

Senate Legislation Legitimizes Lawless Surveillance

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War is America's national pastime. So is mass surveillance. Post-9/11, it escalated dramatically. It way exceeds the most lawless previous practices.

Privacy no longer exists. Big Brother watches everyone. It has complete access to our most personal information.

It reads our emails. It monitors our phone calls. It knows our medical and education histories. It knows our financial status and transactions.

It knows as much about our private lives as close family members. It knows with technological ease. It's unrelated to national security. It's for unchallenged control.

Constitutional rights don't matter. The USA Patriot Act and follow-up legislation destroyed Bill of Rights protections.

Due process, habeas, free expression, association and protection from unreasonable searches and seizures are gravely compromised.

Police state justice replaced them. Bad as things are now expect worse ahead. Diktat power runs America.

Administrations, Congress and federal courts are complicit. They work cooperatively against the interests of ordinary people.

Obama wants lawless surveillance intensified. He wants nothing escaping NSA's intrusive eye. He wants 15 other US spy agencies able to operate unrestrained.

He doesn't give a damn about fundamental constitutional rights. Police state lawlessness is official US policy.

Snowden released documents show NSA has full access to everything transmitted through major domestic fiber optic cable networks. All our electronic communications are fair game.

Probable cause doesn't matter. NSA spies without legally required warrants. Its motto get it all explains.

Diane Feinstein chairs the Senate Select Committee on Intelligence. The Washington Post calls her NSA's top congressional defender. Spying protects America, she claims.

Her public life spans four decades. She's a former San Francisco mayor. She once headed the city's Board of Supervisors. She was its first female president.

In 1990, she lost her gubernatorial bid. In 1992, she became California's junior senator. She's currently in her fifth term.

She formerly chaired the Senate's Rules Committee. At age 80, she's the body's oldest member. She's one of its richest.

Her husband, Richard Blum, is president and CEO of Blum Capital Partners. It's a Bay Area investment firm. Estimates of their combined net worth range up to \$100 million.

She's bought and paid for many times over. Her major contributors include financial giants, war profiteers, and media conglomerates like Disney and Time Warner.

In her capacity as Senate Intelligence Committee chair, she violates the letter and spirit of its mandate, stating:

"The Committee was created by the Senate in 1976 to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."

On October 13, she headlined her [Wall Street Journal](#) op-ed "The NSA's Watchfulness Protects America."

She lied saying it's "necessary and must be preserved if we are to prevent terrorist attacks."

Throughout NSA's entire history, it never once did so. Claims otherwise are false and misleading.

She said former CIA director George Tenet "painted a dire picture for" Senate Intelligence Committee members.

He did so in summer 2001. He claimed "the system was blinking red." By late July, he said it couldn't "get any worse."

He lied both times. Feinstein repeated his lies. She highlighted a nonexistent Al Qaeda threat.

She omitted explaining Al Qaeda's origination. It's a CIA creation. It stems from enlisting mujahideen fighters against Soviet Russia in Afghanistan. Washington uses Al Qaeda strategically as both enemy and ally.

Feinstein highlighted other alleged national security threats. America has none except ones it invents. Feinstein didn't explain. Why would she?

She reflects what's wrong with America. She's part of a lawless, corrupted system. She ignores rule of law principles mattering most.

Constitutional ones are too vital to spurn. Post-9/11 laws eviscerated them. Feinstein wants another nail in their coffin.

She justifies it based on fake threats. She's got lots of likeminded congressional allies.

She's in bed with powerful monied interests. She supports policies harming ordinary people.

She's always been that way.

As chair of the powerful Intelligence Committee, she takes full advantage. She's duplicitous.

On the one hand, she said "we should increase transparency and privacy protections."

On the other, she supports some of the worst NSA practices. On October 31, the [Electronic Frontier Foundation](#) (EFF) headlined "Sen. Dianne Feinstein's New NSA Bill Will Codify and Extend Mass Surveillance of Americans."

"Don't be fooled," said EFF. Her notion of reform is deform. Enacting her bill will be "a huge setback for everybody's privacy."

It'll "permanently entrench the NSA's collection of" everyone's phone calls. Doing so is unconstitutional.

It doesn't matter. It's been ongoing since 9/11. Snowden connected important dots for millions. Americans overwhelmingly want mass surveillance stopped.

Feinstein wants it continued unimpeded. She wants NSA able "to collect the metadata of every phone call in the United States."

It includes "who you call, who calls you, the time and length of the conversation, and under the government's interpretation, potentially your location - and store it for five years."

"This is not an NSA reform bill. It's an NSA entrenchment bill." It's legislation letting the worst of what Americans want stopped continue.

Minor changes it proposes are too meaningless to matter. They provide cover for what's wrong. They "paint a veneer of transparency over still deeply secret programs."

Feinstein's bill "does nothing to stop NSA from weakening entire encryption systems." It "does nothing to stop them from hacking into the communications links of Google and Yahoo's data centers."

It "does nothing to reform the PRISM Internet surveillance program."

"Ironically," said EFF, legislation allegedly promoting transparency was "discussed and modified" secretly.

"Make no mistake," EFF stressed, "this is not an NSA reform bill at all. (It) codifies one of the NSA's most controversial surveillance programs."

Her legislation is "disingenuous." It's duplicitous. It entrenches mass surveillance. It justifies it on false pretenses.

It heads America closer to full-blown tyranny. Don't expect Feinstein to explain.

A Final Comment

Senator Ron Wyden (D. OR) is one of too few lawmakers expressing outrage. In May 2011 on the Senate floor, he said:

“I want to deliver a warning this afternoon: When the American people find out how their government has secretly interpreted the Patriot Act, they will be stunned and they will be angry.”

He referred to Section 215. It oversteps and then some. It’s language is vague and deceptive. It’s used to permit meta-data-mining.

It allows police state investigatory practices. Doing so pertains to alleged suspects. Real or contrived doesn’t matter. It authorizes government access to “any tangible item.”

It includes whatever Washington wants information on. Nothing is too personal to exclude. It doesn’t matter if it’s relevant or irrelevant. It bears repeating. NSA’s motto is get it all.

Section 215 is unconstitutional. It permits warrantless searches without probable cause. It violates First Amendment rights. It does so by mandating secrecy. It prohibits targeted subjects from telling others what’s happening to them.

It compromises free expression, assembly and association. It does so by authorizing the FBI to investigate anyone based on what they say, write, or do with regard to groups they belong to or associate with.

It violates Fourth and Fifth Amendment protections by not telling targeted subjects their privacy was compromised. It subverts fundamental freedoms for contrived, exaggerated, or nonexistent security reasons.

In July Wyden said:

“If we don’t take a unique moment in our constitutional history – in our political history – to fix a surveillance system (that’s) off the rails, I think we’ll regret it.”

Washington has all the lawful tools it needs, Wyden stresses. It can get “individual court orders” if needed. It can issue “administrative subpoenas.”

It can protect America without violating constitutional rights. Feinstein’s legislation does it and then some.

According to the ACLU, it expands mass surveillance. It does so by “legalizing the warrantless wiretapping of people known to be located in the US for 7 days where that surveillance began abroad.”

It legalizes targeting “US persons’ names or email addresses without probable cause, so long as it is for (an alleged) articulable foreign intelligence purposes.”

Virtually anything can be linked to foreign intelligence, true or false. Wyden warned about continuing business as usual.

On Capitol Hill, it’s advancing at flank speed. Freedom is dying at the same pace.

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