

# Obama nominee to head FBI defends NSA spying in Senate testimony

Eric London  
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The deputy attorney general under George W. Bush, James Comey, provided an unqualified endorsement of massive and illegal National Security Agency (NSA) spying operations in an appearance Tuesday before the Senate Judiciary Committee.

Comey, nominated by President Obama to succeed outgoing Federal Bureau of Investigation (FBI) Director Robert Mueller, testified at his confirmation hearing before a friendly bipartisan panel that likewise evinced support for the unconstitutional spying and avoided any serious questioning of his role in sanctioning torture and illegal surveillance under Bush.

In stating his support for the NSA spying, Comey repeated the official lies about congressional and judicial oversight and a carefully targeted surveillance effort. In fact, the NSA has been caught out—as a result of the revelations of former NSA contractor Edward Snowden—seizing the telephone records and monitoring the Internet and other communications of virtually every person in the United States and hundreds of millions of people around the world.

In the course of the hearing, Comey defended the secret Foreign Intelligence Surveillance (FISA) court that rubber-stamps NSA and FBI spying operations and has emerged as a shadow court, beyond the reach of any of the traditional branches of government. He refused to condemn the force-feeding of detainees at the US prison camp at Guantanamo.

Obama's nomination of Comey and the bipartisan support for his confirmation underscore the seamless transition from the Bush administration and its anti-democratic policies to the Obama administration, which has continued and expanded the police state measures begun under Bush.

During his tenure in the Bush administration, Comey played a major role in erecting a pseudo-legal

framework for unconstitutional torture and surveillance programs. Since leaving the Bush administration in 2005, he has been rewarded with a lucrative career in defense contracting and hedge fund managing, as well as in academia, serving as general counsel for both Lockheed Martin and Bridgewater Associates, and holding the post of senior research fellow at Columbia Law School.

In the course of the hearing, senators of both parties as well as Comey engaged in the cynical pretense of questioning the proper “balance” between democratic and privacy rights and the requirements of “national security.” Behind this bogus discussion is the reality of a broad consensus within the political establishment to scrap the Constitution and the Bill of Rights, under the cover of the phony “war on terrorism.” The preparations for dictatorial forms of rule are directed not against foreign terrorists, however, but against the American working class.

Citing “the metastasizing terrorist threats,” Comey attempted to downplay the seriousness of the US government's massive international and domestic surveillance campaign. “I do know as a general matter that the collection of metadata and analysis of metadata is a valuable tool in counterterrorism,” Comey said.

“I'm a private citizen at this point,” he later declared. “I don't know the details of the programs involving metadata, for example, that are going on now. I have watched testimony from this table by [outgoing FBI] Director Mueller about, for example, the safeguards around metadata collection: the oversight of Congress, the involvement of FISA court, the inspector general's involvement. All of those sounded reasonable to me from this distance, but I don't know enough to say at this point.”

Comey was echoed by the senators, who feigned

concern over the expansiveness of the surveillance programs in order to present the hearing as a “dialogue.” This was a stage-managed means for allowing Comey to make the case for shredding basic democratic rights.

In his opening remarks, the chairman of the committee, Democrat Patrick Leahy of Vermont, encouraged Comey to work with the Senate “to enact some common sense improvements to our surveillance laws.” Comey readily agreed.

The second-ranking Republican on the committee, Orrin Hatch of Utah, declared in his opening statement, “I would be surprised if this wasn’t the third time you were unanimously approved by the Senate, I hope that is the case.”

Senator Mazie Hirono (Democrat of Hawaii), striking a critical pose, in fact justified the mass collection of personal information. She said, “You don’t know where that important connecting dot is going to come from, whether from the collection of millions of this kind of information or not. And if that’s the answer, and you start thinking about what the parameters may be, it seems as if there wouldn’t be any parameters, because how could you define when that particular dot—that critical dot of information—when that would arise?”

Comey, tacitly responding to recent leaks regarding the secret body of unconstitutional law established by the FISA court, shrugged-off concerns about the authoritarian nature of the parallel court system. (See: “The FISA court in operation: Secret laws, secret government”)

He said: “People hear ‘secret court,’ they hear ‘rubber stamp.’ It is anything but a rubber stamp. Anyone who knows federal judges and has appeared before federal judges knows that calling them a rubber stamp shows you don’t have experience before them.”

He added that the “combination of judicial involvement, congressional involvement, inspector general oversight, results in a very effective regime.”

He continued: “I don’t know of a case where a wiretap application has been rejected by a federal judge. ... The reason for that is we work like crazy to make sure that doesn’t happen.”

Comey’s testimony included additional indications of his authoritarian bent. On the issue of force-feeding Guantanamo hunger strikers, he merely said, “I

wouldn’t want [it] done to me. But I don’t know the circumstances well enough to offer you an opinion.”

Much noise has been made in the press and in Democratic Party circles about Comey’s 2004 decision to oppose then-White House Counsel Alberto Gonzales’ attempt to get Attorney General John Ashcroft to sign an order from his hospital bed continuing Bush’s secret warrantless surveillance program. At Tuesday’s hearing, Democratic Senator Charles Schumer of New York called Comey’s act a “profile in courage.”

In fact, Comey repeatedly approved Bush-era surveillance and torture operations, including waterboarding. The surveillance program he refused to sign off on was continued in a slightly different form under Bush and expanded under Obama.



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