Obama administration expands illegal surveillance of Americans

Tom Carter
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Last Thursday, Attorney General Eric Holder enacted guidelines that further expand the US government's asserted powers to collect and store private information, without a warrant, concerning individuals who are not suspected of any crime.

The guidelines constitute a further step by the Obama administration to expand and entrench unconstitutional spying operations on the American people by all levels of government that were spearheaded by the Bush administration.

In the period since September 11, 2001, the US government has secretly compiled vast databases containing private information on the American public. These databases include telephone conversations, the contents of personal emails, visited web sites, Google searches, text messages, credit card transactions, mobile phone GPS location data, travel itineraries, Facebook activity, medical records, traffic tickets, surveillance camera footage and online purchases. The vast quantities of information that are being collected and stored by the US government far exceed what was gathered by the most infamous police states of the last century.

Holder's guidelines permit intelligence officials to secretly use these databases to profile and track Americans who have no connection to terrorism—alleged or otherwise—for up to five years. The previous guidelines, issued in 2008 by Bush administration Attorney General Michael Mukasey, were understood to limit the retention of such information to 180 days.

According to an article Friday in the *New York Times*, the new guidelines are expected to result in increased collection and "data mining" of information on ordinary Americans by the National Counterterrorism Center (NCTC).

The Electronic Privacy Information Center issued a brief statement denouncing the guidelines: "The change represents a dramatic expansion of government surveillance and appears to violate the Privacy Act of 1974, which limits data exchanges across federal agencies and establishes legal rights for US citizens."

The guidelines, which are couched in military, legal and intelligence jargon, were drafted in secret and not made available for public comment before they were enacted. In addition to Holder, National Counterterrorism Center Director Matthew G. Olsen and Director of National Intelligence James R. Clapper, Jr. signed the guidelines.

The new guidelines must be understood as part of a vast escalation of domestic surveillance being undertaken by the Obama administration. According to a report last week in *Wired* magazine, the Obama administration is constructing a secret facility of unprecedented size in Bluffdale, Utah to store and process all of the information it is presently gathering about Americans. The new data center is conceived as a central hub that will link to National Security Agency (NSA) electronic eavesdropping facilities that are already operating around the country. "The heavily fortified $2 billion center should be up and running in September 2013," the report stated.

"Flowing through its servers and routers and stored in near-bottomless databases will be all forms of communication, including the complete contents of private emails, cell phone calls, and Google searches, as well as all sorts of personal data trails—parking receipts, travel itineraries, bookstore purchases, and other digital 'pocket litter,'" the article reported.

The *Wired* report, titled "The NSA Is Building the Country's Biggest Spy Center (Watch What You Say)," confirms that among the major sources for the surveillance databases are "secret electronic monitoring rooms in major US telecom facilities." The FISA Amendments Act of 2008 retroactively legalized the collusion, illegal when it was initiated under the Bush administration, between private telecommunications

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companies and government intelligence agencies in the warrantless government compilation of private information.

The magazine reported one unnamed former intelligence official as saying, “Everybody’s a target; everybody with communication is a target.”

The secret compilation of these databases by the Bush and Obama administrations is entirely unconstitutional. The Fourth Amendment to the US Constitution provides: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” It requires the police to obtain a warrant before conducting a search or seizure.

“They violated the Constitution setting it up,” William Binney, a senior NSA mathematician-turned-whistleblower, told *Wired*, referring to the warrantless surveillance initiated by the Bush administration and now being expanded by the Obama administration. “But they didn’t care. They were going to do it anyway, and they were going to crucify anyone who stood in the way.”

The pretext for this massive escalation of domestic spying is the so-called “war on terror.” However, the US ruling class is primarily targeting not terrorism in the Middle East, but mounting opposition to its policies within the United States. This is the real reason for its attacks on the democratic rights of the population. They are the preparation for large-scale repression of political and social opposition.

A report last week by AP journalist Frank Franklin II confirmed that “counterterrorism” units in the New York Police Department’s Intelligence Division have been carrying out extensive undercover monitoring of the meetings of liberal and protest groups. Detailed reports on meetings, including the identities of those present and future planned activities, have been generated and transmitted regularly to an “intelligence collection coordinator.”

According to one such briefing, an NYPD undercover agent traveled as far as New Orleans in April 2008 to spy on the activities of left-wing groups. The briefing the agent sent back included the names and backgrounds of speakers at meetings, the names of the organizations involved, the political issues discussed, and all of the sites of future rallies.

Another NYPD undercover agent attended a white-water rafting Muslim religious retreat to spy on those in attendance. The informant, identified as OP#237, reported the details: “The group prayed at least four times a day, and much of the conversation was spent discussing Islam and was religious in nature.”

The designation “OP#237” suggests that hundreds of such undercover informants and spies are attending political meetings and gatherings from the NYPD alone.

Also revealed last week were Department of Homeland Security (DHS) internal manuals for agents in the department’s Media Monitoring Capability program. The manuals were ordered released pursuant to a Freedom of Information Act request. These manuals make clear that the agency has been closely monitoring political discussions and activity on social media sites such as Facebook. The manual identifies as “items of interest” warranting investigation any activity on social media sites concerning “policy directives, debates and implementations related to DHS.”

The escalation of domestic surveillance by the Obama administration is one aspect of the disintegration of American democracy. On December 31 of last year, Obama signed the 2012 National Defense Authorization Act, which gives intelligence agencies and the military the power to abduct any person, anywhere in the world, including US citizens, and imprison him or her indefinitely in a facility such as the one located at Guantanamo Bay, Cuba. The NDAA was followed by Holder’s speech earlier this month asserting the power of the president to unilaterally assassinate US citizens without any kind of judicial process whatsoever. The pseudo-legal arguments advanced by the Obama administration in support of these measures exceed the most authoritarian presumptions of the Bush administration.

These unprecedented attacks on democratic rights, in which the entire political establishment and both Democrats and Republicans are participating, must be understood as preemptive preparations by the political establishment to meet the coming social upheavals with police state measures.

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