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This Time, It Really Is Orwellian

By Robert Parry
May 12, 2006

Given George W. Bush's history of [outright lying](#), especially on national security matters, it may seem silly to dissect his words about the new disclosure that his administration has collected phone records of some 200 million Americans.

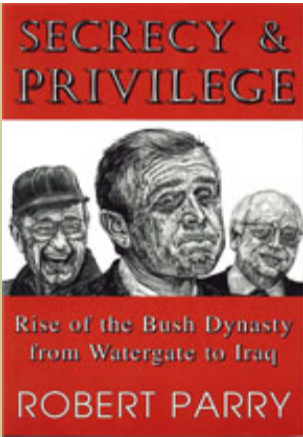
But Bush made two parse-able points in reacting to USA Today's story about the National Security Agency building a vast database of domestic phone calls. "We're not mining or trolling through the personal lives of millions of innocent Americans," Bush said, adding "the privacy of ordinary Americans is fiercely protected in all our activities."

In his brief remarks, however, Bush didn't define what he meant by "ordinary Americans" nor whether the data-mining might cover, say, thousands or even hundreds of thousands of people, just not "millions."

For instance, would a journalist covering national security be regarded as an "ordinary American"? What about a political opponent or an anti-war activist who has criticized administration policies in the Middle East? Such "unordinary" people might number in the tens of thousands, but perhaps not into the millions.

Also, isn't it reasonable to suspect that the Bush administration would be tempted to tap into its huge database to, say, check on who might have been calling reporters at the New York Times, the Washington Post, the New Yorker – or now USA Today – where significant national security stories have been published?

Or during Campaign 2004, wouldn't the White House political apparatchiks have been eager to know whether, say, Sen. John Kerry had been in touch with foreign



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officials who might have confided that they were worried about Bush gaining a second term?

Or what about calls to and from special prosecutor Patrick Fitzgerald while he investigates a White House leak of the identity of Valerie Plame, the CIA officer married to former Ambassador Joseph Wilson, an Iraq War critic?

What if one of these “unordinary” Americans had placed a lot of calls to an illicit lover or a psychiatrist? Wouldn't Bush's aggressive political operatives know just how to make the most of such information?

Paranoia?

While such concerns might seem paranoid to some observers, Bush has blurred his political fortunes with the national interest before, such as his authorization to Vice President Dick Cheney's staff in mid-2003 to put out classified material on Iraq's weapons of mass destruction to undercut Ambassador Wilson.

Though Plame was an undercover CIA officer working on sensitive WMD investigations, her classified identity was bandied about – and ultimately disclosed – by the likes of White House political adviser Karl Rove, who had no real “need to know” a discrete intelligence secret that sensitive.

In a court filing on April 5, 2006, Fitzgerald said his investigation uncovered government documents that “could be characterized as reflecting a plan to discredit, punish, or seek revenge against Mr. Wilson” because of his criticism of the administration's handling of the evidence on Iraq's alleged pursuit of enriched uranium in Africa.

There are also historical reasons to suspect that the administration might be inclined to use its huge database against its critics. Some senior administration officials, such as Cheney, held key government jobs in the 1970s when one of the goals of spying on Americans was to ferret out suspected links between U.S. dissidents and foreign powers.

It had become an article of faith for some government officials that the civil rights movement and the anti-Vietnam War protests must have been orchestrated and financed by some international enemy of the United States.

Some of the excesses in those investigations, such as the bugging of the Rev. Martin Luther King Jr. and break-ins targeting Pentagon Papers leaker Daniel

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Ellsberg, led to new laws in the 1970s limiting the power of the Executive.

For instance, in 1978, Congress enacted the Foreign Intelligence Surveillance Act, which tried to balance the government's legitimate interest in tracking foreign agents and the citizens' constitutional right of protection against unreasonable searches.

However, after the Sept. 11, 2001, terror attacks, Bush asserted "plenary" – or unlimited – powers as Commander in Chief and brushed aside legal requirements that the government obtain a warrant through a special FISA court before eavesdropping on phone calls inside the United States.

Cover-up

After making that decision, Bush lied to conceal what he had done. On April 20, 2004, he [told](#) a crowd in Buffalo, N.Y., that warrants were still required for all wiretaps.

"By the way, any time you hear the United States government talking about wiretap, it requires – a wiretap requires a court order," Bush said. "Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so."

After the New York Times disclosed the warrantless wiretapping program in December 2005, Bush continued to misrepresent the program, calling it "limited" to "taking known al-Qaeda numbers – numbers from known al-Qaeda people – and just trying to find out why the phone calls are being made."

In his folksy style, he told an audience in Louisville, Kentucky, on Jan. 11, 2006, that "it seems like to me that if somebody is talking to al-Qaeda, we want to know why."

But the program that Bush described could easily have been accomplished through warrants under the FISA law, which lets the government wiretap for 72 hours before going to a secret court for a warrant.

Even before the USA Today disclosure on May 11, 2006, it was clear that Bush's spying program was much larger than he had let on. Indeed, the operation was reportedly big enough to generate thousands of tips each month, which were passed on to the FBI.

“But virtually all of [the tips], current and former officials say, led to dead ends or innocent Americans,” the New York Times reported. “FBI officials repeatedly complained to the spy agency that the unfiltered information was swamping investigators. ... Some FBI officials and prosecutors also thought the checks, which sometimes involved interviews by agents, were pointless intrusions on Americans’ privacy.” [NYT, Jan. 17, 2006]

Also, undermining Bush’s claims about the limited nature of the NSA’s activities is why the administration would need to possess the complete phone records of the 200 million customers of AT&T, Verizon and BellSouth – if the government were only conducting what Bush and his aides have called a “targeted terrorist surveillance program.”

(Qwest, a Colorado-based company with about 14 million customers, refused to turn over its records to the government because there was no court order, USA Today reported.)

The stated goal of tracking phone numbers that had been called by al-Qaeda operatives could be easily done with warrants from the FISA court. There would be no need to compile every personal and business call made by 200 million Americans.

“It’s the largest database ever assembled in the world,” one person told USA Today. The program’s goal is “to create a database of every call ever made” within the nation’s borders, the person said. [USA Today, May 11, 2006]

In describing Bush’s policies over the past several years, the word “Orwellian” has sometimes been overused. But a government decision to electronically warehouse the trillions of phone numbers called by its citizens over their lifetimes is the essence of George Orwell’s Big Brother nightmare.

Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, *Secrecy & Privilege: Rise of the Bush Dynasty from Watergate to Iraq*, can be ordered at secrecyandprivilege.com. It’s also available at Amazon.com, as is his 1999 book, *Lost History: Contras, Cocaine, the Press & 'Project Truth.'*

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