

Spying on Americans: The Bipartisan National Security State

Telecoms Lobby US Congress

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The bipartisan consensus that encourages unaccountable secret state agencies to illegally spy on the American people under color of a limitless, and highly profitable, “war on terror” was dealt a (minor) blow October 13.

Federal District Court Judge Jeffrey White denied a motion by the Obama administration that the court issue a 30-day stay to “release records relating to telecom lobbying over last year’s debate over immunity for corporate participation in government spying,” the Electronic Frontier Foundation [reported](#).

The Justice Department had argued that the Bush, and now, the Obama administration’s Office of Director of National Intelligence (ODNI) and Congress were exempt from releasing lobbying records under the Freedom of Information Act, since consultations amongst said grifters were protected as “intra-agency” records.

One might add, since the 2001 terrorist attacks on New York and Washington, a well-funded surveillance-industrial-complex fueled by giant defense firms and the telecommunications industry have, as investigative journalist Tim Shorrock [reported](#) back in 2005 “fielded armies of lobbyists to keep the money flowing.”

White’s denial of a motion for a stay followed a startling admission by Department of Justice (DoJ) attorneys that America’s telecommunication firms are actually “an arm of the government—at least when it comes to secret spying,” *Wired* [reported](#) October 8. The government had argued that:

“The communications between the agencies and telecommunications companies regarding the immunity provisions of the proposed legislation have been regarded as intra-agency because the government and the companies have a common interest in the defense of the pending litigation and the communications regarding the immunity provisions concerned that common interest.”

U.S. District Court Judge Jeffery White disagreed and ruled on September 24 that the feds had to release the names of the telecom employees that contacted the Justice Department and the White House to lobby for a get-out-of-court-free card. (Ryan Singel, “Telephone Company Is Arm of Government, Feds Admit in Spy Suit,” *Wired*, October 8, 2009)

EFF had sued the state in order to discover what role telecom lobbyists played in persuading

Congress to grant the nation's telecommunications' giants retroactive immunity for their role in illegal spying as part of the Bush, and now, Obama regime's Presidential Spying Program.

If congressional grifters who have reaped serious campaign contributions from deep-pocket telecoms had not granted companies such as AT&T, Sprint, Verizon and other carriers retroactive immunity, potential privacy breaches and claims from EFF's [Hepting vs. AT&T](#), and dozens of other lawsuits, could have potentially cost the firms billions in damages.

A federal district court judge dismissed *Hepting* in June, ruling that the companies had immunity from liability under provisions of the despicable FISA Amendments Act (FAA).

In dismissing the state's motion for a stay in the telecom lobbying records case, EFF senior staff attorney Kurt Opsahl wrote,

On October 8, the day before the documents were due, the DOJ and ODNI filed an emergency motion asking the Court of Appeals for a 30-day stay while the agencies continue to contemplate an appeal. Around noon on October 9, the Ninth Circuit denied their emergency motion, telling the government it had to file for a motion for a stay pending appeal in the district court first.

Later that afternoon, the government filed again in the federal district court, but once again did not seek a stay pending an actual appeal. Instead, for the third time, the government insisted it could delay the release of telecom lobbying records while it considered the pros and cons of appealing. Briefing was complete by noon today, and Judge White denied the third attempt at delay this afternoon. (Kurt Opsahl, "Federal Court Denies Government Attempt to Delay Release of Telecom Records. Again.," Electronic Frontier Foundation, News Update, October 13, 2009)

Judge White noted that the Obama administration's cynical "directive on transparency in government" applied to "the warrantless wiretapping program" and insisted that the "public interest lies in favor of disclosure" of pertinent lobbying records.

The ruling is all the more remarkable when one considers that Judge White was appointed to the U.S. District Court, Northern District of California, the most civil liberties' friendly court in the nation, by none other than world class war criminal and corrupter-in-chief, George W. Bush.

Corrupting Congress, Subverting the Bill of Rights

Last year, *Antifascist Calling* [reported](#) that the congressional watchdog group, [MAPLight](#), published a list of [campaign contributions](#) to congressional Democrats who had changed their votes on FAA's crucial retroactive immunity provision.

Significantly, then congressman and current White House Chief of Staff Rahm Emmanuel, pulled-in some \$28,000, "blue dog" Democrat Steny Hoyer "earned" \$29,000 while House Speaker Nancy Pelosi, hardly a slouch when it comes to contributions from her "constituents"-grifting capitalists-raked-in \$24,500 from the telecoms.

Analyzing the "change of heart" by congressional Democrats between between the March 14, 2008 vote which rejected retroactive immunity and the June 20, 2008 vote approving it,

MAPLight researchers discovered that “Verizon, AT&T, and Sprint gave PAC contributions averaging: “\$8,359 to each Democrat who changed their position to support immunity for Telcos (94 Dems)” and “\$4,987 to each Democrat who remained opposed to immunity for Telcos (116 Dems).”

According to MAPLight: “88 percent of the Dems who changed to supporting immunity (83 Dems of the 94) received PAC contributions from Verizon, AT&T, or Sprint during the last three years (Jan. 2005-Mar. 2008).” The group reported that after the June 20 vote, “Verizon, AT&T, and Sprint gave PAC contributions averaging (for all House members): “\$9,659 to each member of the House voting “YES” (105-Dem, 188-Rep)” and “\$4,810 to each member of the House voting “NO” (128-Dem, 1-Rep).”

Daniel Newman, MAPLight’s Executive Director said at the time: “Campaign contributions bias our legislative system. Simply put, candidates who take positions contrary to industry interests are unlikely to receive industry funds and thus have fewer resources for their election campaigns than those whose votes favor industry interests.”

Proving once again, that ours’ is the best Congress money can buy.

White House Planning “Limited Hangout”

The saga over the release of secret state documents continues to rage out of public sight, even as the corporate media “reports” for endless hours on the (media manufactured) tale of the Colorado “balloon boy.”

So corrupt and degenerated has our political culture become that a simple Google search reveals that as of October 17 there are some *15,000,000* search results available for the term “balloon boy” while only 520,000 hits for the term “EFF warrantless wiretapping.”

As [Project Censored](#) notes, modern censorship is defined “as the subtle yet constant and sophisticated manipulation of reality in our mass media outlets. On a daily basis, censorship refers to the intentional non-inclusion of a news story—or piece of a news story—based on anything other than a desire to tell the truth. Such manipulation can take the form of political pressure (from government officials and powerful individuals), economic pressure (from advertisers and funders), and legal pressure (the threat of lawsuits from deep-pocket individuals, corporations, and institutions).”

Clearly, the series of lawsuits by EFF and other civil liberties’ watchdogs challenging the secret state’s pervasive surveillance of the American people is a case study of “intentional non-inclusion” by corporate media.

Nevertheless, the Electronic Frontier Foundation [reported](#) October 15, that the Director of National Intelligence and DoJ attorneys “filed yet another [emergency motion](#) with the Ninth Circuit, asking for a stay of the deadline to release telecom immunity lobbying documents, less than 24 hours before the documents are due to be released to the public.”

According to the government’s motion, the Executive Branch has refused to disclose the names of telecom lobbyists and company representatives because, get this, “the agencies ... invoked Exemption 6 [to the Freedom of Information Act] which protects information about individuals whose disclosure ‘would constitute a clearly unwarranted invasion of personal privacy’.” It doesn’t get any cheekier than that even by cynical Washington standards!

Doj attorneys once again, have resurrected that old chestnut-national security-to conceal the identities of telecom shells and the politicians who do their bidding, claiming that “disclosure of such information would assist our adversaries in drawing inferences about whether certain telecommunications companies may or may not have assisted the government in intelligence-gathering activities.”

In other words, the public’s right to know how our rights are being systematically violated-and who profits-is, by inference, another “tool” that will allow al-Qaeda to kidnap your kids, impose sharia law and detonate a nuke in Wichita!

Indeed, the secret state’s new motion avers that “disclosure of the identities of those individuals and entities that may have assisted, or in the future may assist, the government with intelligence activities could impede the government’s ability to gather intelligence information.”

Meanwhile, *Politico* [reported](#) that the Obama administration “may be on the verge of a major concession in a long-running legal battle over records about so-called telecom immunity.”

A leaked email to the publication, probably by a friendly source inside the White House, reveals that the administration is preparing for “the possible release of *some* details of the Bush Administration’s lobbying for legislation giving telecommunications companies immunity from lawsuits over their involvement in warrantless domestic wiretapping.” (emphasis added)

However, the devil as they say, is in those closely-guarded details. *Politico* reports that the administration will continue its legal battle “to keep secret the identities of the companies involved in the program.” In other words having lost in the court’s, the administration will move into damage control mode by disclosing a few insignificant “facts” as it camouflages the scope of these illegal programs and continues to conceal the identities of telecom lobbyists and their congressional partners in crime from public scrutiny.

This is nothing less than an updated version of a classic Washington “limited hangout.” The Obama administration’s Justice Department, similar to President Nixon’s sacrificial offering of close advisers to congressional investigators at the height of the Watergate scandal, will leverage these paltry “facts” into an opportunity to *appear* “transparent,” even as it continues to obfuscate, delay and deny; thus continuing the cover-up.

House legal counsel Irv Nathan informed relevant congressional committees that the White House Counsel’s Office agreed to “provide lawmakers and their staffs with copies of the records being prepared for release in connection with a Freedom of Information Act lawsuit brought by an internet-focused civil liberties group, the Electronic Frontier Foundation.”

Politico reported that “the move could also be a litigating tactic to surrender some of the less sensitive information in the case in order to bolster the government’s credibility for a determined attempt to protect the most sensitive data: the names of the companies which were seeking immunity.”

According to Nathan, the Justice Department plans “to renew its motion for a stay in the Court of Appeals limited to a very small number of documents, not including the communications with Congress.”

Among the details leaked to *Politico*, Nathan wrote House leaders: “We understand that there are few, if any, communications from Members that are in the materials. ... We have been previously advised that there is nothing very disturbing or embarrassing *in these particular communications*, but a generalized worry about the precedent this sets for future inter-branch communications.” (emphasis added)

Unfortunately, neither Mr. Nathan nor *Politico* have revealed what might prove “very disturbing or embarrassing” to members of Congress in the documents the Obama administration plans to withhold.

If past lobbying practices are a signpost for the present, one can hazard an informed guess and conclude that Congress and their Executive Branch counterparts have much to hide.

According to the Center for Responsive Politics OpenSecrets.org database, lobbying by the Telecom Service & Equipment [sector](#), the Telephone Utilities [sector](#) and the Computer/Internet [sector](#) amounted to *hundreds of millions of dollars* paid out to congressional grifters between 1998-2009.

Indeed, the “big four” firms caught-up in the warrantless wiretapping scandal have showered Congress with millions in payouts. According to OpenSecrets.org, AT&T contributed some \$8,191,618; Verizon Communications showered some \$6,830,000; Qualcomm Inc. handed over \$3,080,000; Qwest Communications \$1,829,542 and Sprint/Nextel coughed-up some \$1,306,000 to “our” representatives. By any standard, this is serious money by powerful constituencies not to be trifled with.

Like their Republican colleagues across the aisle, the Democrats have operated a revolving door between powerful corporations, financial institutions and secret state agencies, under the guise of bringing entrepreneurial expertise into government and “security” for our nation’s citizens.

They do neither.

Something as trivial as the rights of the American people to speak their minds, protest endless imperialist wars of aggression, the looting of the economy and the degradation of the environment for profit will however, continue to come under the lens of an out-of-control national security state committed to facilitating the greasing of various palms well into the future.

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