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[INTRODUCTION](#) [DESCRIPTION](#) [CITIZEN GUIDES](#) [READING LIST](#) [SITE INDEX](#)  
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# TOTALITARIANISM IN AMERICA

## OBAMA CONTINUES THE LEGAL REVOLUTION OF GEORGE W. BUSH



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[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)  
[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

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In his 2008 presidential campaign, Barack Obama stated that the Bush Administration surveillance policy "puts forward a false choice between the liberties we cherish and the security we provide."

Yet the actions of this administration raise many questions.

In the aftermath of 9/11, the Bush Administration began embracing several high level security measures, such as The Patriot Act and the Department of Homeland Security. When President Barack Obama came into power, he continued the security measures of the former administration, while adding some new ones. He signed the National Defense Authorization Act into law, a document that allows for indefinite detention without trial of associated terrorist forces, he has prosecuted more whistle blowers than any other administration combined, he has expanded Bush's drone war and he has defended the NSA's policy of tapping the phone records for millions of American citizens.

Some Americans claim that these measures are a direct violation of our social liberties. The Obama administration has responded that these measures are necessary security against the threat of terrorism. ([Read Obama's Speech on NSA](#))

First, we must say that there are many great freedoms that still exist in America. Yet we must question whether the current measures being enacted are necessary safety measure or a slippery slide into totalitarianism. Many Americans have a comic book idea of Totalitarianism. They think it will be obvious when it happens - and that it could never happen in the land of the free. Is it possible that our country is currently destroying democracy in order to save it? That is a question we will examine by reviewing the actions of the current presidential administration and the government at large; two of the most concerning measures being the [National Defense Authorization Act](#) and the Whitehouse [Kill List](#).

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[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

---

## PRESIDENT OBAMA'S SECRET KILL LIST

The Obama Administration has been maintaining a secretive list of targets to attack as part of the surgical drone strike program. There are claims that this process is very precise and only targets militants - a claim that will be examined more below. Some argue that this process has a "take no prisoners approach," with more emphasis on killing than detaining. "While scores of subjects have been killed under Mr. Obama, only one has been taken into American custody, and the president has balked at adding new prisoners to Guantanamo ([New York Times](#))."

**Yet what exactly defines a terrorist?** Is there a strict set of legal guidelines that dictates who is a terrorist and who is not? Or is the process arbitrary? Much of this decision making process is highly secretive, so it is hard to tell.

"Mr. Obama has placed himself at the helm of a top secret "nominations" process to designate terrorists for kill or capture...Mr Obama is the liberal law professor who campaigned against the Iraq war and torture, and then insisted on approving every new name on an expanding "kill list," poring over terrorist suspects' biographies on what one official calls the macabre "baseball cards" of an unconventional war ([New York Times](#))."

## OBAMA'S DRONE STRIKES EXCEED BUSH ADMINISTRATION LEVELS

Many people elected Barack Obama into office because they saw him as a more peaceful alternative to George Bush's aggressive military policies. Yet Barack Obama has actually launched more drone strikes than his predecessor.

"During the Bush administration, there was an American drone attack in Pakistan every 43 days; during the first two years of the Obama administration, there was a drone strike there every four days. And two years into his presidency, the Nobel Peace Prize-winning president was engaged in conflicts in six Muslim countries: Iraq, Afghanistan, Pakistan, Somalia, Yemen and Libya. The man who went to Washington as an "antiwar" president was more Teddy Roosevelt than Jimmy Carter ([New York Times](#))."

## ZERO CASUALTIES OR HUNDREDS?

In 2011, After much urging from the ACLU to reveal public information on the clandestine Drones Program, the White House's top counter-terrorism advisor John Brennan broke the silence by telling reporters the following: "in the last year 'there hasn't been a single collateral death because of the exceptional proficiency, precision of the capabilities that we've been able to develop ([ACLU](#))."

However, independent estimates place that number at 3,000 ([New America Foundation](#)), a much bigger number than John Brennan's zero. More often than not, the targets are located by a drone that is 30,000 feet in the air. It is not even required for the Defense Department to know the names of the people being targeted.

**"Today, the Defense Department can attack suspects in Yemen whose names they don't know ([New York Times](#))."**

Which raises the question; How accurate can these strikes really be?

## DOES THIS KILL LIST HAVE TRANSPARENCY?

When the U.S. monopoly on Drone Warfare was airtight, most of the details of this program were kept out of public view. For example, on March 15th 2013, a three-judge federal appeals court panel unanimously ruled that the CIA gave inadequate response to a lawsuit brought about by the American Civil Liberties Union seeking records about drone strikes ([Reuters](#)).

Yet now that China and Russia are expressing interest in developing their own Drone Programs, the White House is becoming more open about establishing a series of global "guidelines" for the program.

White House National Security Council spokeswoman Caitlin Hayden has said that the administration is committed to explaining to Congress and the public as much as possible about its drone policies, including how decisions to strike are made. "We are constantly working to refine, clarify, and strengthen the process for considering terrorist targets for lethal action," Hayden said. ([Reuters](#)).

Yet despite statements about more guidelines and transparency, the standards for getting on the kill list remain fuzzy. **"The details are a closely guarded secret - part of a pattern for a president who came into office promising transparency ([New York Times](#))."**

## THEY MUST ALL BE MILITANTS

Who is a militant and who isn't?

"Mr. Obama embraced a disputed method for counting civilian casualties that did little to box him in. It in effect counts **all military-age males in a strike zone as combatants**, according to several administration officials, unless there is explicit intelligence posthumously proving them innocent ([New York Times](#))."

Basically, anyone in an area of "known terrorist activity", or seen with a top Al Qaeda operative, are guilty until proven innocent. An anonymous official is quoted as saying, "Al Qaeda is an insular, paranoid organization — innocent neighbors don't hitchhike rides in the back of trucks headed for the border with guns and bombs ([New York Times](#))."

So basically, what this means, is that anyone seen with a suspected terrorist is a terrorist by association: family members, farmers, doctors, religious officials, etc.

**Some top officials have even called this a "Wac-A-Mole" approach to counter-terrorism:** "the invention of new category of aerial attack following complaints of careless targeting; and presidential acquiescence in a formula for counting civilian deaths that some officials think is skewed to produce low numbers ([New York Times](#))."

## A REAL DEFINITION FOR "TERRORIST" REMAINS TO BE SEEN

The State Department has also complained that the criteria used by the C.I.A for identifying a terrorist signature strike is too lax. "The joke was that when the C.I.A. sees 'three guys doing jumping jacks,' the agency thinks it is a terrorist training camp, said one senior [State Department] official. Men loading a truck with fertilizer could be bomb-makers — but they might also be farmers, skeptics argued ([New York Times](#))."

## DRONE STRIKES ARE FUELING TERRORISM

The Obama Administration is claiming to fight terrorism with these drone strikes. Yet the ultimate irony is that these strikes are actually fueling terrorist activity in the nations they target. There is rising public anger in [Pakistan](#) and Yemen over drone strikes. A 2011 poll revealed that **[over 73% of Pakistanis have an "unfavorable view" of the United States](#)**. Obama's covert drone war has succeeded in radicalizing the local population of Yemen, driving tribesmen to join networks linked to terrorist plots against the United States ([Common Dreams](#)).

**"Drones have replaced Guantanamo as the recruiting tool of choice for militants;** in his 2010 guilty plea, Faisal Shazad, who had tried to set off a car bomb in Times Square, justified targeting civilians by telling the judge, 'When the drones hit, they don't see children ([New York Times](#)).'"

## KILLING AMERICAN CITIZENS WITHOUT TRIAL

One of the most controversial outcomes of these surgical drone strikes was the killing of American Citizen Anwar al Awlaki, an American born cleric and Al Qaeda propagandist who was hiding in Yemen. Yes, Anwar was publicly calling for more attacks. Yes, this cleric's sermons even inspired the shootings at Fort Hood. Yet Anwar was an American Citizen who was killed, without a trial, in a country that we were not at war with. He was even killed along with Samir Khan, an American citizen who was not on the kill list, but who was traveling with Anwar.

Obama administration lawyers have asserted that it is lawful to kill a United States citizen if that person was an "informed, high-level official" in Al Qaeda who posed an imminent threat of violent attack against the United States. This was found in a leaked legal document ([New York Times](#)).

Anwar's death opens the door to many more questionable uses of power. Is it right for the United States Government to kill anyone, anywhere, who inspires dissent against the United States government without a trial - including their own citizens? Do we have the right to also kill bystanders who may be in the same room as one of these "suspected terrorists"?

### **SIGNATURE STRIKE INVESTIGATION**



### **LIVING UNDER DRONES**

## Living Under Drones - BRAVE NEW FILMS (BNF)



Also See: [Drone 'Signature Strike' Witness Responds To Obama Speech: 'I Don't Trust A Single Word'](#)  
(Huffington Post, 6-19-13)

### RELATED LINKS

[As drone monopoly frays, Obama seeks global rules](#) (Reuters, 3-17-13)

[Memo Cites Legal Basis for Killing U.S. Citizens in Al Qaeda](#) (New York Times, 2-5-13)

[Chilling legal memo from Obama DOJ justifies assassination of US citizens](#) (The Guardian, 2-5-13)

[Blowback: In Yemen, US Drone Attacks Backfiring](#) (Common Dreams, 5-30-12)

[Secret 'Kill List' Proves a Test of Obama's Principles and Will](#) (New York Times, 5-29-12)

[Warrior in Chief](#) (New York Times, 4-28-12)

[Obama's Drone War on Women and Children](#) (You Tube, 4-13-12)

[Q & A: US Targeted Killings and International Law](#) (Human Rights Watch, 12-19-11)

[Civilian Deaths from CIA Drone Strikes: Zero or Dozens?](#) (ACLU, 7-19-11)

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[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

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## THE NATIONAL DEFENSE AUTHORIZATION ACT:

# THE POWER TO DETAIN INDEFINITELY WITHOUT TRIAL

## THE BILL

[The 2013 National Defense Authorization Act](#)

[The 2012 National Defense Authorization Act](#)

The 2012 National Defense Authorization Act gave the government the right to detain individuals associated with "terrorist forces" **indefinitely without trial**:

"Covered persons" would be subject to "Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force." [NDAA 2012: Section 1021: Subtitle D, Detainee Matters](#) (PDF)

## THE CONTROVERSIAL INDEFINITE DETENTION CLAUSE

The indefinite detention clause ([section 1021](#)) has become the most controversial aspect of the NDAA bill. It has been challenged as a violation of constitutional rights. The ACLU [said](#), "The statute is particularly dangerous because **it has no temporal or geographic limitations**, and can be used by this and future presidents to militarily detain people captured far from any battlefield." Basically, this statute claims the authority to detain anyone (on the planet) indefinitely if they are suspected of terrorist activity. The NDAA is also a direct violation of international law because it "is not limited to people captured in the context of an actual armed conflict as required by the laws of war ([ACLU](#))."

## ATTEMPTS TO AMMEND INDEFINITE DETENTION CLAUSE GET SHUT DOWN

In response to the controversial "indefinite detention clause," Senator Dianne Feinstein (D-California) introduced an amendment in December 2012 that would forbid the government from using military force to indefinitely detain American citizens without trial under the 2013 NDAA. Although the "Feinstein" provision passed unanimously in the senate, a select panel of lawmakers under Senate Armed Services Committee Chairman Carl Levin (D-Michigan) [stripped](#) the Feinstein amendment from the final bill.

Congress instead added section 1029, which claims that "any person inside the United States" is allowed their constitutional rights, including habeas corpus, yet supporters of the Feinstein amendment say that the swapped wording does not erase the indefinite detention provision from the previous year.

## THE POWER TO IMPRISON ANYONE ON THE PLANET?

Right now, there is a great amount of argument going on about whether the NDAA has the legal rights to detain American Citizens indefinitely without trial, since the language is still fuzzy on that matter. **Yet who is to say that the United States should detain ANY citizen of any country without a trial?** Does America really have the right to violate international standards of warfare? Does the United States have the right to



detain anyone in the world without a fair trial? There needs to be more debate on this matter, this is a problem that concerns all the world's citizens, not just Americans.

## RELATED LINKS

[Chris Hedges: The NDAA and the Death of the Democratic State](#) (Common Dreams, 2-11-13)

[Obama Objects To Whistle blower Protections In NDAA, Surprising Key Backer](#) (Huffington Post, 1-4-13)

[NDAA 2013 - Indefinite detention without trial is back](#) (RT, 12-19-12)

[Don't Be Fooled by New NDAA Detention Amendment](#) (ACLU, 11-29-12)

[NDAA 2013: Congress approves domestic deceptive propaganda](#) (RT, 5-22-12)

[The NDAA's historic assault on American liberty](#) (The Guardian, 1-2-12)

[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ EMAILS](#) [WHISTLEBLOWERS](#)

## REFUSAL TO CLOSE GUANTANAMO BAY DETENTION CAMP

One of Obama's first acts in office (first term) was to sign an executive order closing down the Detention Camp in Guantanamo Bay, as he promised in his campaign. Yet six months into the new administration, a Democratically controlled Congress passed legislation that prevented the president from moving any Guantanamo Detainees into the United States or other countries. It seemed that the battle to close Guantanamo Bay would be much more politically challenging than Obama expected; "the 'keep Guantanamo' constituency was actually much more politically powerful ... than the administration had anticipated," says Benjamin Wittes, a senior fellow in governance studies at the Brookings Institution ([NPR](#)). Benjamin Wittes also stated "with other competing priorities on the boil, such as a stimulus plan and health care, the president had to decide whether closing Guantanamo was a priority." Since the facility is still open today, it was obviously overlooked as a political priority.

Andrea Prasow, a counter terrorism counsel at Human Rights Watch, states that the president's unwillingness or inability to fight hard to close Guantanamo has been disappointing.

"I — like many people in the human-rights community — took the president at his word when he said he would close Guantanamo," Prasow says. "But the fact that not only is it [still] open, but there's no pathway towards its closure and towards ending indefinite detention is one of the great tragedies of Obama's first term ([NPR](#))."

The UN Rights Chief has also spoken out against the US failure to close Guantanamo detention facility:

"It is 10 years since the US Government opened the prison at Guantanamo, and now three years



since 22 January 2009, when the President ordered its closure within 12 months” High Commissioner for Human Rights Navi Pillay also stated in a [news release](#). “Yet the facility continues to exist and individuals remain arbitrarily detained – indefinitely – in clear breach of international law,” she added ([UN](#)).

## **MANY OF THE DETAINEES BEING HELD HAVE NOT BEEN FORMERLY CHARGED OF A CRIME**

The continued existence of Guantanamo is troubling because of what the facility has come to represent. It is a place where roughly 200 prisoners are being held - most of whom have not been formally charged with a crime or tried in court. Many of the men were captured with flimsy evidence, and yet are still being held for an indeterminate amount of time.

The release of the [Guantanamo Bay File Leaks](#) in April 25th 2011 made the identities of 779 formerly secret prisoners public, which unleashed some troubling facts.

"US authorities relied heavily on information obtained from a small number of detainees under torture. They continued to maintain this testimony was reliable even after admitting that the prisoners who provided it had been mistreated [and]...A number of British nationals and residents were held for years even though US authorities knew they were not Taliban or Al-Qaeda members. One Briton, [Jamal al-Harith](#), was rendered to Guantanamo simply because he had been held in a Taliban prison and was thought to have knowledge of their interrogation techniques. The US military tried to hang on to another Briton, [Binyam Mohamed](#), even after charges had been dropped and evidence emerged he had been tortured ([The Guardian](#))."

## **86 PRISONERS RECOMMENDED FOR RELEASE IN 2009 STILL IN GUANTANAMO**

**The other troubling fact is that 86 of these prisoners were recommended for release in 2009, but remain imprisoned to this day.** A Guantanamo Bay task force made up of officials and lawyers from relevant government departments and intelligence agencies wrote a [final report](#) about this matter in 2010. The continued imprisonment of these 86 detainees is not a reflection of any wrong doing on their part, but in the fact that they are involved in a complex political and diplomatic hurdles beyond their control. There are fears that these prisoners might commit an act of terrorism if they are released, which could be politically toxic for the Obama administration. Yet the fact that these 86 men remain in prison reflects blatant dishonesty on the part of Obama. He has reneged on his promises to set these men free and has let political fears govern his policy in this matter.

The president cannot also blame congress or the political situation for the inability to release these prisoners. There is a [national security waiver](#) that allows a clear route for the transfer of the detainees to other countries in appropriate cases. [The National Defense Authorization Act of 2012](#) gives the President the legal authority to transfer the detainees from Guantanamo back to their home countries.

**The fact that these men aren't free is a reflection of deliberate lies on the part of President Obama.** This has become a large concern for Yemen, given that they have the largest numbers of prisoners in Guantanamo. Over 90 of the 166 prisoners are from Yemen and 56 of them were cleared for release by President Obama in 2009. But then there was the Christmas Day attempt to bomb an aircraft in Detroit, and so Obama placed a moratorium on the transfer of the Yemen detainees. The failed suicide bomber, Nigerian Umar Farouk Abdulmuttalab, who had hidden plastic explosives in his underwear, told U.S. investigators that he'd been

recruited for the mission in Yemen by Anwar al Awlaki, the US-born cleric who was later killed in a U.S. drone strike in 2011. Another reason the prisoners haven't been released is because of questionable stability in Yemen:

Human Rights Minister Hooria Mashooouras heard US officials say that Yemeni government is not stable enough or strong enough to make sure the released prisoners don't take up arms against America. They have told her that even if some of the prisoners were totally innocent and unjustly imprisoned, now—after 11 years behind bars—they probably hate the US so much that they'll want revenge. In our meeting with Mashooouras she threw up her arms in exasperation. “So you abuse these men and then you keep abusing them because they might hate you for your abuse? Is that the way the US justice system works?,” she asked ([Common Dreams 6-20-13](#)).

Another obstacle the US government has put in place is that it wants Yemen to set up a rehabilitation center, but it has not committed money to fund it. The US Congress is also trying to cut off funds that could be used to send the prisoners home. The Congressional amendment passed on June 14 is designed just for Yemen, prohibiting Department of Defense funds from being used to repatriate Yemenis ([Common Dreams 6-20-13](#)).

In effect, this situation is establishing a precedent of holding detainees as guilty until proven innocent and locking people up for potential crimes, rather than arresting criminals for proven crimes. ([Washington Post](#)).

After Obama has failed to close the prison, many prisoners are taking the only exit available to them now. 103 detainees are on a hunger strike and 41 are being force fed ([Washington Post](#)).

## **OBAMA'S FAILED PROMISES TO CLOSE GUANTANAMO BAY**

[Obama's Failed Promise to Close Gitmo: A Timeline](#) (The Atlantic Wire, 1-28-13)

[UN rights chief speaks out against US failure to close Guantanamo detention facility](#) (UN, 1-23-13)

[Obama's Promise To Close Guantanamo Prison Falls Short](#) (NPR, 1-23-13)

[Obama, keep your vow to close Gitmo](#) (CNN, 1-11-13)

## **HUNGER STRIKE**

[Beatings, Attempted Suicides and Deliberate Starvation: The Dystopic Hell of Guantanamo Bay](#) (Alternet, 4-12-13)

[Hunger Striking at Guantanamo Bay](#) (New York Times, 4-14-13)

## **RELATED LINKS**

[Why We Have Cautious Optimism Regarding President Obama's Plans for Guantanamo](#) (Close Guantanamo)

[For Yemenis, US Refusal to Release Gitmo Prisoners is a National Offense](#) (Common Dreams, 6-20-13)

[ACLU Statement on President's Guantánamo Comments](#) (ACLU, 4-30-13)

[Kafka at Gitmo: Why 86 prisoners are cleared for release but might never get it](#) (Washington Post, 4-25-13)

---

[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

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## LIES ABOUT WEAPONS IN SYRIA

Is Syria turning into the next Iraq?

Obama's credibility continues to sink as claims of chemical use on the part of the Syrian government remain dubious. The case for arming Syria's rebels rests on unverifiable claims that the Syrian government has used chemical weapons against its own people - which is crossing a red line, according to the Obama Administration. The use of chemical weapons is a very difficult assertion to prove, given the political nature of the claim. There are many U.S. Officials as well as Syrian Rebels who would love for this claim to be true.

The United States, Britain and France have supplied the United Nations with a collection of evidence for the chemical weapons claim: including multiple blood, tissue and soil samples. U.S. officials claim that this evidence proves that Syrian troops used the nerve agent, Sarin gas, on the battlefield. Yet independent analysts say there is no reliable way to prove the authenticity of these samples.

“You can try your best to control the analysis, but analysis at a distance is always uncertain,” said [David Kay, a former U.N. weapons inspector](#) who led the U.S. search for weapons of mass destruction in Iraq after the 2003 invasion. “You’d be an idiot if you didn’t approach this thing with a bit of caution ([Washington Post](#), 6-20-13).”

The evidence itself came from a variety of sources. Those interviewed in the report spoke on the condition of anonymity, citing strict secrecy surrounding the operation. Officials say that details about evidence collection and testing cannot be disclosed without compromising ongoing intelligence operations.

“The validity of any information cannot be ensured without convincing evidence of the chain of custody,” U.N. Secretary General Ban Ki-moon cautioned after the White House disclosed plans to arm Syria’s rebels. “That is why I continue to emphasize the need for an investigation on the ground in Syria that can collect its own samples and establish the facts ([Washington Post](#), 6-20-13).”

Yet even if inspectors are allowed in, the passage of time since the alleged chemical attacks would make their task much more difficult. Since Sarin degrades quickly after exposure to air and sunlight.

Another criticism against the evidence comes from [Jean Pascal Zanders](#), who until recently was a research fellow at the European Union Institute for Security Studies. He says that he has scoured the Internet for photographs, video and news reports documenting alleged nerve agent attacks in Syria. The results do not inspire confidence.

Few of the photographs, [Zanders](#) said, have borne the trademark symptoms of a chemical weapons attack. In a paper he presented last week to the E.U. Non-Proliferation Consortium, he compared photographs documenting Iraq’s 1998 chemical weapons attack against Kurds in the

town of Halabja. The Halabja victims appeared to have died instantaneously from chemical agents, he said, and their bodies showed telltale signs of exposure to sarin: blue lips and fingertips caused by suffocation and a pink hue brought on by excessive sweating and high blood pressure. "No press reports from Syria refer to those descriptions, which is one of the reasons why I am skeptical about those reports," he said ([Washington Post](#), 6-20-13).

Zanders states that this evidence is something that needs to be tested by independent, non-biased sources. Yet the problem is that it cannot be adequately tested by independent scientists. Zanders further states that "There is not even a fact sheet documenting the samples."

**So, in summary:** There is no tangible way for independent, non-biased scientists to verify these claims. The high level of secrecy involving this project makes these claims even more impossible for independent sources to inspect. Should America be sucked into another Iraq based on tenuous claims? We think not.

### AMERICA GEARING UP FOR WAR IN SYRIA

[In Rush to Strike Syria, US Tried to Derail UN Probe](#) (Common Dreams, 8-28-13)

[U.S. Prepares to Attack Syria - 60% of Americans Are Against It, Obama Has No U.N. Approval, and No Proof of Who Was Behind Gas Attacks](#) (Alternet, 8-26-13)

[Pundits Say Syrian 'Intervention' Won't End Well, Push for War Anyway](#) (Moyers & Company, 8-26-13)

[4 of the Most Awful Arguments for Attacking Syria Made So Far](#) (Alternet, 8-27-13)

[War Against Iran, Iraq, and Syria?](#) (Asia Times, 7-23-13)

[In Syrian chemical weapons claim, criticism about lack of transparency](#) (Washington Post, 4-20-13)

### AMERICAN HYPOCRISY

The American government wants to declare war on the Syrian government based on "allegations" that they used chemical weapons on their own people. While there is little evidence for this claim, it is true that America has used chemical weapons plenty of times in its own wars. America's use of dangerous nerve agents, such as Agent Orange in Vietnam, is still having toxic health effects several decades after use.

[CIA Files Prove America Helped Saddam as He Gassed Iran](#) (Foreign Policy, 8-26-13)

[The History of Agent Orange](#) (Youtube Video, 8-28-13)

[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

## NSA'S UNLIMITED, WARRANTLESS DATA COLLECTION OF MILLIONS OF VERIZON CUSTOMERS

It was recently leaked in [The Guardian](#) by a whistleblower named Edward Snowden, that **the National Security Agency has been routinely collecting the calls for millions of U.S. customers of Verizon, one of America's largest telecom providers.** This order required Verizon on an "ongoing, daily basis" to give the NSA information on all telephone calls in its system. The secret foreign intelligence surveillance court ([FISA](#)) granted the order on April 25th, giving the government unlimited authority to obtain data until July 19th. The leaked document reveals that the call records for millions of U.S. citizens are being collected indiscriminately, in bulk - regardless of whether they were involved in any illegal activities or not. Under this order, the phone numbers for both parties are handed over as well as the call location, call duration, unique identifiers and the time the call was made - the contents of the conversation itself are not covered. This type of information is called "metadata," or transactional information rather than communication, so it technically does not require individual warrants to access. Yet metadata is still a highly invasive form of information collecting, since it gives the government the identity of every person with whom an individual communicates, how long they spoke, and their location at the time of conversation.

Julian Sanchez, a surveillance expert with the Cato Institute, is quoted explaining the following:

"We've certainly seen the government increasingly strain the bounds of 'relevance' to collect large numbers of records at once — everyone at one or two degrees of separation from a target — but vacuuming all metadata up indiscriminately would be an extraordinary repudiation of any pretense of constraint or particularized suspicion ([The Guardian](#))."

The unlimited hand over of this metadata to the NSA is unusual. FISA court orders typically require the production of records pertaining to specific targets, who are being suspected of terrorist activity. Yet this current order is an all you can record buffet of American cellular activity. It is also not known whether Verizon is the only cell-phone provider being targeted with such an order; or if this three month order was a one time deal or merely the latest in a series of orders. Much of this information is highly classified. As controversial as this leak is, just imagine all the privacy invasion that we don't even know about.

[The Guardian](#) states the following:

"It is not known whether Verizon is the only cell-phone provider to be targeted with such an order, although previous reporting has suggested the NSA has collected cell records from all major mobile networks. It is also unclear from the leaked document whether the three-month order was a one-off, or the latest in a series of similar orders."

## FORMER NSA WHISTLE BLOWER SAYS NOT TO GO TO COPS

Some say that Snowden should have complained to authorities rather than releasing this information to the public. **Yet former whistleblowers, such as Thomas Drake, confirm that Snowden had only two realistic choices: do nothing or go public.** Drake was a former spy for the NSA who went to the highest levels of command in his complaints about the NSA's attempts to gain unrestricted access to Americans' telephone and internet data. He believed that the Intelligence Whistleblower Protection Act would protect him, but today he now knows better. After taking his complaints to the highest levels of command at the NSA, he then went to Congress and the Department of Defense. By following protocol, Drake got flagged for raising serious issues. He was identified as a person not to be trusted. Also, none of the material evidence he released even made it into the official record ([Truthdig](#)).

## DIRECTOR OF NATIONAL INTELLIGENCE LIES TO SENATE COMMITTEE ABOUT NSA'S

## COLLECTION OF PHONE RECORDS

DNI James Clapper says that the NSA does not collect dat...



On March 12th, Ron Wyden who sits on the Senate Intelligence Committee asked DNI James Clapper if the NSA collects data on millions of Americans.

DNI James Clapper answers "No."

In light of the recent NSA leak, this testimony is obviously an outright lie.

This raises a serious question, what else is the NSA covering up?

[James Clapper's 'least untruthful' statement to the Senate](#) (Washington Post, 6-12-13)

## OFFICIAL ARTICLE TO LEAK NSA SURVEILLANCE

[NSA collecting phone records of millions of Verizon customers daily](#) (The Guardian, 6-5-13)

## EDWARD SNOWDEN, NSA WHISTLE BLOWER

[Edward Snowden, NSA file source](#) (The Guardian, 6-8-13)

[Edward Snowden: saving us from the United Stasi of America](#) (The Guardian, 6-10-13)

[Snowden Leak Highlights Few Whistleblower Protections for Intelligence Contract Employees](#) (Truth-Out, 6-13-13)

[Former NSA Whistle-Blower: Don't Go to the Cops](#) (Truthdig, 6-13-13)

## OBAMA DEFENDS NSA SURVEILLANCE



[Obama's Speech Defending NSA \[Video and Speech Transcript\]](#) (The Wall Street Journal, 6-7-13)

[Obama says the NSA has had plenty of oversight. Here's why he's wrong.](#) (Washington Post, 6-7-13)

[White House: Obama 'welcomes' surveillance debate](#) (Politico, 6-5-13)

## STATEMENTS FROM OTHER OFFICIALS

[Bernie Sanders On NSA Leak Revelations: We're Heading For An 'Orwellian Future'](#) (Huffington Post, 6-11-13)

[DNC chair Debbie Wasserman Schultz: Snowden is a coward](#) (Washington Post, 6-11-13)

[Feinstein: "NSA Leaker Committed Treason"](#) (The Hill, 6-10-13)

## RELATED LINKS

[Revealed: NSA Does Not Need That Warrant After All](#) (Common Dreams, 6-20-13)

[NSA surveillance played little role in foiling terror plots, experts say](#) (The Guardian, 6-12-13)

[NSA Programs Likely To Continue Despite Revelations](#) (Huffington Post, 6-11-13)

[Germany most-spied-on EU country by US - leaked NSA report](#) (RT, 6-11-13)

[This is, hands down, the scariest part of the NSA revelations](#) (Foreign Passport, 6-10-13)

[America's Most Anti-Democratic Institution: How the Imperial Presidency Threatens U.S. National Security](#) (Alternet, 6-9-13)

[How the US Congress Lost the Plot on Secrecy, Surveillance and Accountability](#) (Common Dreams, 6-8-13)

[The Bill of Rights Exists: An Open Letter to Dianne Feinstein](#) (Common Dreams, 6-7-13)

[All the Infrastructure a Tyrant Would Need, Courtesy of Bush and Obama](#) (The Atlantic, 6-7-13)

[10 Things Americans Underestimate About Our Massive Surveillance State](#) (Alternet, 6-7-13)

[NSA Spying: Whistle blowers Claim Vindication On Surveillance State Warnings](#) (Huffington Post, 6-6-13)

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[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

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**PRISM'S UNLIMITED COLLECTION OF AUDIOS, VIDEOS,**



## PHOTOS, EMAILS AND DOCUMENTS

Even greater government snooping powers were revealed in the [Washington Post](#). Since 2007, the NSA and the FBI have had the power to watch many aspects of our online lives. Apparently the NSA and the FBI are tapping directly into the central servers of nine leading U.S. Internet companies. The NSA is extracting audio, video, photographs, e-mails, documents and connection logs that enable analysts to track a person's movements and contacts over time. These nine companies are Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube and Apple.

This is part of a program code-named PRISM. This program is another measure that was put into place under the Bush Administration that has experienced rapid fire expansion under Obama ([Alternet](#)). In 2007, Congress passed the Protect America Act and the FISA Amendments Act of 2008, which immunized private companies that cooperated voluntarily with U.S. intelligence collection. This act gave PRISM the freedom to recruit its first partner, Microsoft, and began a partnership of rapidly collecting data. When critics in Congress sought changes to the FISA Amendments Acts, the only lawmakers who knew about PRISM were bound by oath to keep silent. ([Washington Post](#)).

PRISM is also responsible for an alarming amount of government information:

"An internal presentation of 41 briefing slides on PRISM, dated April 2013 and intended for senior analysts in the NSA's Signals Intelligence Directorate, described the new tool as the most prolific contributor to the President's Daily Brief, which cited PRISM data in 1,477 items last year. According to the slides and other supporting materials obtained by The Post, 'NSA reporting increasingly relies on PRISM' as its leading source of raw material, accounting for nearly 1 in 7 intelligence reports. ([Washington Post](#))."

### RELATED LINKS

[Fox News's Bill O'Reilly calls for PRISM shutdown](#) (Washington Post, 6-11-13)

[U.S., British intelligence mining data from nine U.S. Internet companies in broad secret program](#)  
(Washington Post, 6-7-13)

[The PRISM Spin War Has Begun](#) (Foreign Passport, 6-7-13)

[Very Similar Statements from Facebook and Google on PRISM Still Have Holes](#) (The Atlantic Wire, 6-7-13)

[Obama's Unparalleled Spy State](#) (Alternet, 6-6-13)

[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

## SURVEILLANCE STATE TOPPLES CIA DIRECTOR

Not only are millions of every day Americans having their privacy invaded, but we must keep in mind that it

was the same techniques of metadata searching that were ultimately responsible for taking down the CIA's Director, David Petraeus.

**Metadata:** Metadata was a powerful tool for the FBI in their investigation of David Petraeus. They used electronic metadata in their investigation that pinpointed specific times, places and IP addresses. TIME magazine gives a detailed timeline of the investigation that took place ([TIME](#)). The FBI was originally tracking metadata in reply to a complaint filed by a woman named Jill Kelly who had become the victim of cyberstalking. As FBI agents tracked the metadata, they found that the cyberstalking was being perpetrated by a woman named Paula Broadwell, who was General Petraeus's biographer. Further investigation of the metadata exposed an extra-marital affair between Petraeus and his biographer.

"Electronic metadata [pinpointed] the times and places and IP addresses associated with Kelley's hidden correspondent identified Broadwell as the author. Investigators scooped up gigabytes of content from her other accounts—some under Broadwell's name, others under aliases. As FBI agents sifted through the harassing e-mails, they found discussion of the movements and activities of high-level military officials—and of Petraeus. 'So that sparked the interest of the investigative agencies,' says a law-enforcement official. Some of the exchanges were sexually charged. By that point the implications extended far past a domestic dispute into the highest reaches of national security ([TIME](#))."

Yet the scandal here is not just General Petraeus's sexual relations. While we are not condoning Petraeus's actions, we think that there needs to be more media scrutiny on the security apparatus that ultimately brought Petraeus down. This security apparatus is the government's ability to track the metadata for millions of people.

In his speech defending the NSA's surveillance techniques, Obama said that sifting through metadata would not violate people's personal lives:

"When it comes to telephone calls, nobody is listening to your telephone calls. That's not what this program's about. As was indicated, what the intelligence community is doing is looking at phone numbers and durations of calls. They are not looking at people's names, and they're not looking at content. **But by sifting through this so-called metadata, they may identify potential leads with respect to folks who might engage in terrorism** ([The Wall Street Journal](#))."

**Yet if metadata could reveal the CIA director's bedroom secrets, than what is it capable of revealing for millions of ordinary Americans?**

## RELATED LINKS

[Timeline of Petraeus Investigation](#) (TIME, 11-15-12)

[Online Privacy Issue Is Also in Play in Petraeus Scandal](#) (New York Times, 11-13-12)

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[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ](#)  
[EMAILS](#) [WHISTLEBLOWERS](#)

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# THE LAW THAT LETS AUTHORITIES READ YOUR EMAILS

## THIS COUNTS FOR OPENED EMAILS AND EMAILS THAT ARE 180 DAYS OLD

The NSA is legally allowed to read emails that are 180 days old without a search warrant as well as opened emails, this authority comes from a [1986](#) law that was established way before email communications became widespread. The section that allows the feds to read old emails is [here](#). The exact text that allows this warrantless email access states the following:

A governmental entity may require the disclosure by a provider of electronic communications services of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than one hundred and eighty days by the means available under subsection (b) of this section.

The FBI has recently provided the ACLU with documents further explaining this warrantless search of emails that are more than 180 days old. The standards come from the FBI's "Domestic Investigations and Operations Guide" (DIOG) from [2008](#) and [2012](#). The documents do not explicitly state whether FBI agents always get a warrant or not. However, there is language that suggests that a search without a warrant is possible, when the document is 180 days old.

On one hand, the 2012 FBI Guide states the following in section 18.6.8.2.3 (U) Retrieval:

"Contents held by those who provide "remote computing service" to the public and contents held in "electronic storage" for more than 180 days by an "electronic communication service" provider can be obtained with: a warrant; a subpoena with prior notice to the subscriber or customer; or an order issued by a court under 18 U.S.C, § 2703(d) when prior notice has been provided to the customer or subscriber **(unless the court has authorized delayed notice).** "

However, if the court has authorized "delayed notice," the following can happen:

"Title 18 U.S.C, § 2705 establishes the standard to delay notice for an initial period of up to 90 days, Records or other information pertaining to a subscriber to or customer of such services, including basic subscriber information, can be obtained with a search warrant or an 18 U.S.C, § 2703(d) order without notice."

**Opened Emails do not have any privacy protections from federal search.** According to the FBI's Domestic Investigations and Operations Guide, an opened email is no longer in "electronic storage" and therefore, customers may not retain a "reasonable expectation of privacy." ([Arstechnica](#)). We have included the provision that states this below:

### 18.7.1.3.4.3 (U) MAIL OPENINGS

(U) Mail in United States postal channels may be searched only pursuant to court order, or presidential authorization. United States Postal Service regulations governing such activities must be followed. A search of items that are being handled by individual couriers, or commercial courier companies, under circumstances in which there is a reasonable expectation of privacy, or have been sealed for deposit into postal channels, and that are discovered within properties or premises being searched, must be carried out according to unconsented FISA or FRCP Rule 41 physical search procedures.

### 18.7.1.3.4.4 (U) COMPELLED DISCLOSURE OF THE CONTENTS OF STORED WIRE OR

## ELECTRONIC COMMUNICATIONS

(U) Contents in "electronic storage" (e.g., unopened e-mail and voice mail) require a search warrant. See 18 U.S.c. § 2703(a). **A distinction is made between the contents of communications that are in electronic storage (e.g., unopened e-mail) for less than 180 days and those in "electronic storage" for longer than 180 days, or those that are no longer in "electronic storage" (e.g., opened e-mail). In enacting the ECPA, Congress concluded that customers may not retain a "reasonable expectation of privacy" in information sent to network providers.** However, the contents of an e-mail message that is unopened should nonetheless be protected by Fourth Amendment standards, similar to the contents of a regularly mailed letter. On the other hand, if the contents of an unopened message are kept beyond six months or stored on behalf of the customer after the e-mail has been received or opened, it should be treated the same as a business record in the hands of a third party, such as an accountant or attorney. In that case, the government may subpoena the records from the third party without running afoul of either the Fourth or Fifth Amendment. If a search warrant is used, it may be served on the provider without notice to the customer or subscriber.

### A BILL TO END THE 180 DAY OLD, WARRANTLESS EMAIL SEARCHES

A bill has recently been introduced in the Senate by Senator Patrick Leahy (D-VT) and Mike Lee (R-UT) that would require police to obtain a search warrant before scouring a subject's email accounts:

[Senate Bill S.607](#)

There is also a related House Bill:

[H.R.1847](#)

## RELATED LINKS

[No One is Talking About The Insane Law That Lets Authorities Read Any Email Over 180 Days Old](#) (Business Insider, 6-7-13)

[Eric Holder endorses warrants for e-mail. It's about time.](#) (Washington Post, 5-16-13)

[FBI Believes It Can Conduct Warrantless Email Searches, New Documents Show](#) (Huffington Post, 5-10-13)

[FBI claims right to read your e-mail, just like other federal agencies](#) (Arstechnica, 5-8-13)

[FBI Documents Suggest Feds Read Emails Without a Warrant](#) (ACLU, 5-8-13)

[IRS tells agents it can snoop on emails without warrant, internal documents show](#) (Fox News, 4-11-13)

---

[INTRODUCTION](#) [OBAMA'S KILL LIST](#) [NDAA](#) [GUANTANAMO](#)  
[BAY](#) [SYRIA](#) [NSA/SURVEILLANCE](#)

[PRISM](#) [SURVEILLANCE TOPPLES CIA DIRECTOR](#) [LAW THAT ALLOWS NSA TO READ EMAILS](#) [WHISTLEBLOWERS](#)

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## HISTORY REPEATS ITSELF

### DANIEL ELLSBERG DISCUSSES WAR ON WHISTLE BLOWERS

President Obama has waged a relentless campaign against whistle blowers. The Obama Administration has charged more than six people under the 1917 Espionage Act for allegedly mishandling classified information, which is more than all past presidencies put together. Before Obama, there were only three such cases in the whole of American History ([Mother Jones](#)).

#### COMMENTARY FROM DANIEL ELLSBERG

Daniel Ellsberg defends Edward Snowden



The first person in American history to be prosecuted under the 1917 Espionage Act was Daniel Ellsberg. In 1971, this American military analyst gave a New York Times reporter a copy of “United States – Vietnam Relations, 1945–1967: A Study Prepared by the Department of Defense,” a multi-volume work that became known as the Pentagon Papers. At the time this was a huge leak, that revealed to the public an unflattering and candid portrait of the military's conduct in the Vietnam War. Yet the case was thrown out after the judge learned that the government had engaged in the illegal wiretapping of Ellsberg and other misconduct.

Yet [Edward Snowden's](#) NSA leak may be bigger than the Pentagon Papers that were leaked by Daniel Ellsberg 40 years ago. The major difference between our current time period and that of Nixon, is that the privacy invasion committed by the current presidency is now legal.

**"Disgraced former Republican President M. Nixon would admire Obama's boldness in trying to stifle whistle blowers" says Daniel Ellsberg. In today's modern surveillance state, the crimes that got Nixon**

**impeached would be legal ([Raw Story](#)).**

Ellsberg has also stated, "**I'm sure that President Obama would have sought a life sentence in my case ([Washington Post](#)).**"

In his statement on Obama's war against whistle blowers, Ellsberg has this to say:

"First of all, there's no question that President Obama is conducting an unprecedented campaign against unauthorized disclosure. The government had used the Espionage Act against leaks only three times before his administration. He's [used it six times](#). He's doing his best to assure that sources in the government will have reason to fear heavy prison sentences for informing the American public in ways he doesn't want. In other words, **he's working very hard to make it a government where he controls all the information**. There will be plenty of leaks of classified information, but it will be by his officials in pursuit of his policies. We will not be getting information that the government doesn't want out, that [reveals government actions that are] embarrassing or criminal or reckless, as we saw in Vietnam and Iraq."

### BRADLEY MANNING

Daniel Ellsberg has also been public in his support of Bradley Manning. When asked why, he has stated the following:

"There are two reasons. One is to educate the public on the wars that he was exposing and the information that he put out. He has said his goal was to help the public make informed decisions. We're grateful for that, and we're trying to extend that word and bring that about. Also, I and a lot of other people feel that we need more whistle blowers, and that to allow the government simply to stigmatize them without opposition does not encourage that. I think we've got to convey to people appreciation for the information that we do get, the idea that someone can make a difference."

The treatment of Bradley Manning has also been particularly cruel. The United States government subjected Manning to solitary confinement on May 2010 in Iraq on suspicion of leaking hundreds of thousands of secret State Department cables and other documents to WikiLeaks ([Truth Out](#)). The "[Report of the Special Rapporteur on torture and other cruel inhuman or degrading treatment or punishment](#)", further describes the treatment towards Bradley Manning, someone who was held on "suspicion" who had not been officially found guilty of a crime: "Mr Manning was held in solitary confinement for twenty-three hours a day following his arrest in May 2010 in Iraq, and continuing through his transfer to the brig at Marine Corps Base Quantico (page 74 section a)." His solitary confinement lasted 11 months.

### COVERING UP THE BUSH TORTURE PROBE

A wikileaks cable has also revealed Obama's complicit activity in covering up a Bush torture probe. In the beginning months of President Obama's first term, he also worked with Republicans to protect Bush Administration officials facing criminal investigation overseas for their involvement in the questionable interrogation techniques (illegal torture) of detained terrorist suspects. ([Huffington Post](#), 5-25-12)

### LINKS

[The United States Should Be in the Dock, Not Bradley Manning](#) (The Independent, 6-14-13)

[Daniel Ellsberg: 'I'm sure that President Obama would have sought a life sentence in my case'](#) (Washington Post, 6-5-13)

[Bradley Manning Was Our Voice When We Were Ordered To Stay Silent](#) (Truth-Out, 6-3-13)

[Is Obama the New Nixon?](#) (Common Dreams, 5-16-13)

[Silencing the Whistle-Blowers](#) (The New York Times, 3-27-13)

[Obama's War on Whistle Blowers](#) (Mother Jones, 6-12-12)

[US Subjected Manning to Cruel, Inhuman, Degrading Treatment, UN Torture Chief Concludes](#) (Truth Out, 3-13-12)

[Ellsberg: All the crimes Nixon committed against me are now legal](#) (Raw Story, 6-9-11)