

White House-backed panel to call for cosmetic changes to illegal spying programs

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A hand-picked White House-sponsored panel is due to submit recommendations to the Obama administration this weekend as part of efforts to ensure the continuation of the illegal National Security Agency (NSA) spying programs.

Leaks to the media on Friday make clear that the panel, headed by a former CIA deputy director, is a whitewash and that the administration is planning purely cosmetic changes. The five-member panel, established in the aftermath of the initial revelations by whistleblower Edward Snowden, was set up to divert and dissipate popular outrage with a pretense of reform, while institutionalizing the spying programs.

The 150-page report, which may be released publicly later this month, apparently focuses on only one of the many domestic spying programs revealed by Snowden—the bulk collection of telephone records obtained with the cooperation of major telecommunication companies. The panel concludes that this program is legal and must continue. It also endorses the monitoring of foreign communications.

“The big picture is there’s not going to be that much constraint,” the *Washington Post* quoted one US official as saying. “They’re really not hurting [the NSA] that much.”

The British *Guardian* newspaper quoted Sascha Meinrath, an advisor to the panel and the director of the Open Technology Institute. “The review group was searching for ways to make the most modest pivot necessary to continue business as usual,” she said, calling the overall framework “shameful.”

According to the *Wall Street Journal*, one of the proposals from the panel is that “the records of nearly every US phone call now collected” in the phone monitoring program “be held instead by the phone company or a third-party organization.”

The existence of the phone records program was among the first of the revelations by Snowden this past summer. This program, which targets the majority of Americans, allows the US government to construct a detailed social and political profile of any individual, based on whom he or she calls. If implemented, the panel’s recommendation would give the NSA continued access, with vaguely-defined “stricter standards” for when the information can be accessed.

The phone records program, along with numerous others, is unconstitutional. The collection of such information without an individual court-issued warrant for each person targeted violates the Fourth Amendment protection against unreasonable searches and seizures. Whether the information is technically in the hands of the NSA or is held by telecommunications companies working directly with the NSA in no way alters this fact.

According to the *New York Times*, another proposal is to create “an organization of legal advocates” who would “argue against lawyers for the NSA and other government organizations in front of the Foreign Intelligence Surveillance Court.”

The FISA court, which conducts its operations and issues its opinions in secret, routinely rubber stamps the surveillance requests of intelligence agencies. Adding “legal advocates” to this star chamber does not render it any less anti-democratic and unconstitutional.

The panel reportedly recommends even fewer modifications when it comes to spying abroad. According to the *Times*, the group is “expected to recommend that senior White House officials, including the president, directly review the list of foreign leaders whose communications are routinely monitored by the NSA.”

The spying on foreign heads of government will

continue, as will the seizure of the call records and Internet communications of billions of ordinary people.

Another reported suggestion of the panel—to divide the roles of the cyber command and the NSA itself, allowing for a civilian NSA director—has already been rejected by the White House. Top intelligence officials, including current NSA Director Gen. Keith Alexander, have explicitly opposed such a move.

The suggestions of the panel are not binding. They will supposedly be taken under advisement as part of the administration's own inter-intelligence agency review. Obama is reportedly planning to unveil certain proposals during his State of the Union speech in January.

The composition of the panel makes a mockery of its supposed "independence" from the White House. It is headed by Michael Morell, the deputy director of the CIA from May 2010 to August 2013. Morell twice served as acting CIA director during this period. Prior to being brought on board by the Obama administration he managed the presidential daily briefings for George W. Bush, including at the time of the September 11 attacks.

The other four members are:

- * Richard Clarke, a top counter-terrorism official in the administrations of George H.W. Bush, Bill Clinton and George W. Bush;

- * Geoffrey Stone, the former dean of the University of Chicago Law School (when Obama taught there), who has publicly attacked Edward Snowden and defended the NSA spying programs. (See: "Liberal advocates of a police state turn savagely against Edward Snowden");

- * Cass Sunstein, a Harvard Law School professor (also formerly of the University of Chicago), who is married to the US ambassador to the UN, Samantha Power;

- * Peter Wire, a senior fellow at the Democratic Party-aligned Center for American Progress.

The Obama administration's efforts to whitewash the illegal spying operations and ensure their continuation are being coordinated with the media, which has participated in the official witch-hunt of Snowden. The leaks that formed the basis of the reports on Friday were clearly authorized, and the media did its best to present the coming proposals as a far-reaching plan to transform the operations of the NSA.

"Obama Panel Said to Urge NSA Curbs" was the headline in the *New York Times*, while the *Wall Street Journal* headlined its article, "Presidential Task Force Recommends Overhaul of NSA Surveillance Tactics."

After outlining the proposals, the *Times* went on to write that "while Mr. Snowden has been widely condemned in Washington for violating his oaths to protect secrets, and for taking up asylum in Russia instead of facing prosecution, it now appears likely that his disclosures will lead to the result he told interviewers he was seeking."

This is an absurd and transparent lie. Snowden has repeatedly declared his opposition to the mass spying programs, all of which the panel proposes to continue. As the *Times* well knows, the token changes the panel will likely suggest are not "the result... he was seeking."

From the very first revelation by Snowden, the government has responded with a combination of lies (such as Obama's claim that "America is not interested in spying on ordinary people"), the demonization and persecution of Snowden, and the insistence that everything should continue as before. Obama, while cynically pledging to increase "transparency," said his aim was to "make the American people more comfortable" with government spying.

This theme was repeated in an interview last week, when Obama said that he would be making proposals for "some self-restraint on the NSA" and would "initiate some reforms that can give people more confidence."

Since the panel was formed, a series of new revelations has emerged, including the fact that the NSA is secretly tapping into the backbone of the Internet to get access to all electronic communications, has stolen all the communications of major companies such as Google and Yahoo, and obtains billions of cell phone records every day.



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