

Plans for military surveillance of Americans' financial records

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Reuters reported last week that it had viewed a document from the US Treasury Department detailing plans to provide military intelligence agencies with unfettered access to financial records of US citizens. Under the new plan, there will be no need to request access to such records on a case-by-case basis.

The document, dated March 4, calls for the Office of the Director of National Intelligence to oversee the linking of the Treasury's database on suspicious customer activity, known as the Financial Crimes Enforcement Network (FinCEN), with a computer network for US law enforcement and military agencies called the Joint Worldwide Intelligence Communications System.

More than 25,000 banks, securities dealers, wire transfer services and even casinos regularly file "suspicious activity reports" (SARs) with the Treasury, which include reports of transactions exceeding \$10,000 and those possibly involving money laundering. The institutions required to make these reports cast a broad net, preferring to err on the side of making a report of possibly suspicious activity that turns out to be innocent so as to avoid being accused of withholding information and facing steep fines or criminal charges. As a result, an untold number of persons banking in the United States end up in the FinCEN database, even when they have committed no crime at all. Around 15 million SARs are filed annually.

Suspicious activity reports are regulated by the 1970 Banking Secrecy Act as well as the USA PATRIOT Act, enacted in the aftermath of 9/11. Institutions filing SARs on persons or businesses are prohibited from letting the subject know that such a report has been filed, and SARs are exempted from Freedom of Information Act requests.

Under current law, the Central Intelligence Agency (CIA) or National Security Agency (NSA) must request information from FinCEN on a case-by-case basis. Civilian-run agencies such as the FBI and the Department of Homeland Security already have full access to the FinCEN database.

Under the Treasury department's plan, this information will be at the fingertips of the US military through the CIA and the NSA, with little or no judicial oversight.

While the Treasury department proposal would not necessarily violate any existing laws, it is worth noting that the US Congress rejected a proposal that would have had the same effect as what the executive branch, through the Treasury, is now prepared to enact.

Private investigator Kenneth Cummins told *Russia Today* that the information being opened up to military intelligence can be used to create profiles of anti-war activists and others who oppose the government's policies by following their usage of debit and credit cards. The military can track a person's travel, donations to non-profit organizations and spending habits. Cummins pointed out one thing that FinCEN records will not help uncover: actual terrorists, who can easily circumvent the types of transactions that would trigger a SAR.

The judicial framework for obtaining private information on US citizens is already threadbare. Moreover, the information contained in FinCEN is not very suitable for the claimed purpose of combating terrorism. Given the existing availability of this information to the FBI and Department of Homeland Security, why is the Obama administration focused on increasing *military* surveillance on US citizens?

The Treasury's proposal represents yet another front in the escalating attack on democratic rights, especially

the rights to privacy and freedom of association. The executive branch, which has recently asserted the right to kill American citizens secretly and without laying charges or holding a trial, now insists that the US military be allowed unfettered access to financial records of citizens, with no oversight.

Former NSA employee and whistleblower William Binney said in July 2012 that Washington was secretly gathering information “about virtually every US citizen in the country” in a “very dangerous process.”

The revelation of the Treasury Department document must serve as a warning to the working class. The preparations for a police dictatorship in the United States are well advanced and include the drawing up of lists of citizens and residents to be detained, or worse.



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