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Democrats, Republicans back Obama's police state spying

By Patrick Martin

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The response of the US political establishment to President Obama's adamant defense of illegal spying by the National Security Agency demonstrates that there is no constituency for the defense of democratic and constitutional rights within the US ruling elite.

In comments to the press immediately after the speech, as well as in appearances on the Sunday morning television interview programs, leading congressional Democrats and Republicans, as well as former intelligence officials, were unanimous in supporting both Obama's speech and the NSA's operations.

Three so-called critics of NSA spying, Democratic senators Mark Udall, Ron Wyden and Martin Heinrich, issued a joint statement hailing Obama's speech as "a major milestone in our longstanding efforts to reform the National Security Agency's bulk collection program," as though the cosmetic gestures towards civil liberties represented genuine concessions.

The most adamant defenders of the NSA programs, House Intelligence Committee Chairman Mike Rogers, a Republican, and Senate Intelligence Committee Chairman Dianne Feinstein, a Democrat, appeared together on the NBC program "Meet the Press" to support the NSA and launch a McCarthyite smear campaign against Edward Snowden, the former NSA contractor

who exposed the illegal mass spying. (See, “Apologists for NSA redouble witch-hunt of Edward Snowden”.)

Rogers praised the speech, saying, “I thought the most important victory was the president standing up and saying, ‘Hey, the program did not have abuses. This wasn’t sinister. It wasn’t a rogue agency. It was legal and proper.’”

Feinstein chimed in: “What the president has said is that he wanted to maintain the capability of the program. That, as Chairman Rogers said, it has not been abused or misused. And it is carried out by very strictly vetted and professional people.”

Retired General Michael Hayden, who headed the NSA and later the CIA, appeared on Fox News Sunday and hailed the speech as “the most robust defense of why we conduct intelligence and how we conduct intelligence that the president has made since he’s been in office.” He dismissed the alterations Obama proposed in the surveillance programs as insignificant.

Senator Patrick Leahy, a Democratic “critic” of NSA spying, appearing alongside Hayden, offered the most cynical take on Obama’s speech, saying his pledge not to target foreign heads of states allied with the US was merely an effort to assist these governments politically.

“We have relationships with all the intelligence services among our allies,” he said. “There is a growing and I think erroneous feeling in other countries that somehow the United States was in, tapping all of them. And I think this was probably a way of helping some of our allies say, it’s OK for us to cooperate with United States.”

Hayden added that similar considerations were at work in relation to domestic public opinion. Obama has “embraced” the methods of his predecessor, George W. Bush, he told host Chris Wallace, but can’t openly say so because he claimed to oppose such methods in the past.

“He’s got a political problem,” Hayden said. “I don’t mean to trivialize it, because in a democracy, political problems are very serious. He needs consent of the governed. He’s willing to shave points off of flexibility and administrative burdens and oversight. But the objective, Chris, is to keep on doing what he’s doing.”

The two leading US daily newspapers also backed the Obama speech in editorials that accepted without question the administration’s claims that the data collected on every American citizen and most of the world’s population is not to be used for purposes of political profiling or police repression.

The editorial in the *New York Times* echoed the approach of the Senate Democratic “critics,” claiming that Obama had admitted that popular opposition to mass surveillance was justified and

that he “announced important new restrictions on the collection of information about ordinary Americans.”

The editorial added the mild and pro forma criticism that “even as Mr. Obama spoke eloquently of the need to balance the nation’s security with personal privacy and civil liberties, many of his reforms were frustratingly short on specifics and vague on implementation.”

The *Washington Post* made a similar criticism of the vagueness of Obama’s proposed reforms, while praising his “productive tone” and “usefully balanced view”—i.e., his combining lip service to civil liberties with a continuation of the massive buildup of the surveillance state.

Obama’s 45-minute speech Friday to a hand-picked audience at the US Department of Justice conceded nothing to the mass opposition to NSA spying. Most importantly, the one-time constitutional lawyer made no mention of the Fourth Amendment to the US Constitution, whose language explicitly bans arbitrary searches and seizures.

Neither the political pundits on the TV talk shows nor the newspaper editorialists made any reference to constitutionality of the mass spying. It is a question of complete indifference to these mouthpieces for big business.

The text of the Fourth Amendment reads:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

The operations of the NSA are the antithesis of this. The NSA systematically collects personal information on every single American, without “probable cause” of any kind, without “particularly” describing what is to be seized, and without a warrant of any kind.

A federal district judge in Washington DC, Richard Leon, described the activity of the NSA as “almost Orwellian” and ruled that the program for collecting the metadata of telephone calls—only a tiny fraction of the state surveillance operation—was in flagrant violation of the Fourth Amendment. The Obama administration is appealing this ruling, but Obama made no reference to it in his remarks.

The vast trove of personal information collected and stored in government computer banks provides the basis for assembling political dossiers on every American, detailing the structure of every political organization in the country and generating lists of those to be arrested when the authorities decide to give the order. It is the scaffolding for the establishment of a police state.

