Police Spying: Obama Moves to Expand Internet Wiretaps

By Andre Damon
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A US government task force is seeking to force companies such as Google, Dropbox and Facebook to create backdoors for wiretapping user communications, according to a report published Monday in the Washington Post.

According to the *Post*, the efforts are being driven by the FBI, part of the Obama administration's Justice Department, though the White House has not formally announced a position. However, the panel is preparing legislation that would vastly expand police spying powers.

The FBI claims that, under current laws, internet communications companies can effectively refuse to comply with a court-ordered wiretap by claiming that there is no practical way for them to allow the government to spy on their users' communications. The proposed law would force companies to rebuild their services to allow the government to monitor communications.

The proposed measure, which FBI General Counsel Andrew Weissmann last month called a "top priority" for the agency, is being developed as an extension of the 1994 Communications Assistance for Law Enforcement Act, known as CALEA, which granted the federal government sweeping powers to spy on US citizens.

Originally, the act applied only to digital telephone networks. However, it was extended in 2005 to include internet communications.

Internet service providers (ISPs), which control the connections between internet users, are currently forced to allow the government to spy on most users' communications. However, the increasing adoption of SSL encryption, which both Facebook and Gmail implemented by default in 2010, limited the government's power to collect personal data through the ISPs.

The FBI's proposal would negate the privacy offered by encryption by forcing companies like Google and Facebook to allow direct access to the companies' computer servers.

The creation of such backdoors would follow actions by Skype, the online chat and voice service, which last year voluntarily reengineered its architecture to allow the US and other governments to monitor chat communications following the company's purchase by Microsoft.

The FBI argues that this vast expansion of spying powers would only be an extension of the existing law—which requires all phone and internet systems to allow wiretapping—to new technologies. But the proposal is much more than this, since services such as Dropbox and

Facebook function more like data archives than traditional communications systems.

As a result, the efforts to monitor real-time communications could open up users' entire messaging history and file systems for searches by the government.

Moreover, while the nominal reason for such a move is to force companies to comply with court orders, the reality is that once these systems are created, they can be easily exploited by a new warrantless wiretapping program, or even hackers working covertly for the government.

The panel's proposal is part of a systematic attack on core constitutional rights and protections against government spying, first under Bush and then Obama.

In 2005 the *New York Times* reported that the Bush administration had for years been conducting an illegal wiretapping program outside of all court oversight. Additionally, the White House authorized the National Security Administration to catalog records of hundreds of billions of telephone calls.

In 2008, then-Senator Barack Obama voted for a law, the FISA Amendments Act, that severely undermined restrictions on government spying, gave a legal fig-leaf to the illegal wiretapping conducted under the Bush administration, and shielded telecommunications companies that complied with the wiretapping program from lawsuits.

The 2008 act allowed the government, with the rubber stamp of the FISA court (originally set up in 1978), to carry out monitoring of every phone call, email and electronic communication between the US and overseas without probable cause. It opened the way for the expansion of spying directed at US citizens.

These operations clearly violate the spirit of the Fourth Amendment to the US Constitution, which requires that the government obtain a warrant based on probable cause before conducting a search, and that all warrants specify the items and premises to be searched.

Last year, the American Civil Liberties Union concluded that the Department of Justice has increased the number of wiretaps by 60 percent since the end of the Bush Administration, with 37,616 phones monitored by the Department of Justice, which includes the FBI, in 2011 alone.

These wiretaps were conducted under the authorization of FISA courts, which function as secret tribunals that approve nearly all requests by intelligence agencies for wiretapping, giving a veneer of legality to unconstitutional government spying.

In March, Attorney General Eric Holder announced guidelines to permit intelligence officials to use the vast stores of data that have been accumulated by the government for up to five years after the data has been collected—increasing the limit from 180 days under Bush. The Electronic Privacy Information Center commented at the time, "The change represents a dramatic expansion of government surveillance and appears to violate the Privacy Act of 1974."

The Obama administration is also reportedly constructing a new secret facility in Utah, due to become operational in September 2013, to store the data that are being accumulated.

The intensified drive to expand the government's wiretapping comes in the aftermath of the Boston Marathon bombings, which are being used as the pretext for the implementation of police state measures, including the lockdown of Boston following the blasts.

The bombings have prompted calls for the expansion of government surveillance, including from Republican Senator Lindsey Graham, who said Sunday that "information sharing failed" in the US intelligence system, concluding that "We need to revisit our laws," on domestic surveillance.

While enacted under the framework of the "war on terror," the basic target of these actions is the American people and domestic opposition to the policies of the ruling class. It is part of a systematic dismantling of democratic principles, with the government asserting the right to imprison and even assassinate US citizens without due process.

Fearing the social upheavals that will inevitably come from the growth of social inequality, the ruling class is turning to increasingly repressive and dictatorial forms of rule.

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