying

Bush administration compiling massive database of bank records

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The Bush administration has been secretly tapping into a global network of confidential financial transactions and compiling a vast database of bank records. According to an article in the June 23 *New York Times*, the program was initiated shortly after the September 11, 2001 terrorist attacks and has examined banking transactions involving tens of thousands of individuals in the US and internationally.

Through the Terrorist Finance Tracking Program, ordered by Bush 10 days after 9/11, the US Treasury Department has been collecting data from the world's largest financial communications network—the Belgium-based Society for Worldwide Interbank Financial Telecommunication, or SWIFT. The Bush administration has authorized the program through administrative subpoenas under a little-known authority of the 1977 International Emergency Economic Powers Act (IEEPA).

Administration officials asked the *Times* not publish its story. When the *Times* went ahead with it, the White House denounced the newspaper, implying that by informing the American and international public of the massive and warrentless intrusion of privacy it was aiding and abetting the terrorists. “We are disappointed that once again the *New York Times* has chosen to expose a classified program that is working to protect Americans,” Bush administration spokeswoman Dana Perino said. “We know that Al Qaeda watches for any clue as to how we are fighting the war on terrorism and then they adapt.”

Exposure of the government spying on bank records follows revelations of far-reaching secret spying operations on Americans by the National Security Agency (NSA) involving eavesdropping on telephone calls, emails and faxes without the benefit of court-issued warrants and the assembling of a database, again without court warrants, covering hundreds of millions of domestic

telephone calls. The Justice Department has also requested that Internet providers keep two-year records of web sites their customers visit and addresses to which they send email.

As with the previously exposed spying programs, the Bush administration is using the so-called “war on terrorism” as the pretext for implementing, in the form of the SWIFT program, another unconstitutional and illegal assault on democratic rights. The piecemeal revelation of such programs provides only a glimpse of the vast infrastructure for police-state forms of rule that has been put in place.

No one should have any illusions, despite the pro forma assurances from government officials to the contrary, that this information is being assembled for future use against individuals with no connection to terrorism. Those who have instituted these programs see the major threat to their wealth and power coming not from bands of Islamist terrorists, but from among the American people. Lists are being assembled of political dissidents, opponents both of the war in Iraq and future wars and the right-wing domestic policies of the US ruling elite, in preparation for repression on a mass scale.

Government officials speaking to the *Los Angeles Times* said that information gathered from the SWIFT program could be used in “link analysis,” a procedure criticized by privacy advocates, in which information is gathered on innocent people with routine financial dealings with suspected terrorists.

If anything, the personal data compiled through SWIFT is even more detailed than that which is being amassed through the NSA programs, as it can be used to track the names and account numbers of both senders and recipients of bank funds, with all the information—addresses, telephone numbers, social security

numbers, employment information—that appears on supposedly confidential bank records.

The amount of data and the number of individuals tracked is huge. Considered the central nervous system of central banking, SWIFT links about 7,800 banks and brokerages and carries up to 12.7 million messages a day. Mining this vast network, the Treasury Department, has compiled an enormous and continually expanding repository of records on individuals.

According to Stuart Levey, the Treasury's undersecretary for terrorism and financial intelligence, the Treasury Department issues a new subpoena once a month. SWIFT then turns over vast amounts of electronic financial data, which is added to the database government officials have been compiling since shortly after 9/11. The Treasury Department then shares this data with analysts from the CIA, the FBI and other agencies, who can run searches on specific individuals.

After identifying a suspect, Levey said, “you can do a search, and you can determine whom he sent money to, and who sent money to him.” He said that “tens of thousands” of such searches have been conducted over the past five years.

Levey added, “The way the SWIFT data works, you would have all kinds of concrete information—addresses, phone numbers, real names, account numbers, lots of stuff we can really work with, the kind of actionable information that government officials can really follow up on.”

Bush administration officials spoke to the media only after it became clear that the *New York Times* and other news outlets were prepared to publish reports on the SWIFT spy operation. They were quick to defend its legality with claims that it was being used only to track terror suspects.

Government terrorism investigators have sought since the 1990s to access SWIFT's database, but were blocked, in part, by government and industry authorities who cited American laws restricting government access to private financial records. After 9/11, President Bush pushed aside these concerns, invoking his power under the IEEPA to “investigate, regulate or prohibit” any foreign financial transaction linked to “an unusual and extraordinary threat.”

As with the previous revelations of NSA spying, the exposure of the SWIFT program will evoke no serious opposition from either of the two parties or from the media. There will be no serious congressional investigations, no demands from either party for the

program to be ended, and none of the authors of the program, from Bush on down, will be called to account.

As with the NSA spying operations, the existence of the SWIFT program has long been known to leading congressional Democrats as well as Republicans. All have colluded to keep the American people in the dark. Treasury Secretary Snow made a point of declaring that both the House and Senate intelligence committees had been fully apprised of the program's existence.

The record makes clear the bipartisan support for these police-state operations.

In the aftermath of the exposure of NSA spying, Senate Judiciary Committee Chairman Arlen Specter (Republican from Pennsylvania), under pressure from the White House, shelved his threat to call executives from the telecommunications companies to testify before the committee.

Specter and another Republican senator, Mike DeWine (Ohio), have introduced bills that would, in effect, provide a legal cover for the NSA's electronic surveillance and data mining of Americans by allowing the executive branch to bypass the Foreign Intelligence Surveillance Court and proceed without warrants. Another bill co-sponsored by Specter and Democratic Senator Dianne Feinstein (California) would streamline the procedures required to seek approval from the court.

Moreover, Senate Democrats combined with Republicans last month to confirm, by a lopsided vote of 78-15, Bush nominee Gen. Michael Hayden as the new CIA director. Hayden was the head of the NSA when the agency's spying operations on Americans were instituted after 9/11. He not only defended the programs during his confirmation hearing before the Senate Judiciary Committee, he made it clear that he was a principal author of the programs.



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