

# OBAMA'S STILL OBFUSCATING ABOUT DOMESTIC SURVEILLANCE

Adam Serwer does a pretty thorough job debunking Obama's lame effort to defend his civil liberties record.

When people start being concerned about, “You haven’t closed Guantánamo yet,” I say, listen, that’s something I wanted to get done by now, and I haven’t gotten done because of recalcitrance from the other side. Frankly, it’s an easy issue to demagogue. But what I have been able to do is to ban torture. I have been able to make sure that our intelligence agencies and our military operate under a core set of principles and rules that are true to our traditions of due process. People will say, “I don’t know – you’ve got your Justice Department out there that’s still using the state secrets doctrine to defend against some of these previous actions.” Well, I gave very specific instructions to the Department of Justice. What I’ve said is that we are not going to use a shroud of secrecy to excuse illegal behavior on our part. On the other hand, there are occasions where I’ve got to protect operatives in the field, their sources and their methods, because if those were revealed in open court, they could be subject to very great danger. There are going to be circumstances in which, yes, I can’t have every operation that we’re engaged in to deal with a very real terrorist threat. [my emphasis]

But I wanted to add one thing.

Obama suggests his Administration has only invoked state secrets to protect “operatives in the field.”

That’s the case only in one of the most notable state secrets invocations the Administration has made or sustained. Consider:

- Jeppesen Dataplan
- Al-Haramain
- Al-Awlaki

I’ll grant that one of the things the Administration refuses to publicize about the al-Awlaki case is how they know what they know. And we know there are covert teams operating in Yemen, so it is probable that one of the things—though certainly not the only thing—they are protecting are those operatives in the field.

But in Jeppesen Dataplan, the government is protecting a publicly traded company from the backlash it would experience if its role in torture were confirmed. And it is protecting the governments that tortured on our behalf: Egypt and Morocco.

The government’s invocation of state secrets in al-Haramain has even less to do with protecting operatives in the field. In that case, the government is (again) protecting publicly traded companies from even more certain backlash from consumers. And it is protecting the details about how and the extent to which the government conducts domestic surveillance and data mining. The government is not protecting operatives in the field at all. On the contrary, the government is protecting itself from the wrath of its citizens. (He’s also protecting the prior Administration, including his current top terrorism advisor, John Brennan.)

And to hide that fact—to try to legitimize his government’s secrecy—Obama invents a largely bogus concern about men and women risking their lives overseas.

Though I guess I shouldn't be surprised about that fact. After all, Obama's flip-flop on FISA was the first big disappointment, the first promise he broke. From that point, it was clear Obama would place political considerations ahead of his stated commitment to civil liberties.

Which is, I guess, what his lame defense is all about.