Obama, the secrets of the state, and the persecution of Edward Snowden

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The following is the text of a report given to the Detroit-area membership of the Socialist Equality Party on August 18, 2013. David North is the national chairman of the Socialist Equality Party and chairman of the International Editorial Board of the World Socialist Web Site. *Commenting has been enabled at the bottom of this article.*

On August 9, President Barack Obama opened his press conference with a defense of the National Security Agency's spying on the American people. Once again, Obama resorted to lying and dissembling in defense of his administration's actions. Referring to the Patriot Act, he declared that "it does not allow the government to listen to any phone calls without a warrant." Whatever it is that the Patriot Act may or may not formally *allow*, Obama ignored the indisputable fact that the government is listening in to tens of millions of phone calls every day.

The most striking feature of Obama's remarks is what they revealed about the president himself. Obama is the personification of the state military-intelligence bureaucracy. His mind is that of an intelligence analyst. Every other aspect of his public persona is a forced and unconvincing act. His world view is the residue of the countless high-level secret dossiers that have for many years constituted his chief intellectual nourishment. One has the impression that an intelligence briefing is Obama's preferred form of inter-personal communication.

We have been told that Obama taught constitutional law at the University of Chicago. One can only wonder what his lectures on the subject consisted of. The press conference of August 9 gave no indication that he understands, or that he is concerned with, the US Constitution. Whether one or another action of his administration or state agencies is legal, i.e., constitutional, is to Obama a matter of indifference. All constitutional issues are seen by Obama not as matters of legal substance but, rather, merely problems of public perception. It is not the *actions* of the state that need to be changed, but the *perceptions* of the American people.

For Obama, it is never a matter of upholding the law as defined by the Constitution, let alone prosecuting those responsible for an abuse of the people's democratic rights. The task of the president, as understood by the present White House occupant, is to change public opinion without impinging upon the power and prerogatives of the vast state intelligence-gathering agencies.

Therefore, the fact that Americans are alarmed by NSA spying does not, for Obama, require an end to the spying. No, it requires only that Obama have "a dialogue with members of Congress and civil libertarians" in order "to give the American people *additional confidence* that there are additional safeguards against abuse." Obama declared that he would "work with Congress *to improve the public's confidence*" in the Foreign Intelligence Surveillance Court, a thoroughly discredited institution that exists only to provide a veneer of judicial window-dressing to blatantly unconstitutional activity. In Obama's world, a criminal act can be made legal simply by having it blessed by a judge.

There is a well-known film, *Cool Hand Luke*, which was made in 1967, starring Paul Newman. It is set in a southern prison camp. The prisoners are watched by rifle-toting guards as they toil in miserable conditions unshielded from the burning sun. They are ruled over by a mad and sadistic warden. He responds to every expression of discontent and resistance with savage violence. And after administering a beating, the warden, affecting a tone of compassion and reasonableness, declaims before the horrified prisoners who witnessed the bloody episode: "What we've got here is failure to communicate!"

This phrase could serve as Obama's motto. The problem, as he sees it, is not the spying, but the public's reaction to it. Thus, what is required is not an end to the criminal behavior of the state, but, rather, better communication techniques. "We can, and must," Obama proclaimed, "be more transparent." With evident self-satisfaction, Obama stated: "So I've directed the intelligence community to make public as much information *as possible*." The caveat "as much information as possible" really means *no more than is absolutely necessary*. Obama also announced that at his *direction*, "the Department of Justice will make public *the legal rationale* for the government's collection activities under Section 215 of the Patriot Act." There is still more: "The NSA is taking steps to put in place a full-time civil liberties and privacy officer, and release information that details its mission, authorities, and oversight." His mind ablaze with bureaucratic initiatives, Obama promised a "web site that will serve as a hub for further transparency" as well as "a high-level group of outside experts to review our entire intelligence and communications technologies."

The central task of this group is to "consider how we can maintain the trust of the people…" All these steps, Obama explained, "are designed to ensure that the American people can trust that our efforts are in line with our interests and our values."

Lest anyone doubt his sincerity, Obama declaimed: "I want to make clear once again that America is not interested in spying on ordinary people." This was stated on the very day that fresh revelations exposed the fact that the government trolls through millions of e-mail communications sent by private citizens.

"The question," Obama said, "is how do we make the American people more comfortable." He seemed genuinely puzzled by the distrustful attitude of the public. Why are they not comfortable? After all, he explained, "*I am comfortable* that the program currently is not being abused. *I'm comfortable* that if the American people examined exactly what was taking place, how it was being used, what the safeguards were, that they would say, you know what, these folks are following the law and doing what they say they're doing."

Of course, the American people will never be given the opportunity to examine "exactly" what is taking place. They will be told as little as the Obama administration and the NSA can get away with. But this fact aside, Obama's invocation of the trustworthiness of the NSA personnel's democratic commitments, aside from its obvious absurdity, betrayed a staggering ignorance of the intellectual foundations and legal principles upon which the US Constitution is based. He declared:

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And let me close with one additional thought. The men and women of our intelligence community work every day to keep us safe because they love this country and believe in our values. They're patriots.

There are two essential objections to this statement. First, as to the matter of the supposedly outstanding caliber of the men and women who work for the NSA and CIA, which therefore makes them deserving of the uninformed trust of the citizenry, the framers of the Constitution were representatives of a legal and democratic tradition that counseled unflagging and relentless *distrust* of power. As the historian Bernard Bailyn explained so vividly in his major work, *The Ideological Origins of the American Revolution*:

Most commonly the discussion of power [among the colonials] centered on its essential characteristic of aggressiveness: its endlessly propulsive tendency to expand itself beyond legitimate boundaries. In expressing this central thought, which explained more of politics, past and present, to them than any other single consideration, the writers of the time outdid themselves in verbal ingenuity. The image most commonly used was that of the act of trespassing. Power, it was said over and over again, has "an encroaching nature;" "… if at first it meets with no control [it] creeps by degrees and quickly subdues the whole." Sometimes the image is that of the human hand, "the hand of power," reaching out to clutch and to seize: power is "grasping" and "tenacious" in its nature; "what it seizes it will retain." Sometimes power "is like the ocean, not easily admitting limits to be fixed in it." Sometimes it is "like a cancer, it eats faster and faster every hour." Sometimes it is motion, desire and appetite all at once, being "restless, aspiring, and insatiable."

What gave transcendent importance to the aggressiveness of power was the fact that its natural prey, its necessary victim, was liberty, or law, or right. [1]

The "sphere of power" and the "sphere of liberty" were, for the revolutionary colonial thinkers, in endless conflict. "The one [power] was brutal, ceaselessly active and heedless; the other [liberty] was delicate, passive and sensitive. The one must be resisted, the other defended, and the two must never be confused." [2] As for testimonials to the trustworthiness and decency of one or another government official, such assurances were not, as far as the Founders were concerned, worthy of serious consideration in a discussion of legal and constitutional principles. Power, wrote one colonial thinker, "converts a good man in private life to a tyrant in office." [3]

The second objection to Obama's last statement is its invocation of "our values." One of the significant innovations in constitutional theory, as it evolved in the United States, was the repudiation of the conception that society comprised a community of universally shared "values"—whether, religious, ethical or political. "By the 1820[s], if not earlier," writes the constitutional scholar William E. Nelson, "it was clear to most that the age of moral certainty had passed and truth could no longer be seen as a unitary set of values formulated by God and readily ascertainable by man. Men now viewed truth and morality as human values that might vary over time and place and believed that nothing existed that could 'not plausibly be argued with… much semblance of truth' on every side." [4]

Aside from the inappropriateness of Obama's invocation of "our values" as a legitimate basis for public trust in the actions of the state, one must wonder what he considers these "values" to be. During the past decade, these supposedly shared values have found expression in the launching of wars based on lies, the torture of prisoners, the sexual abuse of inmates at Abu Ghraib, the practice of rendition, and the killing of hundreds of people, including four Americans, without due process of law. If the values of Obama and his cohorts were really those of the American people as a whole, then one could justly conclude that the United States is a nation of torturers and murderers. But we reject this Americanized version of the Goldhagen thesis. [5] Obama represents not the American people, but the capitalist state and its vast military-police apparatus of control and repression.

At one point in his press conference, Obama alluded to the chasm that separates him from the citizenry. He acknowledged that "if you *are outside of the intelligence community*, if you are the *ordinary person* and you start seeing a bunch of headlines saying, US-Big Brother looking down on you, collecting telephone records, et cetera, well, understandably, people would be concerned. *I would be, too, if I wasn't inside the government*."

But Mr. Obama is, of course, "inside the government." More than that: the government is *inside* President Obama. It is the spirit of the state, of its intelligence-gathering bureaucracy, that stirs within him. He sees the world through its eyes, and has embraced its objectives as his own. That is why this most passionless of presidents evinced at the press conference an observable degree of personal emotion only when asked about Edward Snowden. "No," he declared with visible anger, "I don't think Mr. Snowden was a patriot."

Why is it that the very mention of Snowden's name causes the president to stiffen his back and press his lips together in anger? It is because Snowden committed, in Obama's eyes—the eyes of the state-intelligence bureaucracy—the most heinous of all crimes: he exposed its *secrets*. Snowden took its secrets and made them available to the people. This betrayal of the secrets of the intelligence bureaucracy—that is, informing the people that they are being spied upon illegally by the state—has caused the Obama administration endless difficulties. As he complained to the assembled White House correspondents:

Once the information is out, the administration comes in, tries to correct the record. But by that time, it's too late or we've moved on, and a general impression has, I think, taken hold not only among the American public but also around the world that somehow we're out there willy-nilly just sucking in information on everybody and doing what we please with it…

And there's no doubt that Mr. Snowden's leaks triggered a much more rapid and passionate response than would have been the case if I had simply appointed this review board to go through, and I had sat down with Congress and we had worked *this thing* through.

What Obama dismisses contemptuously as "this thing" is nothing less than his administration's violation of the Constitution, a "high crime" that, were it not for the putrefaction of American democracy, would have by now led to the drafting of articles of impeachment. But that will not happen. Not only the president, but leading members of the Senate and House of Representatives have accused Snowden of treason—that is, the betrayal of the secrets of the state to its most feared enemy: the broad mass of the American people.

In his monumental *Critique of Hegel's Philosophy of Law*, Marx wrote:

The bureaucracy has the state, the spiritual essence of society, in its possession, as its *private property*. The general spirit of the bureaucracy is the *secret*, the mystery preserved within itself by the hierarchy and against the outside world by being a closed corporation. Avowed political spirit, as also political-mindedness, therefore appears to the bureaucracy as *treason* against its mystery. Hence, *authority* is the basis of its knowledge, and the deification of authority is its *conviction*. [6]

In another passage, Marx describes the state bureaucracy as "a circle from which no one can escape." [7] But, in an act decried by Obama and the lackeys of the state intelligence bureaucracy and the establishment media, Snowden, the 30-year-old "political-minded" man, sought to escape this circle and exposed the crimes committed by those within it against the people. That is what his "treason" consists of. This "treason" was an act of great courage. Therefore, the defense of Edward Snowden against his persecutors must be taken up by the working class.

The Socialist Equality Party must be in the forefront of the fight to defend democratic rights. We are not in the least reticent about defending the progressive democratic legacy of the American Revolution and the

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Civil War. Back in 1990, when the Workers League (predecessor of the Socialist Equality Party) was engaged in a debate over the legitimacy, from the standpoint of revolutionary tactics, of its call for a referendum on the Iraq War (which the first President Bush was then preparing), I stated:

…the more the bourgeoisie abandons democracy, the more it is unable to adhere to even its own traditional democratic forms, the more does the struggle for democracy assume revolutionary significance.

I argued that it was necessary to encourage the democratic *aspirations* of the working class without adapting to their political illusions in the existing state.

Indeed, we appeal to and encourage the democratic aspirations of the masses in order to help them overcome their illusions in the ever-more undemocratic institutions of bourgeois democracy. [8]

Nearly a quarter-century has passed since the First Gulf War, and the breakdown of democracy is far more advanced. This finds expression not only in the actions of the state, but in the virtual disappearance of a genuine democratically-minded intelligentsia. There exists today no equivalent of a John Dewey, an H.L. Mencken, a William Allen White (of the Emporia *Gazette*) or a Sinclair Lewis. The economic disintegration of the middle class over the last half-century has eliminated the social foundation which formed the basis for a broad-based democratic public opinion. The public intellectuals, small-town lawyers, editors and even businessmen whose petty-bourgeois avarice was tempered by gripes against the "unfair competition" of big corporations and who were, therefore, at least slightly receptive to democratic reforms have largely disappeared from the scene.

The media is nothing more than the means of disseminating corporate-state propaganda. The fusion of state intelligence agencies and media news is epitomized by such figures as Bill Keller, Thomas Friedman, and C.J. Chivers of the *New York Times*, George Stephanopoulos of ABC News, and the ineffably disgusting Wolf Blitzer of CNN. Today, there is mounting outrage over the tweet sent out on Saturday night by Mike Grunwald, a senior national correspondent of *Time Magazine*, in which he wrote: "I can't wait to write a defense of the drone strike that takes out Julian Assange." Grunwald's views are not exceptional. In a media utterly subservient to the state, authoritarian and fascistic inclinations are hardly an impediment to advancement. David Gregory of NBC News asked Glenn Greenwald why he, too, should not be indicted for having provided assistance to Snowden. There is hardly a prominent establishment journalist who would not be able to continue his or her lucrative career if a military dictatorship was established in the United States.

While the social disintegration of the democratic petty-bourgeoisie has eroded the base for *bourgeois* democracy, the proletarianization and, therefore, class polarization of society—within the United States and internationally—has vastly expanded the potential social constituency for a revolutionary movement for a democratic society based on *socialism*. Indeed, it is only through the development of such a movement, based on the working class, that democratic rights can be defended.

There is an inextricable link between the attack on core constitutional rights and the crisis of capitalism. As the ruling class seeks to impose the burden of the crisis on the working class, it is driven to dispense ever more openly with the forms of democracy. In Detroit, all effective executive power has been transferred to a hand-picked and unelected representative of the banks. The elected officials, such as the mayor, have been stripped of all power.

The capitalist class demands a free hand to pursue its interests within the borders of its "own" country as well as internationally. Arguments in favor of authoritarianism are being advanced more insistently in the media. Is it not necessary, it is being asked, to find a way out of congressional "gridlock"? Hasn't the time come for "someone" to make the "hard decisions" necessary to eliminate budget deficits, i.e., to slash pensions, medical care and other social services? Such arguments are advanced to prepare the ground for dictatorship.

Capitalism and democracy are incompatible. The one can exist only if the other is destroyed. The destruction of democracy by capitalism would signify the establishment of a fascistic police state regime. The defense of democracy is possible only within the context of a struggle against capitalism, for the establishment of workers' power and socialism.

Notes:

1. Cambridge: Harvard University Press, 1992, pp. 56-57
2. Ibid, p. 58
3. Ibid, p. 60
4. *The Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830* (Athens and London: The University of Georgia Press, 1994), p. 115
5. The reference is to the historian Daniel Goldhagen's book, *Hitler's Willing Executioners*. Goldhagen's thesis was that the Nazi extermination of the Jews was carried out with the enthusiastic support and participation of "ordinary" Germans. This argument has been widely discredited. See: *A Critical Review of Hitler's Willing Executioners*.
6. *Marx-Engels Collected Works*, Volume 3 (New York: International Publishers, 1975), p. 47
7. Ibid, p. 46
8. "Report to the Workers League National Aggregate, December 31, 1990," *Workers League Internal Bulletin*, Volume 5, Number 1, January 1991, p. 13

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