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Obama administration collecting phone records of tens of millions of Americans

By Joseph Kishore

7 June 2013

The Obama administration is engaged in a secret and illegal dragnet to accumulate detailed phone records of tens and perhaps hundreds of millions of US residents in a program organized by the National Security Agency (NSA).

On Wednesday, the British *Guardian* newspaper published a secret court order, issued by the Foreign Intelligence Surveillance Court, instructing a branch of the telecommunications giant Verizon to turn over, on an ongoing and daily basis, all “metadata” relating to the calls of all of its customers. Verizon has some 121 million customers, and the branch specifically targeted—Verizon Business Services—has 10 million lines.

The metadata of phone calls includes the phone numbers of the caller and the recipient, location data (such as the nearest cell phone tower or GPS data), and the time and duration of the call. This information would allow the government to construct a detailed picture of the social, professional and political connections and gain insight into the daily activities of everyone whose phone number was covered by the order.

The order published by the *Guardian* applies for three months, from its date of issue in April of this year through July 19. According to the *Washington Post*, “An expert in this aspect of the law said Wednesday night that the order appears to be a routine renewal of a similar order first issued by the same court in 2006.”

In defending the spying program, Democratic Senator Dianne Feinstein, the chairman of the Senate Intelligence Committee, made a similar statement, saying that the order is “as far as I know... the exact three-month renewal of what has been the case for the past seven years.”

The official rationale—apparently developed in secret legal memoranda prepared by the Obama administration—is that the program is authorized under the “business records” section of the Patriot Act. That act, signed into law less than a month after the 9/11 attacks, gives the government, with a rubber stamp from secret courts operating within the framework of the Foreign Intelligence Security Act (FISA), the power to require companies, libraries and other entities to turn over any “tangible things (including books, records, papers, documents and other items) “required” for an investigation to protect against international terrorism.”

The argument of the Obama administration is essentially that all telephone data is potentially relevant to investigations of “international terrorism” and should be seized.

There is no doubt that many more companies besides Verizon are involved. In 2012 alone, there were 212 “business records” requests to FISA courts, though the content of these requests is not known.

In 2006, *USA Today* first revealed that the NSA under the Bush administration had launched a secret program to collect phone data from Verizon, AT&T and BellSouth, which together account for some 224 million customers—80 percent of landlines and 50 percent of wireless users in the US. This program was one in a series of illegal spying actions, including a warrantless wiretapping program targeting US citizens, also run by the NSA.

In response to public opposition, the Bush administration was forced to nominally end parts of the NSA program, while continuing them in different forms. In 2008, then-Senator Barack Obama was among those who voted for legislation that modified the Foreign Intelligence Surveillance Act to codify authority for these illegal actions.

It is evident that the earlier NSA program has continued and has likely been expanded under the Obama administration.

The accumulation of a vast database of phone records is only part of a systematic drive to gather as much information as possible on everyone, US citizens and non-citizens alike. On Thursday, the *Washington Post* reported that the NSA and the Federal Bureau of Investigation (FBI) “are tapping directly into the central servers of nine US Internet companies, extracting audio, video,

photographs, e-mails, documents and connection logs that enable analysts to trace a person's movements and contacts over time."

According to the *Post*, the companies involved in handing over information include Microsoft, Yahoo, Google, Facebook, Paltalk, AOL, Skype, YouTube and Apple.

It must be assumed that the government has access to every electronic Internet and phone communication, including the actual content of calls, which are not included in the "metadata." The *Guardian* cited Russell Tice, a retired NSA intelligence analyst turned whistleblower, as saying, "What is going on is much larger and more systemic than anything anyone has ever suspected or imagined."

Tice said he believes the NSA now has the ability to record the content of calls. "I figured it would probably be about 2015" before the agency had the capacity "to collect all digital communications word for word. But I think I'm wrong. I think they have it right now."

All of this is being carried out in flagrant violation of constitutional prohibitions against unreasonable searches and seizures (the Fourth Amendment). The fact that these programs have been implemented in secret, behind the backs of the American people, is itself evidence that those responsible are well aware that they are illegal and massively unpopular.

The entire political establishment, Democratic and Republican, along with the mass media, is complicit in a conspiracy against the American people. There can be little doubt that the major media outlets in the US knew about the program and kept it concealed at the request of the Obama and Bush administrations. It is significant that the newspaper that leaked the FISA court order was not American, but British.

In response to the *Guardian* revelations, administration officials and leading figures in both political parties moved quickly to defend the program.

A senior administration official insisted that "all three branches of government are involved" in approving the spying and that Congress "is regularly and fully briefed on how it is used." He declared that there is a "robust legal regime in place governing all activities conducted pursuant to the Foreign Intelligence Surveillance Act."

Claims of a "robust legal regime" are a fraud. The FISA courts simply rubber stamp government requests for spying, approving virtually every submission.

Feinstein and Saxby Chambliss, the top Democrat and Republican, respectively, on the Senate Intelligence Committee, hastily organized a press conference Thursday morning. "This is just metadata," Feinstein declared. "There is no content involved. In other words, no content of a

communication.” She insisted that the program was “lawful” and that “it has been briefed to Congress.”

Senate Majority Leader Harry Reid, a Democrat, urged everyone to “calm down and understand this isn’t anything that is brand new. It’s been going on for some seven years.”

The claim that the population should not be surprised, that there is “nothing to see here,” is belied by the fact that as recently as two months ago, Director of National Intelligence James Clapper, who oversees the NSA, was asked at a congressional hearing if the NSA collects data on Americans. “No sir... not wittingly,” he replied. NSA Director General Keith Alexander said last year, “We don’t hold data on US citizens.”

US Attorney General Eric Holder, in previously scheduled testimony Thursday before the Senate Justice Department Oversight and Budget Committee, brushed aside mildly-worded questions from some of the senators, declaring that he would answer questions on the NSA program and other recent spying scandals only behind closed doors.

The leaked court order on phone records is only the latest in a series of developments over the past six months exposing the advanced state of preparations for an American police state and the domination of the military-intelligence apparatus over political affairs in the US. These include:

- * The leaked “White Paper” in February arguing that the president has the right to unilaterally and secretly order the assassinations of US citizens, along with statements from Holder indicating that such assassinations could be carried out within the country.

- * The response to the Boston Marathon bombing in April, including the shut-down of the city under conditions of de facto martial law, followed by the FBI assassination of a key witness in the case.

- * The revelation in May that the government has secretly seized the phone records of Associated Press reporters, followed by the report that the administration seized the emails of a Fox News reporter, having charged in a warrant request that he was criminally complicit in the leaking of classified information.

- * The opening this week of the court martial of Bradley Manning, who is being prosecuted under the Espionage Act for leaking documents exposing war crimes committed by the US in Iraq and Afghanistan that had been covered up by the media.

As with every attack on democratic rights, the administration is seeking to justify its dragnet of phone records as a necessary part of the “war on terror.” The real target of these actions, however, is not “international terrorism,” but the working class. These police state measures will

be employed against social and political opposition to the American financial aristocracy's policies of austerity, poverty and war.