

# We Have The Basics Of A Police State - How Much Farther Should We Go?

Snowden Conversations

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*With much of the country aware of the extent of government spying on and lying to American citizens, there is now a limited public discussion of what kind of country we want ours to be. The limits of that discussion are illustrated by recent public utterances of two Democratic Senators, Diane Feinstein of California and Ron Wyden of Oregon.*

For more that two years, Sen. Wyden has been warning that the National Security Agency (NSA) has been operating outside the law for more than seven years. His warnings have been limited and cryptic because he was bound by secrecy law not to tell the truth he knew. That ended when Edward Snowden started sharing truthful information that confirmed everything Sen. Wyden had implied and more.

On July 24, a near-majority of members of the House of Representatives supported an amendment to a military spending bill that was intended to put some limits on the NSA's ability to spy on all Americans all the time. President Obama opposed any such limitation and, working with House Speaker John Boehner and Democratic Leader Nancy Pelosi, managed to defeat the amendment by a vote of 217-205. Each party split fairly evenly, with 111 Democrats and 94 Republicans voting for greater limits on NSA spying on Americans.

On One Side, Sen. Wyden Calls For More Transparency and Control

On July 30 on the floor of the Senate, Sen. Wyden continued to campaign for more open and effective control of American intelligence agencies and to hold them accountable for violations of law that are still unknown to the public:

"... the violations that I touched on tonight were more serious, a lot more serious, than the public has been told. I believe the American people deserve to know more details about these violations that were described last Friday by Director [of National Intelligence James] Clapper. Mr. President [of the Senate], I'm going to keep pressing to make more of those details public.

"And, Mr. President, it's my view that the information about the details, the violations of the court orders with respect to the bulk phone record collection program, the admission that the court orders had been violated has not been, I think, fully fleshed out by the intelligence community, and I think considerable amount of additional information can be offered without in any way compromising our national security."

And there's the rub – "without in any way compromising our national security" – for in those words, Sen. Wyden conceded the conventional framing of the question: the assumption that what the secret agencies do actually does protect national security, even though there's little or no evidence to support that assumption. In a rational world, the burden of proof would be on the intelligence agencies to show that they need to take away freedom to keep us safe and to prove that any serious, credible threat exists.

Americans have lived for decades in fear of threats identified by the U.S. government without credible supporting evidence. Our government routinely inflated the Soviet threat even, as well as obviously non-threatening enemies like Libya or Nicaragua or Cuba (still).

#### On The Other Side, Sen. Feinstein Dismisses Transparency and Control

Rather than fading with the passing of the cold war, American susceptibility to threat was re-invigorated in 2001 by the attacks of 9/11, which demagogic politicians in and out of government routinely invoke to cow those who resist the increasing militarization of domestic society. That's just what Sen. Feinstein did during a Senate Judiciary Committee hearing on July 31:

"I was on the Intelligence Committee before 9/11, and I remember how little information we had and the great criticism of the government because of these stovepipes, the inability to share intelligence, the inability to collect intelligence. We had no program that could have possibly caught two people in San Diego before the event took place.

"I support this [NSA program. I think, based on what I know, they will come after us. And I think we need to prevent an attack, wherever we can, from happening."

Sen. Feinstein ends on a familiar note of fear-mongering, the same fear-mongering that has proved effective for more than a decade now, despite its very thin basis in reality. But this is standard demagoguery and the senator has plenty of company in using it, even among her peers in the Senate.

#### Why Use Fear-mongering And Falsehood To Defend A "Good" Program?

More troubling, although perhaps not more uncommon, is that Sen. Feinstein uses falsehood to reinforce her fear-mongering. When she says, "We had no program that could have possibly caught two people in San Diego before the event took place," she is dishonest. While it's perhaps technically correct in a lawyerly style to assert that there was no "program," that is a misleading technicality because the CIA knew about those people in San Diego and decided, for whatever reason, not to tell the FBI.

If the purpose of oversight committees is to take a neutral, skeptical view of government programs, then it's a serious problem that Sen. Feinstein has the attitude she has and also serves as the chair of the Senate Intelligence Oversight Committee.

For those on the Feinstein side of the argument, apparently the most important objective is to maintain and expand the American security state. That requires maintaining the appearance of a threat to national security, and if the threat should actually be minimal or even illusory, that's no reason to change direction, it's just a reason to be grateful that the expansion of the burgeoning police state may proceed with little real danger – unless the American people get wise to the con.

## Intelligence Expert Makes Short Shrift Of Sen. Feinstein's Assertions

Appearing on Democracy NOW on August 1, intelligence expert James Bamford responded to Sen. Feinstein's statement with specificity:

"... she brings up 9/11. You know, the U.S. government had all the information it needed to prevent 9/11. It didn't need all these bulk data collections and everything else. All it needed to do was have the CIA tell the FBI or the State Department that these two people were coming to the United States—Khalid al-Mihdhar and Nawaf al-Hazmi—because they knew it.

"They knew it because they had copies of their visas that had been sent to them. And they knew that they were coming to the United States. The problem here wasn't collecting information; the problem was distributing information. So, justifying all this based on 9/11 is just total nonsense."

At the same committee hearing where Sen. Feinstein spoke on July 31, the committee chairman Sen. Patrick Leahy, Democrat of Vermont, questioned John Inglis, deputy director of the NSA, as to just how many terrorist plots the NSA had foiled. Inglis started by saying vaguely, "I would say that the administration has disclosed that there were 54 plots that were disrupted...."

### NSA Claims 54 Successes, One Of Which Might Even Be Real

Under questioning by Sen. Leahy, the number of foiled plots quickly dropped to 13, and finally fell to one – one plot that had, maybe, been foiled by the NSA carrying out surveillance that included all Americans. In other words, the NSA is unable to document a single, unambiguous, successful effort at foiling a terrorist plot – but in the best case, the maximum total of successes would be one.

Later the same day, but not before Congress, Gen. Keith Alexander, director of the NSA repeated the assertion that the NSA thwarted 54 terrorist events.

Again on Democracy NOW, James Bamford put the NSA's record in context, noting that despite years of metadata and email collection,

"... we had the underwear bomber, the person that was flying to Detroit that was going to blow up a plane Christmas Day, the Times Square bomber, the two people in Boston that just committed the bombing on the marathon day, and so forth. Now, all those people were communicating internationally, basically.

"They were all communicating either to Chechnya, or the Times Square bomber was communicating to Pakistan, and the underwear bomber was in Yemen and communicating with other countries in the Middle East and also to Nigeria, for example. So if the NSA had been taking all this attention and paying attention to foreign communications and international communications instead of domestic communications, it might have discovered those."

### Why Are We Talking About Having Any Kind Of Police State?

Apparently there is general public approbation of the "national conversation" we may be having about Americans spying on Americans. Many in media seem to take a certain smug,

self-satisfaction of our “openness” and willingness to confront “hard issues,” all of which is bogus in the extreme.

The NSA is only one of 16 secret intelligence agencies under the general control of the Director of National Intelligence. We aren’t talking about the others. Even though they have a history of operating outside the law or against it, we aren’t talking about them.

We aren’t talking about any state intelligence agencies or fusion centers or local intelligence agencies (for example, New York City or Chicago). Together these number in the thousands.

Fundamentally, we aren’t talking about the basic infrastructure of a potential American police state, even though much of that infrastructure is already in place.

For now the “conversation” is contained to the question of whether the NSA should be spying on us more? Or less? Whether the NSA should be spying on us at all is hardly heard above a whisper.

Our current “conversation” is about the size, shape, and authority of our police state apparatus, not whether or not we should have one.

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