

Bush's Secret Spying on Americans

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The dispute over whether Attorney General Alberto Gonzales committed perjury when he parsed words about George W. Bush's warrantless surveillance program misses a larger point: the extraordinary secrecy surrounding these spying operations is not aimed at al-Qaeda, but at the American people.

There has never been a reasonable explanation for why a fuller discussion of these operations would help al-Qaeda, although that claim often is used by the Bush administration to challenge the patriotism of its critics or to avoid tough questions.

On July 27, for instance, White House press secretary Tony Snow fended off reporters who asked about apparent contradictions in Gonzales's testimony by saying:

"This gets us back into the situation that I understand is unsatisfactory because there are lots of questions raised and the vast majority of those we're not going to be in a position to answer, simply because they do involve matters of classification that we cannot and will not discuss publicly."

Discussion closed.

But al-Qaeda terrorists always have assumed that their electronic communications were vulnerable to interception, which is why 9/11 attackers like Mohamed Atta traveled overseas for face-to-face meetings with their handlers. They limited their phone calls to mostly routine conversations.

The terrorists also had no reason to know or to care that the U.S. government was or wasn't getting wiretap approval from the secret court created by the Foreign Intelligence Surveillance Act. They simply took for granted that their communications could be intercepted and acted accordingly.

It never made sense to think that al-Qaeda terrorists suddenly would get loose-lipped just because the FISA court was or wasn't in the mix. The FISA court rubber-stamps almost all wiretap requests from the Executive Branch for domestic spying, and overseas calls don't require a warrant.

Can anyone really imagine a conversation like "Gee, Osama, since Bush has to get FISA approval, we can now call our sleeper agents and plan the next attack."

Similarly, there's no reason to think terrorists would change their behavior significantly if they knew that the U.S. government was engaged in massive data-mining operations, poring through electronic records of citizens and non-citizens alike.

The 9/11 attackers mostly stayed off the grid and many of their transactions, such as renting housing, would not alone have raised suspicions. Indeed, the patterns that deserved more attention, such as enrollment in flight-training classes and the arrival of known al-Qaeda operatives, were detected by alert FBI agents in the field but ignored by FBI officials in Washington – and by Bush while on a month-long vacation in Texas.

The 9/11 attacks were less a failure of intelligence than a failure of political attention by Bush's national security team.

Americans in the Dark

So what's the real explanation for all the secrecy about the overall structure of the so-called Terrorist Surveillance Program?

The chief reason, especially for the excessive secrecy around the data-mining operations, appears to be Bush's political need to prevent a full debate inside the United States about the security value of these Big Brother-type procedures when weighed against invasions of Americans' privacy.

Bush knows he could run into trouble if he doesn't keep the American people in the dark. In 2002, for instance, when the Bush administration launched a project seeking "total information awareness" on virtually everyone on earth involved in the modern economy, the disclosure was met with public alarm.

The administration cited the terrorist threat to justify the program which involved applying advanced computer technology to analyze trillions of bytes of data on electronic transactions and communications. The goal was to study the electronic footprints left by every person in the developed world during the course of their everyday lives – from the innocuous to the embarrassing to the potentially significant.

The government could cross-check books borrowed from a library, fertilizer bought at a farm-supply outlet, X-rated movies rented at a video store, prescriptions filled at a pharmacy, sites visited on the Internet, tickets reserved for a plane, borders crossed while traveling, rooms rented at a motel, and countless other examples.

Bush's aides argued that their access to this electronic data might help detect terrorists, but the data could prove even more useful in building dossiers on anti-war activists or blackmailing political opponents. A targeted individual would have almost no privacy in the face of an all-knowing government.

Despite the administration's assurance that political abuses wouldn't happen, the capability would be a huge temptation for political strategists like Karl Rove who have made clear that they view anyone not supporting Bush's war on terror as a terrorist ally.

In 2002, the technological blueprint for this Orwellian-style project was on the drawing board at the Defense Advanced Research Projects Agency, the Pentagon's top research and development arm. DARPA commissioned a comprehensive plan for this electronic spying – and did so publicly.

"Transactional data" was to be gleaned from electronic data on every kind of activity – "financial, education, travel, medical, veterinary, country entry, place/event entry,

transportation, housing, critical resources, government, communications,” according to the Web site for DARPA’s Information Awareness Office.

The program would then cross-reference this data with the “biometric signatures of humans,” data collected on individuals’ faces, fingerprints, gaits and irises. With this knowledge at its fingertips, the government would have what it called “total information awareness” about pretty much everyone.

Masonic Eye

The Information Awareness Office even boasted a logo that looked like some kind of clip art from George Orwell’s *1984*. The logo showed the Masonic symbol of an all-seeing eye atop a pyramid peering over the globe, with the slogan, “scientia est potentia,” Latin for “knowledge is power.”

Though apparently unintentional, DARPA’s choice of a giant white pyramid eerily recalled Orwell’s Ministry of Truth, “an enormous pyramidal structure of glittering white concrete, soaring up, terrace after terrace, 300 metres into the air.” The all-seeing Masonic eye could be read as “Big Brother Is Watching.”

Former Vice President Al Gore and some civil libertarians noted these strange similarities both in style and substance to Orwell’s totalitarian world.

“We have always held out the shibboleth of Big Brother as a nightmare vision of the future that we’re going to avoid at all costs,” Gore said. “They have now taken the most fateful step in the direction of that Big Brother nightmare that any president has ever allowed to occur.”

Besides the parallels to *1984*, the administration’s assurances about respecting constitutional boundaries were undercut by its provocative choice of director for the Information Awareness Office. The project was headed by President Reagan’s former national security adviser John Poindexter, who was caught flouting constitutional safeguards and federal laws in the Iran-Contra scandal of the mid-1980s.

Poindexter was the White House official who approved the transfer of profits from the sale of missiles to Iran’s Islamic fundamentalist government to Nicaraguan contra rebels for the purchase of weapons, thus circumventing the Constitution’s grant of war-making power to Congress. Under U.S. law at the time, military aid was banned to both Iran and the contras.

In 1990, Poindexter was convicted of five felonies in connection with the Iran-Contra scheme and the cover-up. But his case was overturned by a conservative-dominated three-judge appeals court panel, which voted 2-1 that the conviction was tainted by congressional immunity given to Poindexter to compel his testimony to Congress in 1987.

Though Poindexter’s Iran-Contra excesses in the 1980s might have been viewed by some as disqualifying for a sensitive job overseeing the collection of information about nearly everyone on earth, DARPA said it sought out such committed characters to run its projects.

“The best DARPA program managers have always been freewheeling zealots in pursuit of their goals,” the agency’s Web site said. [For more details on this and other Bush administration authoritarian-style projects, see our new book, [Neck Deep: The Disastrous Presidency of George W. Bush.](#)]

'Scrapped' Program

When the "total information awareness" project was disclosed, public outrage forced the Bush administration into retreat, ousting Poindexter and supposedly scrapping the massive data-mining program.

What is now apparent, however, is that the Bush administration simply took many of these data-mining features and put them under the rubric of what's known generally as the Terrorist Surveillance Program, or as administration insiders call it, "the TSP."

The data-mining component of the operation is considered so sensitive that in December 2005 when Bush acknowledged the TSP's warrantless wiretapping, he continued his silence about the data-mining aspect.

That distinction is at the heart of the dispute about Gonzales's testimony. The Attorney General told the Senate Judiciary Committee that there was no significant internal disagreement about the legality of the surveillance program undertaken by the National Security Agency, which is responsible for high-tech electronic spying.

However, senior senators – after noting that former Deputy Attorney General James Comey and FBI Director Robert Mueller recounted high-level threats to resign over the project's legality – raised questions about whether Gonzales had committed perjury.

In a letter to senior members of the Judiciary Committee on Aug. 1, Gonzales acknowledged that he had parsed his words narrowly.

"I recognize that the use of the term Terrorist Surveillance Program and my shorthand reference to the 'program' publicly 'described by the president' may have created confusion, particularly for those who are knowledgeable about the N.S.A. activities authorized by the presidential order," the Attorney General wrote.

A day earlier, Director of National Intelligence Mike McConnell made a similar point in a letter to Sen. Arlen Specter, R-Pennsylvania. McConnell wrote that after the 9/11 attacks, Bush signed a single executive order which authorized "a number of ... intelligence activities."

Defending Gonzales's from perjury accusations, McConnell revealed that, in administration jargon, the Terrorist Surveillance Program is only "one particular aspect of these activities, and nothing more." [[Washington Post, Aug. 1, 2007](#)]

Real Reasons

Yet, whether Gonzales's legalistic parsing crossed the line into perjury or not, the larger question is why the Congress and the American people have been kept so ignorant of these programs that the administration feels it can get away with playing word games.

Since al-Qaeda already assumes it's under tight scrutiny – and since technical secrets of the surveillance program could still be legitimately classified – there appears to be no compelling operational reason for blocking a more informed public debate that would weigh the proper balance between liberty and security in a democratic society.

Yet, because of the secrecy that Bush has pulled down around these operations, neither

Congress nor the people can evaluate whether the trade-offs of liberty for security are worth it. Leading senators can't even make an informed judgment about whether Gonzales lied to them.

But that, of course, might be exactly the point. The real purpose of all the secrecy appears to be to enable the Bush administration to construct an authoritarian framework – similar to the “total information awareness” concept – without the American people knowing that their liberties are facing a draconian threat from intrusive government spying.

Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, Neck Deep: The Disastrous Presidency of George W. Bush, can be ordered at neckdeepbook.com. His two previous books, Secrecy & Privilege: The Rise of the Bush Dynasty from Watergate to Iraq and Lost History: Contras, Cocaine, the Press & 'Project Truth' are also available there.

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