

The Surveillance State: Big Brother Writ Large in America

By [Stephen Lendman](#)

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Spying on its citizenry reflects one of the most defining police state characteristics. Post-9/11, America crossed the line.

Unconstitutional mass surveillance became official US policy. Bush began it. Obama accelerated it. He did so straightaway as president.

He promised otherwise. He pledged transparency and openness. He promised no more Bush/Cheney lawlessness. He lied. He exceeded the worst of his predecessors.

Free societies don't tolerate these practices. Obama authorized them secretly. He subverted constitutional law. He violated the public trust. He broke a key campaign pledge.

He declared war on freedom. It's more illusion than reality. It's fast disappearing. It may entirely vanish on Obama's watch. Big Brother is real. It's no longer fiction. Privacy no longer exists.

Web site visits are tracked. Cell phones log our movements. Emails and social network communications are monitored and stored. Sweeping warrantless spying is policy.

Government is shrouded in secrecy. Constitutional protections don't matter. Police states operate this way. America's by far the worst. Everyone's suspect unless proved otherwise. Guilt by accusation is policy.

Snowden provided a vital service. He did so at great risk. Lots of what he revealed was previously known. Too few people knew it. Many more now do. How they react matters most.

On June 17, Snowden engaged live with [London Guardian](#) readers. He answered questions they posed.

"All I can say right now is the US government is not going to be able to cover this up by jailing or murdering me. Truth is coming, and it cannot be stopped," he said.

"The US government, just as they did with other whistleblowers, immediately and predictably destroyed any possibility of a fair trial at home, openly declaring me guilty of treason and that the disclosure of secret, criminal, and even unconstitutional acts is an unforgivable crime."

"That's not justice, and it would be foolish to volunteer yourself to it if you can do more good outside of prison than in it."

“Ask yourself: If I were a Chinese spy, why wouldn’t I have flown directly to Beijing? I could be living in a palace petting a phoenix by now.”

More on what he said below. He’s a marked man. He knows it. He fled America for his safety. He’s in Hong Kong. It provides a “cultural and legal framework to allow me to work without being immediately detained,” he said.

He’ll be hounded wherever he goes. His life’s in danger. Washington called him a traitor.

Bipartisan rogues accused him of espionage. He aided the enemy, they said. A mock show trial was held. House Permanent Select Committee on Intelligence members did so.

It was called “[How Disclosed NSA Programs Protect Americans, and Why Disclosure Aids Our Adversaries](#).” Orwellian best explains it. Rep. Mike Rogers (R. MI) chaired it.

He represents the worst of rogue governance. He menaces freedom. He supports Washington’s permanent war agenda. He endorses police state lawlessness. He’s against social justice.

Whatever corporate America wants, he’s for. He’s against government of, by and for everyone.

He calls openness and transparency threats to national security. Sunshine is “damaging,” he says. “(I)t paints an inaccurate picture and fosters distrust in government.”

It gives aid and comfort to America’s enemies, he claims. Snowden’s guilty as charged. Rogers and committee co-conspirators hung him out to dry.

He committed no crimes. He exposed them. He did what’s vital to do. He revealed US lawlessness. NSA operations harm “millions of innocent people,” he said.

He denounced Obama, saying:

“(H)e closed the door on investigating systemic violations of law, deepened and expanded several abusive programs, and refused to spend the political capital to end the kind of human rights violations like we see in Guantanamo, where men still sit without charge.”

Dick Cheney duplicitously called him a traitor. Snowden responded, saying:

“It’s important to bear in mind I’m being called a traitor by a man who gave us the warrantless wiretapping scheme as a kind of atrocity warm-up on the way to deceitfully engineering a conflict that has killed over 4,400 and maimed nearly 32,000 Americans, as well as leaving over 100,000 Iraqis dead.”

“Being called a traitor by Dick Cheney is the highest honor you can give an American.”

He did nothing illegal. “I did not reveal any US operations against legitimate military targets.”

"I pointed out where the NSA has hacked civilian infrastructure such as universities, hospitals, and private businesses because it is dangerous. These nakedly, aggressively criminal acts are wrong no matter the target."

"NSA is running network operations against (the rights of) millions of innocent people. And for what?"

"So we can have secret access to a computer in a country we're not even fighting? So we can potentially reveal a potential terrorist with the potential to kill fewer Americans than our own Police?"

"No, the public needs to know the kinds of things a government does in its name, or the 'consent of the governed' is meaningless."

More information is coming, Snowden said. Lots more needs to be told.

"(T)he reality is (that) if NSA, FBI, CIA, DIA, etc analyst has access to query raw SIGINT databases, they can enter and get results for anything they want," he said.

"Phone number(s), email(s), user id(s), cell phone handset id(s) (IMEI), and so on - it's all the same. The restrictions against this are policy based, not technically based, and can change at any time."

Lawless surveillance is institutionalized. "The reality is that due to the FISA Amendments Act and its section 702 authorities, Americans' communications are collected and viewed on a daily basis on the certification of an analyst rather than a warrant."

"They excuse this as 'incidental' collection, but at the end of the day, someone at NSA still has the content of your communications."

"Even in the event of 'warranted' intercept, it's important to understand the intelligence community doesn't always deal with what you would consider a 'real' warrant like a police department would have to."

"The 'warrant' is more of a templated form they fill out and send to a reliable judge with a rubber stamp."

America's Foreign Intelligence Surveillance Court (FISC) overseas government monitoring requests. More on that below. Out-of-control spying is policy.

It's extrajudicial. It's longstanding policy. Post-9/11, it accelerated. Foreign Intelligence Surveillance Act (FISA) provisions are spurned.

Bush administration officials lawlessly authorized NSA to compile millions of emails and phone calls into a database for analysis.

Obama officials claim no court or judge can challenge them. Legal considerations don't matter.

Last September, Congress overwhelmingly passed the 2012 FISA Amendments Reauthorization Act. Obama signed it into law. He called doing so a national security

priority.

He lied. It reflects police state harshness. It's lawless. It extends the 2008 FISA Amendments Act (FAA). It's for another five years.

It authorizes warrantless spying. It does so without naming names or probable cause. Fourth Amendment protections are violated. Lawless privacy invasions are permitted.

Overseas and domestic phone calls, emails, and other communications of US citizens and permanent residents are monitored without court authorization. Anything goes is policy.

Probable cause isn't needed. Warrantless electronic eavesdropping is intrusive and lawless. Everyone is vulnerable for any reason or none at all. Vague language allows virtually anything.

Constitutional protections don't matter. They're null and void. What Bush began, Obama accelerated. Things are worse than ever. Diktat authority is policy.

America's Foreign Intelligence Surveillance Court (FISC) is rubber stamp. It gives kangaroos a bad name. A previous article explained. It approves virtually all government warrant requests.

It's longstanding policy. Eleven US district court judges serve staggered terms up to seven years. They're chosen from at least seven judicial circuits. Supreme Court Justice John Roberts selects them.

The process is rigged against justice. It doesn't have a chance. Police state operate this way. Obama lied claiming otherwise. On [Charlie Rose](#) June 17, he lied. He did so egregiously.

On the one hand, he said we "don't go with a query (without) a pretty good suspicion." Not so!

On the other, he claimed few annual FISA warrants are sought. False again! From 1979 through 2004 alone, 18,761 warrants were granted. Five requests were rejected. Some sources say four.

From 2005 through 2012, another 15,200 were approved. Seven were rejected. It gets worse. Few Americans know about National Security Letters (NSLs). They're intrusive and lawless.

They've been around since the mid-1980s. They involve abusive police state intrusions. Pre-9/11, they had more limited authority. They were used to secure records and other personal information on alleged terrorists and spies.

The USA Patriot Act's [Section 505](#) changed things. It permits expanded FBI's authority to obtain personal customer records from ISPs, financial institutions, credit companies, and other sources without prior court approval.

At issue is claiming information sought relates to alleged terrorism or espionage investigations. No proof is required.

Innocent people are targeted. Virtually all public and private records can be obtained. Gag

orders prevent targeted individuals or groups from revealing the information sought. Doing so violates core First Amendment rights.

Service providers are gagged. They're prevented from telling affected customers or the public what's going on.

Constraining them violates the First Amendment's procedural prior restraint provision. It lets federal authorities issue prior restraints of their own. It forces service providers to comply.

Judicial authority is bypassed. Legal challenges are virtually impossible. DOJ officials react aggressively. Countersuits are filed. Contesting government authority isn't tolerated.

Post-9/11, NSL use increased exponentially. Between 2003 and 2006 alone, the DOJ's inspector general reported nearly 200,000 NSLs issued.

By now, they may exceed a million. Using them violates constitutional freedoms. They're disappearing in plain sight.

Obama said the FISC is "transparent." He lied again. The ACLU calls it "a secretive intelligence court created to authorize government wiretaps." Its "procedures, hearings and decisions are conducted in secret."

Despite numerous ACLU and other public advocacy group FOIA challenges, DOJ refuses to disclose "even the most basic information about the court's activities."

In 2010 and 2011, Obama promised to declassify FISC rulings. He lied again. He hasn't done so. He spurns transparency. He claims no one's listening to your phone calls. Doing so requires probable cause, he says. A warrant must be obtained.

False on all counts! Warrantless spying is policy. It's sweeping and intrusive. Law Professor Jack Balkin calls it "vacuum cleaner" surveillance. No probable cause is needed.

Obtaining FISC permission requires only providing general guidelines. Allegedly they determine what individuals or groups may be targeted.

Rubber stamp approval follows. A pro forma statement does so stating:

NSA's request "contains all the required elements, and the revised NSA, FBI and CIA minimization procedures submitted with the amendment are consistent with (US statute) requirements and with the Fourth Amendment to the Constitution of the United States."

Once approval is gotten, monitoring follows. So does anything goes. Constitutional protections don't matter. Enormous amounts of communications and other information is lawlessly obtained.

Millions of ordinary people guilty of nothing are most harmed. On June 18, NSA head General Keith Alexander testified before House Intelligence Committee members. He claimed surveillance programs foiled more than 50 terror plots post-9/11.

He lied saying so. America's at war with Islam. It rages out-of-control. Dozens of innocent victims were wrongfully targeted, arrested, prosecuted, convicted and given long prison terms. They rot in America's gulag.

None, repeat none, committed terrorism or conspiracy related to it. No plots or crimes existed. Fabricated charges substituted for legitimate ones. Witch hunt justice followed.

It's the wrong time to be Muslim in America. Everyone's just as vulnerable. Constitutional protections no longer matter. They lie in history's dustbin.

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net.

His new book is titled "Banker Occupation: Waging Financial War on Humanity."

<http://www.claritypress.com/LendmanII.html>

Visit his blog site at sjlendman.blogspot.com.

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Articles by: [Stephen Lendman](#)

About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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