

New reports of massive spying, criminality by US government

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Reports in the American press on Friday and Saturday reveal massive illegality in the US government and intelligence apparatus. They demonstrate not only routine violations of democratic rights through illegal spying and wiretapping both at home and abroad, but also disregard for legally required reports to Congress.

According to a report Sunday in the *New York Times*, the CIA kept the House and Senate intelligence committees in the dark for eight years about a “secret counterterrorism program,” on the instructions of then Vice President Richard Cheney. The *Times* account said that the current CIA Director Leon Panetta, a former Democratic congressman, recently told both the House and Senate intelligence committees about the existence of the program and Cheney’s role in concealing it.

The *Los Angeles Times* reported Saturday, citing an internal study by five intelligence agency officials, that the electronic surveillance under the Bush administration “went beyond the widely publicized warrantless wiretapping program ... encompassing additional secretive activities that created ‘unprecedented’ spying powers.”

This program, conducted by the National Security Agency and separate from the CIA program, “came to be known in the Bush administration as the ‘President’s Surveillance Program’,” the newspaper said. The study was conducted jointly by the Inspectors General of the Justice Department, Pentagon, CIA, Directorate of National Intelligence and National Security Agency. The unclassified version of the study, released Friday night, blacked out all details of the expanded surveillance program.

As in the case of the CIA program, the office of the vice president played a central role in enforcing secrecy and cover-up of the NSA operation. Cheney’s legal adviser and later chief of staff, David Addington, had to personally approve every government official who was to be “read in” to the program by the NSA. Addington refused to be interviewed by the Inspectors General, as did former CIA director George Tenet, former attorney general John Ashcroft, and John Yoo, the Justice Department lawyer tasked with drafting legal guidelines for the secret surveillance.

The secret CIA counterterrorism program was first made public last Wednesday night, when the House Intelligence Committee released a letter to Panetta. The letter noted Panetta’s appearance before a closed-door session of the committee on June 24, where

he announced that he had just discovered the existence of the secret counterterrorism program and was shutting it down, as well as notifying Congress as required by law.

The letter demanded that Panetta retract a statement he issued May 15, in response to criticism of the CIA by House Speaker Nancy Pelosi, denying that the CIA had a policy of misleading Congress. This was contradicted, they wrote, by his admission that “top CIA officials have concealed significant actions ... and misled” members of Congress since 2001.

The ranking Republican member of the intelligence panel, Congressman Peter Hoekstra, made light of the program, saying, “It was on-again, off-again and never happened.” One committee Democrat, Anna G. Eshoo of California, responded, “The whole committee was stunned” by Panetta’s disclosure. “I think this is as serious as it gets.”

What was the CIA doing?

The blizzard of press reports and commentaries that have followed Panetta’s revelation—including the front-page “exposé” in Sunday’s *New York Times*—seem to be at least in part an exercise in damage control, if not outright disinformation, since they conceal the exact nature of the secret CIA program and downplay its actual significance.

The *Times* report asserts, “Intelligence and Congressional officials have said the unidentified program did not involve the CIA interrogation program [i.e., torture] and did not involve domestic intelligence activities.” It adds that the program, “never became fully operational, involving planning and some training that took place off and on from 2001 until this year.”

The *Washington Post* cited “two former agency officials who were familiar with the program” claiming that it “did not involve interrogations of detainees or surveillance of U.S.-based communications.” An earlier *Post* article (July 10) cited other unnamed “officials” declaring that the program “was an intelligence-collection activity run by the CIA’s Counterterrorism Center ... It was not a covert action, which by law would have required a presidential finding and a report to Congress.”

The Associated Press, in an interview with former CIA and NSA chief Michael Hayden, quoted another “former official” declaring

that CIA leaders were “‘very cautious’ in their handling of the program and that they made decisions to narrow its focus. The official said that the program fell on a continuum between foreign intelligence collection and covert action.”

It is not possible, on the basis of reports so far, to determine the exact nature of either the CIA or the NSA programs. But the close involvement of top officials of the Bush administration, including, in the case of the CIA program, Cheney’s personal role, suggests that these activities were significant and extensive.

A remark by Representative Hoekstra of Michigan, former chairman of the House intelligence committee and currently the ranking Republican, is suggestive, even chilling. He told the *New York Times* that Congress might have approved the secret CIA program immediately following the 9/11 attacks—“Maybe on September 12”—but not later on.

It takes some effort to imagine a counterterrorism program so invasive or extreme that the US Congress would balk. Congress approved a sweeping war powers resolution in October 2001, which effectively authorized the US invasion of Afghanistan in advance—a resolution employed by the Bush and Obama administrations as the legal justification for the Guantánamo Bay detention camp. In November 2001, Congress approved the USA Patriot Act, with only a single senator voting “no.”

In subsequent years, Congress has passed laws ratifying the Bush administration’s rejection of *habeas corpus* rights for Guantánamo prisoners, authorizing a system of kangaroo-court military tribunals, legalizing Bush’s illegal spying operations and immunizing telecommunications companies that helped the US intelligence agencies spy on American citizens, and most recently, barring the release of photos of US torture victims. (Obama voted in the Senate for the telecom immunity provision and has pledged to issue an executive order if needed to keep the torture photos secret.)

Congressional Democrats and Republicans have rubber-stamped all manner of police-state measures in the name of the “war on terror.” It is therefore worth asking what kind of a program was so atrocious or politically dangerous that it had to be kept secret even from the House and Senate intelligence committees.

A “state within a state”

A remarkable aspect of the revelation of the secret CIA program, passed over virtually without comment in the media coverage, is that CIA Director Panetta was not informed of the program for more than four months after he assumed nominal control of the spy agency. He was sworn in as director on February 19, but his “subordinates” did not bother to tell him of the existence of the program that had been kept secret from Congress until June 23.

This means that throughout the so-called “debate” between President Obama and former Vice President Cheney over the release of Justice Department memos justifying torture, which took place in April, Cheney was in possession of information about secret CIA operations of which the new “commander-in-chief”

was ignorant.

The military/intelligence apparatus operates according to its own rules, disclosing or withholding information from its supposed civilian superiors only when it is felt politically necessary. What is being revealed—or rather only hinted at, since the key details are still shrouded in secrecy—is the existence of a “state within the state,” a secret government that continues to function regardless of the individual who inhabits the White House.

The congressional Democrats and the Obama administration are active participants in the attack on democratic rights of both the American people and the people of the world. As political representatives of big business, they rely on this state apparatus to defend their class interests no less than the Republicans and Bush before them.

It has become a truism that there is more similarity than difference between the Bush administration and the Obama administration in relation to the defense of the US intelligence apparatus and its ongoing attacks on democratic rights.

On Wednesday, Obama threatened to veto the intelligence authorization bill if it requires expanded briefings of Congress, beyond the so-called Gang of Eight, the Democratic and Republican leaders of both houses and both intelligence committees. A White House statement said the veto would be necessary to prevent “restricting an important established means by which the president protects the most sensitive intelligence activities that are carried out in the national security interests.”

The congressional Democrats’ claims of concern are largely play-acting, however. Senator Dianne Feinstein, chairwoman of the Senate Intelligence Committee, deplored the concealment of the program but claimed that it represented no threat to civil liberties.

The struggle to defend democratic rights and to defeat the reactionary conspiracies of the US intelligence agencies must be taken up by the working class. Working people must raise the demand for the full exposure of all the covert operations of the CIA, NSA and other US intelligence agencies, and for the prosecution of all those officials responsible for authorizing and directing them.

This includes bringing to justice officials like Cheney, Bush and other top government officials who have been directly linked to crimes of spying, torture, kidnapping, and aggressive war.



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