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USA

Edward Snowden vs. U.S. government

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Description:

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Based on hundreds of classified documents that Snowden has released since May 2013, with the exception of a handful NSA obfuscators and President Obama himself, few, if any, today deny that the myriad of government and private spy agencies collect virtually all phone, e-mail, and other communications of everyone in the United States if not the entire world! An estimated \$50 billion yearly is expended from the secret and nearly unregulated Congressional "black budget" for these operations, which employ 1.3 million agents certified with government national security clearances.

Just six months after the Obama administration's flat-out denial of Snowden's unprecedented exposés, two Federal District Court judges confirmed Snowden's revelations, but with opposed conclusions. On Dec. 16, Washington, D.C.-based Federal District Court Judge Richard J. Leon ordered the government to cease collecting data on the phone calls of two plaintiffs and to destroy all records of their call history. In a 68-page opinion, the 2002 Bush appointee wrote, "I cannot imagine a more indiscriminate and arbitrary invasion than this systematic and high-tech collection and retention of personal data on virtually every single citizen for the purposes of querying and analyzing it without prior judicial approval" (emphasis added).

I couldn't help but note here the judge's concluding phrase, "without prior judicial approval," implying that perhaps with such approval, the government's massive spy operations would be okay. The Justice Department has insisted that the legality of its spying stemmed from having the approval of 15 separate judges on 35 occasions. But these were FISA (Foreign Intelligence Surveillance Act) judges, essentially acting in secret and without any requirement that their victims, or anyone else, be accorded the right to refute the secret charges made against them.

The lead article on Judge Leon's decision in the Dec. 17 New York Times opened with: "A federal district judge ruled on Monday that the National Security Agency program that is systematically keeping records on all Americans' phone calls most likely violates the Constitution, describing its technology as 'almost Orwellian' and suggesting that James Madison would be 'aghast' to learn that the government was encroaching on liberty in such a way." Leon

nevertheless stayed his own ruling, noting that it was likely to be appealed by the government.

A few days later, New York District Court Judge William H. Pauley III considered the same arguments brought in a suit by the ACLU. In contrast to Leon, Pauley approved the government's collection of metadata on all Americans. His 54-page opinion concluded: "No doubt, the bulk telephony metadata collection program vacuums up information about virtually every telephone call to, from, or within the United States. That is by design, as it allows the NSA to detect relationships so attenuated and ephemeral they would otherwise escape notice.

"As the September 11 attacks demonstrate, the cost of missing such a thread can be horrific. Technology allowed al-Qaeda to operate decentralized and plot international terrorist attacks remotely. The bulk telephony metadata collection program represents the government's counter-punch: connecting fragmented and fleeting communications to reconstruct and eliminate al-Qaeda's secret network."

No doubt both decisions will, in time, be appealed to the U.S. Supreme Court, where the "majesty" of American law will be finally enunciated by the appointed high legal spokespeople for American capitalism! And no doubt, as has been the case with virtually all ruling classes throughout history, the "national security" interests of the state power will supersede the constitutionally or otherwise protected rights of its citizens.

Edward Snowden has repeatedly denied spurious government accusations that he defected to Russia (where he now resides as a temporary resident) or China, that he was engaged in espionage, or that he did great harm to the United States. Indeed, Washington Post reporter Bart Gellman aptly quoted Snowden's response to his detractors: "If I defected at all," he said, "I defected from the government to the public."

Gellman's Dec. 23 Post article recounting his interview is a treasure trove of critical information reviewing the evolution of Snowden's impact on U.S. and world politics. The Washington Post, along with the British Guardian and The New York Times have been among the leading newspapers whose staff regularly receive classified material from Snowden, whose trove has now been estimated to be 1.7 million documents, only a tiny fraction of which have been released to date.

The volume of the government's "vacuuming" the personal communications of Americans and people around the world is astounding. Gellman reports: "With assistance from private communications firms [\[1\]](#), the NSA had learned to capture enormous flows of data at the speed of light from fiber-optic cables that carried Internet and telephone traffic over continents and under seas. According to one document in Snowden's cache, the agency's Special Source Operations group, which as early as 2006 was said to be ingesting 'one Library of Congress every 14.4 seconds,' had an official seal that might have been parody: an eagle with all the world's cables in its grasp.

"Each year," Gellman continues, "NSA systems collected hundreds of millions of e-mail address books [\[2\]](#), hundreds of billions of cell phone location records [\[3\]](#) and trillions of domestic call logs."

Referring to the standard non-disclosure form that Snowden signed upon taking a job with the NSA, Snowden told the Post, "The oath of allegiance is not an oath of secrecy. That is an oath to the Constitution. That is the oath that I kept that Keith Alexander [NSA director] and James Clapper [National Intelligence director] did not."

Gellman adds: "Snowden likened the NSA's powers to those used by British authorities in Colonial America, when 'general warrants' allowed for anyone to be searched. The FISA court, Snowden said, 'is authorizing general warrants for the entire country's metadata. The last time that happened, we fought a war [referring to the American Revolution of 1776] over it,' he said."

Meanwhile two panels, one appointed by Obama and another, supposedly independent, have recommended that the NSA's surveillance power be curtailed to one extent or another. The so-called independent panel, consisting of five "intelligence and legal experts," recommended on Dec. 18 that the metadata remain in the hands of private telecommunications companies or a "private consortium." "Mining the data" from these groups, the "experts" suggest, should require a court order as opposed to the NSA's simply stealing the data, as it virtually does today or getting a secret judge to sign on to its never denied "requests."

In this view, the NSA's unlimited spy power would be a bit restricted and supposedly placed under some form of judicial or Congressional review. This would, the experts conclude, "safeguard the privacy and dignity of American citizens and promote public trust while allowing the intelligence community to do what must be done to respond to genuine threats."

Leaving aside the rhetoric employed to assuage public outrage, the decisions of the two district court judges, as well as the panels advising the president, all accept the proposition that the state power the government of the United States acts in the public interest, as opposed to the interests of the minority corporate ruling class. The so-called national-security interests of the state power, which functions as the executive committee of the corporate elite, have nothing in common with the interests of the American or world's working people, who yearn for freedom, dignity, democracy, and a decent life.

Today, every U.S. war is justified in the name of defending "national security" interests that is, the right of the corporate owning class to wage war to steal the resources of oppressed people and nations everywhere. The oil wars of the Middle East and North Africa today are deemed "national security wars," as are the deportations of one million immigrants since Obama came to office, or the persecution, interrogation, and investigation of 700,000 American Muslims since 9/11 all to defend the "national security" state, in the name of fighting the "war on terrorism."

"For me," said a proud Snowden to Gellman, "in terms of personal satisfaction, the mission's already accomplished. I already won. As soon as the journalists were able to work, everything that I had been trying to do was validated. Because, remember, I didn't want to change society. I wanted to give society a chance to determine if it should change itself."

Snowden's unending revelations have stirred the ire of top military and other government officials, who have called for his head. Court proceedings are underway to charge him with espionage and felony theft of document documents. Others speculate, with no evidence, that Snowden may have downloaded his material to Russia and China, a charge that he categorically denies.

But with 99 percent of his material not yet released, others have thought twice about how to resolve Snowden's ongoing threat to the government's credibility. No one knows when the next timely Snowden missile will be launched.

NSA Deputy Security Director Rick Ledgett told CBS's "60 Minutes" that he favored negotiating an amnesty with Snowden in return for a pledge that the remaining material would be returned with no further releases. But Obama's national security adviser, Susan Rice, later nixed the idea.

Snowden, who is still pursuing permanent residency in several countries, especially Brazil, and who is fully justified in his concern for a secure future, not to mention his life itself, has not rejected such a negotiated solution. There is no longer any doubt that he has deeply shaken the credibility of the U.S. on several critical fronts. The Snowden blowback daily plaguing government officials at every level has compelled several agencies and top officials as well as the hierarchy in the now compromised telecommunications industry to at least pay lip service to token reform.

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In the meantime, heads of state in Germany and Brazil have sharply condemned U.S. spy operations against them, including NSA eavesdropping on their personal cell phone calls. Obama's apologies notwithstanding, the president refused to exclude all other German and Brazilian officials from U.S. spy operations. Weeks later, Snowden released a list of some 1000 top government and economic officials across the globe who have been U.S. targets, drawing additional outrage.

Nothing is safe from U.S. spy agencies. The Nov. 3 New York Times front-page headline, "No Morsel Too Minuscule For All-Consuming N.S.A.," said it well. The article continued: "From thousands of classified documents, [released by Snowden] the National Security Agency emerges as an electronic omnivore of staggering capabilities, eavesdropping and hacking its way around the world to strip government and other targets of their secrets, all the while enforcing the utmost secrecy about its own operations. It spies routinely on friends as well as foes, as has become obvious in recent weeks; the agency's official mission list includes using its surveillance powers to achieve 'diplomatic advantage' over such allies France and Germany and 'economic advantage' over Japan and Brazil among other countries."

When confronted with Snowden's stark truths that almost daily strip away layer after layer of the carefully crafted veneer of civility attendant to U.S. government functioning, the best that its top officials can say is that U.S. spying is no different than what all other nations do as a matter of course a truth from the mouth of the most accomplished spy nation on earth! Spying on every competitor is indeed the norm the rule in capitalism's dog-eat-dog world, where no means are excluded in the pursuit of profit and power. Massive surveillance is an inherent part of capitalism as are war, racism, sexism, and austerity.

Perhaps Edward Snowden's most important contribution to society's wellbeing is his exposure of the simple fact that the interests of the government (and the corporate powers that it represents) are qualitatively different from those of the people.

Snowden is entirely correct when he states that on this front he had already won. He has opened the eyes of millions everywhere and made a profound contribution in helping to close the gap between the anger and frustration that millions harbor against an oppressive social system and their present reticence to organize to dismantle it in favor of a social order in which the majority truly rule for the benefit of all.

Published December 29, 2013 by [Socialist Action](#).

[1] [Washington Post](#).

[2] [Washington Post](#).

[3] [Washington Post](#).