Documentary reviews history of domestic spying under Bush and Obama

Ed Hightower
20 May 2014

A significant and revealing documentary on American public television probes the origins and details of the massive spying apparatus operated by the National Security Agency.

The United States of Secrets, part of the investigative reporting program *Frontline*, aired its first of two parts on May 13. It features commentary from experts and journalists, as well as interviews with key figures from the Bush and Obama administrations. In the first part, the program reviews the history of secret NSA wiretapping of US citizens and data mining activities since the days after the September 11, 2001 terror attacks.

The documentary has predictable limitations. It does not question the premises of the spy programs or their origins in the "war on terror," accepting the basic narrative that the spy apparatus is the product of, at worst, an overreach in responding to terrorist attacks. As such, it does little to elucidate the real motivations behind the erection of an apparatus of a police state in the United States and globally, aimed at monitoring the communications of nearly everyone on the planet.

Nevertheless, the program, by bringing together the narrative of events, constitutes a damning indictment of the Bush and Obama administrations, along with the entire political establishment and mass media. What emerges is a government steeped in criminality and secrecy, in which the most basic democratic and constitutional rights are ignored or willfully overridden.

Certain elements are deserving of particular emphasis. First, is the very deliberate way in which the spy programs were established with the specific aim of monitoring the communications of Americans without a warrant—a violation of the US Constitution. The interviews from top administration officials make clear that they were well aware that what they were doing was illegal, that this preoccupied their minds, and led them to seek pseudo-legal justifications for what they were doing.

At the urging of the Bush administration, National Security Agency director Michael Hayden set out to create a dragnet program following 9/11. Hayden instructed subordinates to unearth whatever programs the agency might have to conduct massive surveillance. According to the documentary, Thomas Drake, a senior NSA executive, dug through the agency's secret research and development projects, uncovering a program already in existence but not in use, ThinThread, which was designed to monitor telephone and internet communications between US and foreign sources while protecting the content from being accessed.

The Bush administration ultimately implemented a program that was basically a version of ThinThread, stripped of its privacy protections—that is, the specific intent from the beginning was to have the ability to access details of communications by US citizens without a warrant.

Efforts by some analysts within the NSA to raise concerns over the illegal programs were ignored or met with threats and intimidation. Drake explains in the documentary that NSA employees approached him with their concerns, saying that the agency was now taking methods and equipment formerly used and authorized only for foreign surveillance and turning it inward, probing American targets *en masse* .

When a group of NSA employees with objections to the program sought to raise these with various members of Congress, the NSA responded by bringing on board the top leadership of both parties. Hayden invited top members of the House of Representatives, including Democrat Nancy Pelosi, to a clandestine meeting with the White House in October 2001. As Hayden himself says, "Our purpose in this was to get the other political branch [of the US government] involved. We would be defeating our own purposes … if we weren't full Monty to these folks." And everyone agreed.

The programs in question were so illegal and unconstitutional that they created divisions within the state apparatus itself. The documentary reviews the conflict within the Bush administration over the reauthorization of the program in 2004. Officials within the Justice Department—including lawyer Jack Goldsmith and acting attorney general James Comey—balked at reauthorizing the

© World Socialist Web Site

program. In response, the Bush administration sought to pressure an ailing John Ashcroft, then the attorney general, to sign the reauthorization while in his hospital bed.

The conflict ended with the threatened resignations of Ashcroft, FBI director Robert Mueller and others. To avert the ensuing catastrophe, the White House agreed to end the bulk email collection aspect of the NSA program.

Yet despite these conflicts, the spying programs as a whole continued and indeed were expanded over the ensuing years. By fall 2004, the NSA was collecting metadata for all communications coming from the US going to foreign recipients and vice versa.

One aspect of the history that is of particular significance is the role of the media, and especially the New York Times. The *Times* first heard of the illegal NSA programs in 2004. However, the editors, and principally Bill Keller, with the 2004 presidential election approaching, kept its own reporters from revealing this ongoing criminal conspiracy. This was done at the behest of the Bush administration.

In December 2005, the *Times* story finally broke, prompting a blitz of lies and propaganda from the Bush administration in an effort to hide the extent of the illegal mass collection of telephone and internet data. Alberto Gonzales, now attorney general, launched punitive investigations against suspected leakers in the DOJ and NSA.

In the summer of 2007, Gonzales and the FBI revved up their intimidation tactics against the suspected leakers, raiding the homes of Dianne Roark (a congressional staffer) and NSA employees William Binney and Kirk Wiebe. Binney was met by an agent pointing a gun at his head as he was getting out of the shower.

The FBI conducted a similar raid on the houses of other NSA employees including Edward Loomis, shortly thereafter. Some of the most compelling footage in the entire documentary is that of Loomis describing how the FBI persecution destroyed his life.

On November 28, 2007, they came for Drake, looking for evidence that he leaked information on NSA spying to the *New York Times*. Drake's story could be the subject of its own article, so horrifying was the FBI investigation and the bogus legal case trumped up against him. In short, he ran completely out of money due to legal defense costs, only to have the US attorney drop all charges against him just before trial. Drake pled guilty to a misdemeanor charge of misuse of a government computer, paid $25 in court costs, and served one year of probation. Drake's lawyer tells interviewers that the "classified" documents he was accused of leaking were clearly marked "unclassified," and were modified by the government after the fact.

The criminality, both in the NSA program and its cover-up, is brought to light in *United States of Secrets* from start to finish.

The last portion of Part I reveals that the ThinThread group, Dianne Roark, the DOJ attorneys and Drake, like other Americans, held out hope that under an Obama presidency, all could be set right. *United States of Secrets* shows the fundamental continuity between the Bush and Obama administrations, which served to disillusion many millions, including one Edward Snowden.

This portion of the documentary is lacking. When then-Senator and presidential candidate Barack Obama is considering whether or not to vote for the FISA Amendment Act of 2008, which would grant more authority to the NSA, the Frontline journalists view this from the standpoint of personal psychology. Obama voted for the amendment, they opine, to bolster his national security credentials. The question is, bolster them with whom?

The documentary takes a similar view of Obama's decision to keep the secret, illegal NSA spying programs running shortly after taking office. Former Obama advisor Richard Clarke says in an interview that when someone becomes president, he does not want to give up any of the "tools" his predecessors have; one wants to be able to prevent a terror attack, etc. This is as far as the documentary goes in explaining the continuity between Republican and Democratic Party administrations.

The documentary makes the same error regarding Obama's continuing to prosecute the NSA whistleblowers. Clarke attributes this to a mere personal trait—this president does not like people leaking national security information. There is no hint of the fundamental reasons for the burgeoning police state that spans more than a decade and two presidential administrations—for use against all opposition to the policies of the ruling class.

Despite these limitations, *United States of Secrets* is worth watching. The first part is online, and the second part airs today.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site