

The fraudulent debate over NSA reform

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30 May 2015

The US Senate convenes May 31 in a rare Sunday afternoon session called by Senate Majority Leader Mitch McConnell to forestall the expiration of Section 215 of the USA Patriot Act. This section of the vast police-state law passed in 2001 has been used as the basis for the National Security Agency's collection of telephone metadata on every phone call made in the United States, as well as authorizing other forms of domestic spying.

In the week leading up to the Senate session, President Obama, Attorney General Loretta Lynch and the heads of the FBI and other security agencies have depicted the potential expiration of Section 215 in apocalyptic terms. Obama made several appearances before television cameras to demand action "because it's necessary to keep the American people safe and secure." Lynch said that a failure to act would cause "a serious lapse in our ability to protect the American people."

Other administration representatives were even more strident. At a press briefing of three top officials, all unidentified at the insistence of the White House, one said, "What you're doing, essentially, is you're playing national security Russian roulette. We have not had to confront addressing the terrorist threat without these authorities, and it's going to be fraught with unnecessary risk."

This scaremongering is completely cynical. The surveillance powers embodied in Section 215 have nothing to do with defending the American people from terrorist attacks. On the contrary, the American people are the principal target of Section 215, and of the Patriot Act as a whole.

On the eve of the vote, a report by the Justice Department's own Office of Inspector General conceded that the mass collection of data on telephone metadata—the core of Section 215 as interpreted by both the Bush and Obama administrations—has played no

role in any terrorism investigation or prosecution. Another of the key powers under Section 215, authorization of "roving wiretaps" of individuals who change cellphones, has been used in only a handful of cases. A provision for wiretaps of so-called "rogue" terrorists—individuals not connected with any organization—has never been used at all.

Given these facts, how is one to account for the "sky is falling" rhetoric from the Obama administration and its congressional allies, both Republican and Democrat, over the possible expiration of Section 215?

Section 215 is of enormous importance to the government—but not for the reason given. The mass data collection on telecommunications and the Internet is a key element in the development of an authoritarian state that is accumulating vast databases on the political and social views of the entire population. The state is preparing to use this intelligence in an effort to crush popular opposition to ever-growing social inequality, police violence and militarism.

The greatest threat to the democratic rights of the American people comes not from Islamic fundamentalist terrorists or their Internet sympathizers, but from the capitalist state itself, which is the main instrument for defending the profits and wealth of the super-rich against the vast majority of the population, the working class. Whatever form the Senate debate takes on Sunday, this central issue will be evaded and covered up.

The Obama administration is pushing for Senate acceptance of the USA Freedom Act, a bill which makes cosmetic changes in Section 215 while reauthorizing it and placing it on a pseudo-legal foundation. The database of call records would be maintained by the telecommunications companies, rather than directly at NSA headquarters, and the NSA would route its data searches through the telecoms.

This bill passed the House of Representatives with

overwhelming bipartisan support, but fell three votes short of winning consideration in the Senate. It appears likely that a dozen or more Republican senators, who initially opposed the bill, will switch their votes in order to beat the May 31 deadline. Procedural obstacles by a handful of Republican and Democratic opponents may delay this several days, which would supposedly lead to a temporary shutdown of the call surveillance program.

There is not the slightest reason to believe that the NSA and the vast military-intelligence complex as a whole will actually take such a step. These agencies engaged in mass domestic spying without any legal authorization long before the passage of the Patriot Act in 2001. As a federal appeals court ruled earlier this month, the Bush-Obama interpretation of Section 215 as an authorization of mass call data collection has no legal basis, meaning that the entire surveillance program has been conducted unlawfully for the past 14 years. Operating outside of and in defiance of the law is second nature to the US spy apparatus.

Even the present half-hearted and thoroughly insincere discussion is only taking place in response to the revelations by whistleblowers like Edward Snowden and Thomas Drake about the massive police-state buildup under the guise of “anti-terrorism.” The same senators who claim to be concerned about the “surveillance state” have joined in condemning the actions of the courageous individuals who done the public service of exposing it.

There will be much posturing in Sunday’s debate, both from those hyping the threat of terrorism, and those, a small minority, claiming to defend constitutional rights. But Republican Rand Paul, Democrat Ron Wyden and other professed opponents of Section 215 are objecting to only a small portion of the Patriot Act, which is itself only a series of amendments to earlier police-state laws like the Foreign Intelligence Surveillance Act. The collection of telephone metadata, moreover, is only one of hundreds, if not thousands, of programs through which the US military-intelligence apparatus collects information on the American population.

Every Republican and Democratic politician defends this state machine as a whole. The struggle to defend democratic rights and to dismantle the police-state apparatus of spying and repression is the task of the

working class, and it requires the building of an independent working-class political movement based on a socialist program.



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