

# “USA Freedom Act”: A fig leaf for illegal spying

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4 June 2015

In the wake of Senate passage of the USA Freedom Act, signed into law by President Obama on Tuesday evening, the corporate-controlled American media has gone into overdrive to portray the legislation as a major effort to curb mass surveillance by the National Security Agency, the largest single component of the vast US intelligence apparatus.

In fact, the bill—which has received the endorsement of the Obama administration and war criminals such as CIA Director John Brennan—is not an effort to curtail the vast and illegal activities of the US intelligence agency, but rather a means of ensuring that these activities can continue, now with a pseudo-legal foundation that has been explicitly endorsed by Congress.

Just as Obama barred prosecution of CIA officials for torturing prisoners, and prosecution of Bush administration leaders for waging war in Iraq based on lies, there will be no accountability for more than a decade of illegal spying on the American people. On the contrary, the program of mass surveillance of telecommunications and the Internet, directed against the democratic rights of the entire population of the globe, will intensify.

The bill makes only one significant, largely cosmetic, change in the hundreds of government spying programs directed against the American people, transferring responsibility for the retention of telephone metadata from the NSA back to the telecommunications companies. The telecoms are required to run NSA queries through their databases once the searches are approved by the FISA court, a longstanding rubber stamp for the US security services.

As the British-based *Financial Times* noted, the bill is “a much less significant change in the way the intelligence community actually operates” than the political furor surrounding it would suggest. “The surveillance legislation reform still leaves the US intelligence community with formidable legal powers and tools to collect data and other online information,” the newspaper continued, adding that intelligence officials regarded the legislation as damage control required after Edward Snowden’s revelations of

massive and unconstitutional NSA spying.

The American media, however, treated the legislation as an historic watershed, a reversal of the build-up of state security powers that followed the terrorist attacks of September 11, 2001.

The *Washington Post* headlined its analysis, “Congressional action on NSA is a milestone in the post-9/11 world.” The *Wall Street Journal* ran the headline, “Congress Reins In NSA’s Spying Powers,” over a story reporting that “the Senate voted to curb the collection of millions of Americans’ phone records, the first significant retrenchment of government spying powers since the 9/11 attacks.”

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The most overstated and effusive presentation of the bill came in the *New York Times*, the principal shaper of liberal public opinion and a slavish supporter of the Obama administration. Its account was headlined, “US Surveillance in Place Since 9/11 Is Sharply Limited.” That the bill affected only one of hundreds of intrusive surveillance programs went unmentioned.

The news analysis claimed, “The legislation signaled a cultural turning point for the nation, almost 14 years after the Sept. 11 attacks heralded the construction of a powerful national security apparatus. The shift against the security state began with the revelation by Edward J. Snowden, a former National Security Agency contractor, about the bulk collection of phone records. The backlash was aided by the growth of interconnected communication networks run by companies that have felt manhandled by government prying.”

This paragraph includes a mass of falsifications and distortions. First, the “powerful national security apparatus” was in existence well before September 11, 2001—indeed, the role of the CIA, NSA and FBI in permitting and even directly facilitating the terror attacks, which allowed the US government to go forward with a long-planned program of militaristic aggression, including invasions of Afghanistan

and Iraq, raises many troubling questions.

The “shift against the security state” prompted by Snowden’s revelations was a shift in popular opinion, not a change in the policies of either Congress or the Obama administration, both of whom defended the intelligence apparatus and demanded Snowden’s arrest and prosecution for treason. And Snowden revealed far more than the bulk collection of phone records, releasing tens of thousands of documents on myriad illegal NSA spy programs directed at both the American population and the entire world.

Nor did American companies play any significant role in opposing government spying. On the contrary, Snowden’s revelations included the exposure of collaboration by Google, Microsoft and dozens of other Silicon Valley giants, as well as the entire telecommunications industry, with the build-up of an American police-state apparatus.

The *Times* article notes the admission by the NSA that the telephone metadata collection program had played no role in thwarting any terrorist attack. But it then fails to ask the most obvious question: If the telephone metadata program has never been effective against terrorism, why are the NSA, the CIA, the Obama administration and the leadership of Congress so adamant about defending it and preserving it, with whatever modifications are needed to give the illusion of “reform”? What is this data really being used for?

The only politically serious answer is that the US government is creating a vast database of the social and political views and associations of the American people, to be used to direct its repression when a mass movement erupts from below, against the capitalist system.

These efforts have not been halted for a single day, either by the supposed “shutdown” of the telephone metadata on May 31, or by the planned transfer of the program from the NSA to the telecoms in six months. The US military-intelligence apparatus, by far the largest and most powerful in the world, is the main threat to the democratic rights of the American people. No amount of media propaganda and peddling of illusions in “NSA reform” can disguise this reality indefinitely.

There are, unfortunately, indications that Edward Snowden himself may be among those taken in by the pretense of surveillance “reform.” Snowden addressed an Amnesty International conference in London Tuesday, before the final Senate vote, speaking by video link from Russia, where he remains in exile. Referring to the legislation, he told the group, “This is meaningful, it is important and actually historic that this has been refuted, not just by the courts, but by Congress as well and the president himself is saying this mass surveillance has to end.”

Snowden is dangerously naïve, and misled by his associates in such groups as Amnesty, the *Guardian*

newspaper, and the ACLU, who share a liberal political outlook imbued with illusions in the democratic pretensions of American imperialism, and particularly in the Democratic Party and the Obama administration. Despite his courage in exposing the extent of NSA spying—and the considerable, continuing threat to his own physical security—Snowden is taking an entirely credulous approach to the maneuvers of official Washington.

He argues, “For the first time in recent history we found that despite the claims of government, the public made the final decision and that is a radical change that we should seize on, we should value and we should push further.” The actual course of events is far different. The “public” was entirely excluded from the decision-making process. The military-intelligence apparatus called the shots. The Obama administration and Congress took their marching orders. The USA Freedom Act, like the USA Patriot Act before it, serves the interests of the emerging American police state.

Snowden reacted with revulsion to the massive NSA spying campaign, out of sincere democratic convictions. But the growth of a surveillance state is not simply the product of post-9/11 paranoia, or even the drive for power on the part of individual politicians, generals and intelligence officials. The growth of a police-state apparatus proceeds, as it were, organically, out of the extreme levels of social inequality in American society, and endless wars. In other words, the military-intelligence apparatus is not the cause, but one malignant manifestation, of a deep-rooted and historic crisis of American capitalism.

Whatever the gestures to civil liberties made by Obama—while he continues drone-missile assassinations, Guantanamo, and the whole panoply of American militarism—the American ruling class he serves has no intention of diminishing the repressive powers of the state machine that exists to defend its property and wealth.

There is a profound political lesson here. Courageous individuals like Snowden and organizations like WikiLeaks can make important exposures. But only the working class, in the United States and internationally, can put an end to the ongoing attacks on democratic rights. This requires the building of a mass revolutionary movement, based on a socialist and internationalist program, and directed at the defense of all the social and democratic rights of working people.



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