

Obama's NSA review panel: An arm of the national security apparatus

Eric London**24 September 2013**

A report published Sunday by the Associated Press reveals that a review panel established by the Obama administration supposedly to insure "transparency" and restore public confidence in the surveillance programs carried out by the National Security Agency (NSA) is nothing more than an arm of the US national security apparatus.

Obama announced the creation of the panel in a mid-August speech in response to public hostility to the spying programs made public by former NSA contractor Edward Snowden. Obama presented the review board as an "independent group" that would "make sure that there absolutely is no abuse in terms of how these surveillance technologies are used."

The AP report documents the fact that the panel—appropriately named the "Director of National Intelligence Review Group on Intelligence and Communications Technologies"—functions as an instrument of James Clapper, the director of national intelligence.

It meets in rooms loaned to it by Clapper's office and organizes press releases, statements, and interview requests with the approval of the director of national intelligence's press office. It will release its findings to the White House, which will have free rein to sensor them before releasing any information to the public.

Clapper has exempted the panel from federal regulations requiring government committees to hold public meetings.

Clapper is the de facto leader of the review panel. Last March, he perjured himself in testimony before Congress by answering "no" to a question about whether the NSA compiled "any type of data at all on millions or hundreds of millions of Americans."

The panel members are for the most part Democratic Party insiders with close ties to the surveillance

apparatus. As the AP report notes:

"Four of the five review panel members previously worked for Democratic administrations: Peter Swire, former Office of Management and Budget privacy director under President Bill Clinton; Michael Morell, Obama's former deputy CIA director; Richard Clarke, former counterterrorism coordinator under Clinton and later for President George W. Bush; and Cass Sunstein, Obama's former regulatory czar. A fifth panel member, Geoffrey Stone of the University of Chicago, leads a university committee looking to build Obama's presidential library in Chicago and was an informal adviser to Obama's 2008 presidential campaign."

The presence of Stone is of particular interest. After Snowden revealed himself to be the source of revelations of NSA spying on the entire US population and millions of people around the world, Stone publicly supported the international witch-hunt organized by the Obama administration against Snowden, calling for his arrest and prosecution and advancing authoritarian arguments in defense of the US police state surveillance programs.

This marked a dramatic shift from Stone's previous record as a liberal defender of civil liberties. He was formerly the dean of the University of Chicago Law School. In 2004, he published a book reviewing the historical record of war-time attacks on democratic rights by US administrations. The WSWS noted that the entry of Stone and other erstwhile liberals into the camp of Snowden attackers and NSA defenders expressed a deeper social process. We wrote ("Liberal advocates of a police state turn savagely against Edward Snowden"): "The breakdown of democratic institutions proceeds alongside the dissolution of any significant support for democratic rights within the ruling elite and its faithful retainers among the

wealthiest 5 percent of the population.”

Stone sent a cynical reply to the WSWS article that concluded by declaring Snowden to be “a criminal.” The WSWS replied in detail (See: A letter from Professor Geoffrey R. Stone, liberal advocate of a police state).

Sunstein is another prominent legal academic and “liberal.” He has been a regular on Obama’s short list for Supreme Court justice nominees and currently teaches law at Harvard University.

These are the forces upon whom Obama is relying to lend a gloss of “transparency” and “legality” to programs that flagrantly violate the US Constitution, in particular the Fourth Amendment ban on arbitrary searches and seizures, which is an essential part of the Bill of Rights.

As the *World Socialist Web Site* explained in August, “the fact that the president has chosen Clapper to hand-pick the members of the panel exposes as a fraud his pretense of making the programs more ‘transparent’ and insuring against ‘abuses.’ The panel is part of an effort to placate popular opposition to the wholesale, unconstitutional violation of privacy rights and to further institutionalize police state methods of surveillance of the American people.” (See: Obama assigns intelligence director to form “independent” panel on NSA surveillance)



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