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<http://original.antiwar.com/engelhardt/2014/02/21/thug-state-u-s-a/print/>

Thug State U.S.A.

By Tom Engelhardt

February 21, 2014

Here, at least, is a place to start: intelligence officials have weighed in with an estimate of just how many secret files National Security Agency contractor Edward Snowden took with him when he headed for Hong Kong last June. Brace yourself: 1.7 million. At least they claim that as the number he or his web crawler accessed before he left town. Let's assume for a moment that it's accurate and add a caveat. Whatever he had with him on those thumb drives when he left the agency, Edward Snowden did not take all the NSA's classified documents. Not by a long shot. He only downloaded a portion of them. We don't have any idea what percentage, but assumedly millions of NSA secret documents did not get the Snowden treatment.

Such figures should stagger us and what he did take will undoubtedly occupy journalists for months or years more (and historians long after that). Keep this in mind, however: the NSA is only one of 17 intelligence outfits in what is called the U.S. Intelligence Community. Some of the others are as large and well funded, and all of them generate their own troves of secret documents, undoubtedly stretching into the many millions.

And keep something else in mind: that's just intelligence agencies. If you're thinking about the full sweep of our national security state (NSS), you also have to include places like the Department of Homeland Security, the Energy Department (responsible for the U.S. nuclear arsenal), and the Pentagon. In other words, we're talking about the kind of secret documentation that an army of journalists, researchers, and historians wouldn't have a hope of getting through, not in a century.

We do know that, in 2011, the whole government reportedly classified 92,064,862 documents. If accurate and reasonably typical, that means, in the twenty-first century, the NSS has already generated hundreds of millions of documents that could not be read by an American without a security clearance. Of those, thanks to one man (via various journalists), we have had access to a tiny percentage of perhaps 1.7 million of them. Or put another way, you, the voter, the taxpayer, the citizen – in what we still like to think of as a democracy – are automatically excluded from knowing or learning about most of what the national security state does in your name. That’s unless, of course, its officials decide to selectively cherry-pick information they feel you are capable of safely and securely absorbing, or an Edward Snowden releases documents to the world over the bitter protests, death threats, and teeth gnashing of Washington officialdom and retired versions of the same.

Summoned From the Id of the National Security State

So far, even among critics, the debate about what to make of Snowden’s act has generally focused on “balance”; that is, on what’s the right equilibrium between an obvious governmental need for secrecy, the security of the country, and an American urge for privacy, freedom, and transparency – for knowing, among other things, what your government is actually doing. Such a framework (“a meaningful balance between privacy and security”) has proven a relatively comfortable one for Washington, which doesn’t mind focusing on the supposedly knotty question of how to define the “limits” of secrecy and whistle-blowing and what “reforms” are needed to bring the two into line. In the present context, however, such a debate seems laughable, if not absurd.

After all, it’s clear from the numbers alone that the urge to envelop the national security state in a blanket of secrecy, to shield its workings from the eyes of its citizens (as well as allies and enemies) has proven essentially boundless, as have the secret ambitions of those running that state. There is no way, at present, to limit the governmental urge for secrecy even in minimal ways, certainly not via secret courts or congressional committees implicated and entangled in the processes of a secret system.

In the face of such boundlessness, perhaps the words “whistleblower” and “leaker” – both traditionally referring to bounded and focused activities – are no longer useful. Though we may not yet have a word to describe what Chelsea (once Bradley) Manning, Julian Assange, and Edward Snowden have done, we should probably stop calling them whistleblowers. Perhaps they should instead be considered the creations of an overweening national security state, summoned by us from its id (so to speak) to act as a counterforce to its ambitions. Imagine them as representing the societal unconscious. Only in this way can we explain the boundlessness of their acts. After all, such massive document appropriations are inconceivable without a secret state endlessly in the process of documenting its own darkness.

One thing is for certain, though no one thinks to say it: despite their staggering releases of insider information, when it comes to the true nature and extent of the NSS, we surely remain in the dark. In the feeling that, thanks to Manning and Snowden, we now grasp the depths of that secret state, its secret acts, and the secret documentation that goes with it, we are undoubtedly deluded.

In a sense, valuable as they have been, Snowden's revelations have helped promote this delusion. In a way that hasn't happened since the Watergate era of the 1970s, they have given us the feeling that a curtain has finally, definitively been pulled back on the true nature of the Washington system. Behind that curtain, we have indeed glimpsed a global-surveillance-state-in-the-making of astounding scope, reach, and technological proficiency, whose ambitions (and successes), even when not always fully achieved, should take our breath away. And yet while this is accurate enough, it leads us to believe that we now know a great deal about the secret world of Washington. This is an illusion.

Even if we knew what was in all of those 1.7 million NSA documents, they are a drop in the bucket. As of now, we have the revelations of one (marginal) insider who stepped out of the shadows to tell us about part of what a single intelligence agency documented about its own activities. The resulting global debate, controversy, anger, and discussion, Snowden has said, represents "mission accomplished" for him. But it shouldn't be considered mission accomplished for the rest of us.

In Praise of Darkness, the Dangers of Sunshine

To gain a reasonable picture of our national security state, five, 10, 20 Snowdens, each at a different agency or outfit, would have to step out of the shadows – and that would just be for starters. Then we would need a media that was ready to roll and a Congress not wrapped in "security" and "secrecy" but demanding answers, as the Church committee did in the Watergate era, with subpoenas in hand (and the threat of prison for no-shows and perjurers).

Yes, we may have access to basic information about what the NSA has been up to, but remind me: What exactly do you know about the doings of the Pentagon's Defense Intelligence Agency, with its 16,500 employees, which has in recent years embarked on "an ambitious plan to assemble an espionage network that rivals the CIA in size"? How about the National Geospatial-Intelligence Agency, with its 16,000 employees, its post-9/11 headquarters (price tag: \$1.8 billion) and its control over our system of spy satellites eternally prowling the planetary skies?

The answer is no more than you would have known about the NSA if Snowden hadn't acted as he did. And by the way, what do you really know about the FBI, which now, among other things, issues thousands of national security letters a year (16,511 in 2011 alone), an unknown number of them for terror investigations? Since their recipients are muzzled from discussing them, we know next to nothing about them or what the Bureau is actually doing. And how's your info on the CIA, which takes \$4 billion more out of the intelligence "black budget" than the NSA, runs its own private wars, and has even organized its own privatized corps of spies as part of the general expansion of U.S. intelligence and espionage abroad? The answer on all of the above is – has to be – remarkably little.

Or take something basic like that old-fashioned, low-tech form of surveillance: government informers and agents provocateurs. They were commonplace in the 1960s and early 1970s within every oppositional movement. So many decades later, they are with us again. Thanks to the ACLU, which has mapped scattered reports on situations in which informers made it into at least the local news nationwide, we know that they became part of what anti-war movements existed,

slipped into various aspects of the Occupy movement, and have run riot in local Muslim-American communities. We know as well that these informers come from a wide range of outfits, including the local police, the military, and the FBI. However, if we know a great deal about NSA snooping and surveillance, we have just about no inside information on the extent of old-style informing, surveilling, and provoking.

One thing couldn't be clearer, though: the mania for secrecy has grown tremendously in the Obama years. On entering the Oval Office in 2009, Obama proclaimed a sunshine administration dedicated to "openness" and "transparency." That announcement now drips with irony. If you want a measure of the kind of secrecy the NSS considers proper and the White House condones these days, check out a recent *Los Angeles Times* piece on the CIA's drone assassination program (one of the more overt aspects of Washington's covert world).

That paper recently reported that Chairman of the Senate Armed Services Committee Carl Levin held a "joint classified hearing" with the Senate Intelligence Committee on the CIA, the Pentagon, and their drone campaigns against terror suspects in the backlands of the planet. There was just one catch: CIA officials normally testify only before the House and Senate intelligence committees. In this case, the White House "refused to provide the necessary security clearances for members of the House and Senate armed services committees." As a result, it would not let CIA witnesses appear before Levin. Officials, reported the *Times*, "had little appetite for briefing the 26 senators and 62 House members who sit on the armed services committees on the CIA's most sensitive operations." Sunshine, in other words, is considered potentially dangerous, even in tiny doses, even in Congress.

A Cult of Government Secrecy

In evaluating what may lie behind the many curtains of Washington, history does offer us a small hand. Thanks to the revelations of the 1970s, including a Snowden-style break-in by antiwar activists at an FBI office in Media, Pennsylvania, in 1971, that opened a window into the Bureau's acts of illegality, some now-famous reporting, and the thorough work of the Church committee in the Senate, we have a sense of the enormity of what the U.S. national security state was capable of once enveloped in a penumbra of secrecy (even if, in that era, the accompanying technology could do so much less). In the Johnson and Nixon years, as we now know, the FBI, the CIA, the NSA, and other acronymic outfits committed a staggering range of misdeeds, provocations, and crimes.

It's easy to say that post-Watergate "reforms" made such acts a thing of the past. Unfortunately, there's no reason to believe that. In fact, the nature of that era's reforms should be reconsidered. After all, one particularly important Congressional response of that moment was to create the Foreign Intelligence Surveillance Court, essentially a judiciary for the secret world which would generate a significant body of law that no American outside the NSS could see.

The irony is again overwhelming. After the shocking headlines, the congressional inquiries, the impeachment proceedings, the ending of two presidencies – one by resignation – and everything else, including black bag jobs, break-ins, buggings, attempted beatings, blackmail, massive spying and surveillance, and provocations of every sort, the answer was a secret court. Its judges,

appointed by the chief justice of the Supreme Court alone, are charged with ruling after hearing only one side of any case involving a governmental desire to snoop or pry or surveil. Unsurprisingly enough, over the three and a half decades of its existence, the court proved a willing rubber stamp for just about any urge of the national security state.

In retrospect, this remedy for widespread government illegality clearly was just another step in the institutionalization of a secret world that looks increasingly like an Orwellian nightmare. In creating the FISA court, Congress functionally took the seat-of-the-pants, extra-Constitutional, extra-legal acts of the Nixon era and put them under the rule of (secret) law.

Today, in the wake of, among other things, the rampant extra-legality of the Global War on Terror – including the setting up of a secret, extrajudicial global prison system of “black sites” where rampant torture and abuse were carried to the point of death, illegal kidnappings of terror suspects off global streets and their rendition to the prisons of torture regimes, and the assassination-by-drone of American citizens backed by Justice Department legalisms – it’s clear that NSS officials feel they have near total impunity when it comes to whatever they want to do. (Not that their secret acts often turn out as planned or particularly well in the real world.) They know that nothing they do, however egregious, will be brought before an open court of law and prosecuted. While the rest of us remain inside the legal system, they exist in “post-legal America.” Now, the president claims that he’s preparing a new set of “reforms” to bring this system under check and back in balance. Watch out!

If tomorrow a series of Edward Snowdens were to appear, each from a different intelligence agency or other outfit in the national security state, one thing would be guaranteed: the shock of the NSA revelations would be multiplied many times over. Protected from the law by a spreading cult of government secrecy, beyond the reach of the citizenry, Congress, or the aboveground judicial system, supported by the White House and a body of developing secret law, knowing that no act undertaken in the name of American “safety” and “security” will ever be prosecuted, the inhabitants of our secret state have been moving in dark and disturbing ways. What we know is already disturbing enough. What we don’t know would surely unnerve us far more.

Shadow government has conquered twenty-first-century Washington. We have the makings of a thug state of the first order.