

Trump administration calls for permanent restoration of bulk phone communications surveillance

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In a declassified letter to congressional leaders, the outgoing Director of National Intelligence Daniel R. Coats called for the “permanent reauthorization of the provisions of the USA Freedom Act of 2015 that are currently set to expire in December.” The top Trump administration intelligence official wrote that among these provisions are the National Security Agency’s (NSA) officially suspended bulk collection of “telephone records from US telecommunications providers.”

Coats’ letter was addressed to the chairman of the Senate Select Committee on Intelligence, Richard Burr (Republican, North Carolina) and Vice Chairman Mark Warner (Democrat, Virginia) and the Chairman of the Senate Committee on the Judiciary Lindsey Graham (Republican, South Carolina) and Ranking Committee Member Dianne Feinstein (Democrat, California). The day after his letter was declassified on August 14, Coats departed the White House following his formal resignation as Director of National Intelligence on July 29.

Writing on behalf of the Intelligence Community (IC) and the White House, Coats said—in addition to requesting restoration of bulk phone data collection—there are three key “long-standing national security authorities” contained in the USA Freedom Act that are “common sense” and “have no history of abuse after more than 18 years, and should be reauthorized without sunset.”

These three authorizations are: the “business records” provision that permits federal law enforcement to seize tangible items like business papers and documents in a FISA court-approved foreign intelligence investigation; the “roving wiretap” provision that permits national

security agencies to tap calls from telephone numbers not specifically authorized by the FISA court; and the “lone wolf” provision that permits national security agencies to identify someone as a terrorist without having to show that they are an “agent of a foreign power” as required by other laws.

The USA Freedom Act was passed by Congress and signed into law by President Barack Obama on June 2, 2015. The act restored several provisions of the USA Patriot Act such as the roving wiretap and lone wolf authorizations that had expired. At that time, the act was fraudulently packaged by the Obama administration and the corporate media as a “reform” of intelligence practices following the revelations by former NSA contractor Edward Snowden that the government was carrying out secret bulk collection of telephone records of the entire population.

As explained at the time on the *World Socialist Web Site*, the 2015 USA Freedom Act is a fig leaf behind which the vast electronic illegal surveillance activities of the NSA were continued and expanded with explicit Congressional approval. The passage of the act is an object lesson in the complicity of the entire American government and its two-party system in ever-deepening attacks on democratic rights.

A phony debate between congressional Democrats and Republicans, along with bromides from Obama about the importance of “the safety of the American people” were played up in the media as an effort to “strike a balance” between national security and privacy rights. In the end, the legislation was signed into law and it enabled the resumption of the NSA’s bulk data operations contained in the expired USA Patriot Act by adding a step whereby the telecom

companies had to collect and hold the data.

Coats wrote in his letter that the NSA “has suspended the call detail records program” that was authorized by the USA Freedom Act and deleted all of the data that was gathered under its authorization.

This decision was widely reported in June when it was revealed that the NSA had been “improperly” collecting phone records as far back as October 2018 outside the provisions of the 2015 law. Basically, what had been revealed was that the NSA had not modified its practice and, after this fact came to light, the agency said it was deleting three years of data going back to 2015, some 685 million phone call records.

In the typically convoluted language of American intelligence, Coats wrote that the decision to suspended the program “was made after balancing the program’s relative intelligence value, associated costs, and compliance and data integrity concerns caused by the unique complexities of using these company-generated business records for intelligence purposes.”

To translate, Coats is explaining that even the bogus requirements of the USA Freedom Act were too cumbersome and restrictive for the NSA to follow—in addition to the fact that the exposure of NSA phone records “violations” were the result of a data breach—so it was much easier to publicly claim the program was ended and the files deleted.

Now, with the USA Freedom Act set to expire in December, the NSA and White House are issuing a full-blown request to Congress that the convoluted requirement that call data be collected by the telecom companies be dispensed with entirely and the unconstitutional spying on the public go back to what was being done before the Snowden revelations.

This is needed, according to Coats, because “our adversaries’ tradecraft and communications habits will continue to evolve and adapt.” According to the *New York Times*, the House Judiciary Committee is already drafting a bill to extend the three other provisions requested by Coats while the bulk telephone surveillance provision has yet to be addressed.

As was the case with the events of September 11, 2001 and others like the Boston marathon bombing of April 15, 2013, any number of events can trigger a “national emergency” in which all parties and political figures of the ruling establishment will come together to abrogate the fundamental rights of the people in the

name of “protecting public safety.”

Developments are currently underway following the mass shootings in El Paso, Texas and Dayton, Ohio two weeks ago with bipartisan calls for the imposition of censorship measures on social media platforms and the creation of an FBI “early warning system” that includes 24/7 monitoring of keywords and phrases across every account on social media platforms.

Whatever the outcome of the replacement or update to the misnamed USA Freedom Act, all claims from Congress, the White House or the national intelligence state that individual privacy or constitutionally protected democratic rights will be upheld should be rejected as false. Every worker and youth should assume that the US government has continued and expanded its tapping into the undersea trunk lines and satellites of the international telecommunications system as exposed by Snowden in 2013.

It should also be kept in mind that—although the public has increasingly adopted the use of end-to-end data encryption since 2013—the Trump administration and Justice Department have made it clear they intend through court rulings to force software developers and hardware manufacturers of smartphones and personal computer devices such as Apple, Microsoft, Facebook and Google to build encryption back door access for law enforcement into their products. Under these conditions, regaining legal access to unencrypted electronic communications would give the US government the unfettered ability to read every email and text message of the entire population.



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