

Obama “reform” seeks new framework for illegal NSA spying

Thomas Gaist, Joseph Kishore
26 March 2014

The Obama administration is preparing to propose legislative changes to the bulk telephone data collection program run by the US National Security Agency. While few details are available, the new framework would reportedly require the NSA to request data from telecommunications companies, which would keep the information on their own servers.

The changes, first revealed in a *New York Times* article on Tuesday, are part of an effort to create a new framework for parts of the vast, unconstitutional police state spying apparatus, while heading off popular outrage. The “reforms,” which would affect only one of the many NSA programs revealed by Edward Snowden, are designed to ensure that, in all essentials, the powers of the intelligence agencies remain in place.

In its article, “Obama to Call for End to NSA's Bulk Data Collection,” the *Times* describes the proposed measures as “a far reaching overhaul of the National Security Agency's once-secret bulk phone records program.” If the administration's proposals are implemented, the *Times* writes, “the NSA would end its systematic collection of data about Americans' calling habits.”

In fact, as an Obama administration official acknowledged in an official statement, the government intends to retain “as many [surveillance] capabilities of the program as possible.”

Under the proposed changes, the spy agencies will need to obtain a new type of authorization from the secret Foreign Intelligence Surveillance Court (FISC) to access the data stored by telecommunications companies. The FISC operates behind closed doors with no accountability and has a history of granting the NSA virtually everything it asks for.

Once acquired, these authorizations will be open-ended, allowing for indefinite surveillance of targets.

As noted by the *Times*, “The new type of surveillance court orders envisioned by the administration would require phone companies to swiftly provide records in a technologically compatible data format, including making available, on a continuing basis, data about any new calls placed or received after the order is received.”

The authorizations, according to the *Times*, “would also allow the government to swiftly seek related records for callers up to two phone calls, or ‘hops,’ removed from the number that has come under suspicion...”

Phone companies would be required to keep data for 18 months, rather than the five years that such information is currently stored by the NSA. “A senior administration official said that intelligence agencies had concluded that the operational impact of that change would be small because older data is less important.”

Speaking at a news conference in The Hague, President Obama confirmed that at the center of the proposed changes was an attempt to alter public “perceptions” about the spying programs. “We have got to win back the trust not just of governments, but, more importantly, of ordinary citizens.” There is a “tendency to be skeptical of government and to be skeptical of the US intelligence services,” Obama said.

The “skepticism” of the world's population is the product of the exposure, thanks to Snowden, of a massive and blatantly illegal spying program, erected in direct violation of the Constitution. For these acts, Snowden has been hounded by the US political establishment, including the Obama administration, which has demanded his prosecution.

The reforms would “eliminate” the concerns of NSA critics, Obama added. In other words, the fig leaf

measures are aimed at delegitimizing further opposition to the spy agencies while giving political cover to sections of the Democratic and Republican parties that have postured as critics.

Any changes to the NSA program will have to work their way through Congress before being enacted. Top Congressional representatives are promoting their own version of the surveillance reforms. Republican Mike Rogers (chairman of the House Intelligence Committee) and Democrat Dutch Ruppersberger (the top Democrat on the committee, whose district includes the NSA headquarters) have sponsored the “End Bulk Collection Act,” which is broadly in line with Obama’s proposal.

Echoing Obama’s remarks, Ruppersberger said that he and Rogers “knew we had to deal with the perception and get the confidence of the American people.”

Making clear the backroom discussion between the Obama administration and the Congressional representatives close to the NSA, Rogers added, “We think the White House is now moving toward our position on this. We’ve been sharing text with them for the past few weeks.”

The Rogers/Ruppersberger proposal reportedly contains broad language allowing for the government to demand data even for targets not associated with a terrorism investigation. Anyone the government deems to be “in contact with, or known to, a suspected agent of a foreign power,” based on “reasonable articulable suspicion,” can be targeted, along with those who are two “hops” removed.

The Congressional proposal would also only require approval from the FISC after the data is collected from the telecommunications companies. If the court deems a request invalid, the NSA would supposedly be forced to delete any data it had collected.

Dianne Feinstein, the Democratic chairman of the Senate Intelligence Committee—who is also close to the NSA and has branded Snowden a “traitor”—declared her support for the White House proposal, saying it “is a worthy effort.” Feinstein added, “I have said before that I am open to reforming the call records program as long as any changes meet our national security needs and address privacy concerns, and that any changes continue to provide the government with the means to protect against future terrorist attacks.”

By “national security needs,” Feinstein means the continued ability of spy agencies to spy on the population of the United States and the world.

The “reform” measures relating to the telephone data program are also part of an effort to cover up the far more expansive programs that have also been exposed by Snowden, including those giving the NSA access to virtually all Internet communications data via the so-called PRISM program and other operations.

Asked about any measures that would affect PRISM, Rogers said, “I don’t believe that foreign collection on foreign soil is something that we need to change. I think we would be foolish and irresponsible if we disrupted them for any political purpose.”

PRISM is billed as a foreign intelligence program, but it in fact gathers information on all manner of communications by accessing the servers of US Internet companies. According to reports based on Snowden documents, PRISM is the number one source of raw intelligence for NSA reports.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact