



Barack Obama: The sneakiest president since Richard Nixon

Jaime Weinman explains why Obama is finding it harder to wear the liberal label

By: Jaime Weinman – June 15, 2013

Remember earlier this year, when U.S. President Barack Obama said he was presiding over “the most transparent administration in history?” People only bring that up now as a punchline after the news that under Obama’s watch, the U.S. National Security Agency has been collecting the communications records of millions of Americans. A former CIA employee named Edward Snowden obtained secret documents while working for contractors who dealt with the NSA, and he leaked these documents to newspapers, which revealed that phone and Internet companies have been given secret court orders to turn over metadata on customers. Snowden also revealed that the NSA has a program known as “Prism” to keep tabs on people through every form of electronic media. Snowden, who has fled to Hong Kong to avoid legal repercussions, told the *Guardian* that he went public because surveillance poses “an existential threat to democracy.” Obama, on the other hand, defended the controversial tactics because: “You can’t have 100 per cent security, and also then have 100 per cent privacy and zero inconvenience.”

This is only one of the latest revelations about Obama’s less-than-stellar record on civil liberties. Earlier this year, it was discovered that Obama’s Justice Department seized the telephone records and emails of Fox News reporter James Rosen and several journalists at the Associated Press in the name of investigating potential national security leaks. The administration also chose to bring the most stringent possible charges against Bradley Manning, the soldier accused of being the main source of information for WikiLeaks. And Obama’s best-known breach with civil libertarians is on the issue of drone strikes; the administration acknowledged last month that four Americans had been killed by these operations.

These news items, taken together, paint a portrait of a President who seems less like a traditional liberal and more like another man who supported universal health care and broad spying powers: Richard Nixon. Senate minority leader Mitch McConnell has already released an ad comparing Obama to Nixon over the IRS’s alleged slowness in granting tax-exempt status to political groups opposing him. Obama has also been compared to his predecessor, George W. Bush, for continuing many of the same national security policies: the phone surveillance program was originally started under Bush, and Obama initially called it a threat to freedom before deciding to support it. “It’s hard to say exactly how much better or worse this administration is,” says Julian Sanchez, a research fellow at the Cato Institute. What is clear is the gap between what Obama promised to do as a candidate and what he’s done as President. He promised to reduce spying on Americans, but Sanchez says that in 2010 “his Justice Department broke the Bush record for the number of Americans whose detailed data was seized using national security letters.”

But all that spying didn’t hurt Obama in his bid for re-election, and no one knows if this latest news will pose a problem for him either. For one thing, neither Democrats nor Republicans seem particularly anxious to hold it against Obama. A few individual politicians have been

sounding the alarm on the administration's policies, particularly Democratic senators Ron Wyden and Mark Udall, who attempted to reveal as much as they could about the program without leaking classified information; before the leak took place, they wrote to Attorney General Eric Holder suggesting that Americans would be "stunned" to learn what kind of surveillance was being permitted under the Patriot Act. And Rand Paul, a Republican senator with some libertarian leanings, called the NSA program "an outstanding assault on the Constitution."

But for the most part, both parties have defended Obama's policies as necessary for fighting terrorism. Dianne Feinstein, the California Democrat who chairs the Senate intelligence committee, defended the program by saying that "the records can only be accessed under heightened standards," and that if the government doesn't collect people's data, the terrorists win: "It's called protecting America." Her opposite number on the committee, Republican Saxby Chambliss, was equally supportive of the program: "We have gathered significant information on bad guys," he explained, "but only on bad guys." Ever since Congress first passed the Patriot Act, presidents have had nearly unlimited leeway to do what they want in the name of catching terrorists, and no politicians have paid an electoral price for it. "I don't know why there's no real electoral consequence for this sort of thing," says Joshua Foust, a Washington-based freelance journalist covering counterterrorism issues. "The only thing I can think of is that people, even if they complain at the time, really don't care in the long run."

There's another problem that is specific to Obama's political opposition: it's hard for conservatives to attack him now as too Nixonian on national security when they spent years calling him a weakling and an appeaser. And since conservatives supported some of these policies under Bush, they run the risk of being attacked as hypocritical if they try to turn them against Obama. Rush Limbaugh, who called similar programs necessary during the Bush years, declared that Obama's spying was "a *coup d'état*" and "why the Tea Party exists." But others who defended the surveillance record of the Bush administration have continued to do so even for a President they don't like. Karl Rove warned his fellow conservatives not to lump this in with real scandals like Benghazi, and former Bush administration attorney general Michael Mukasey took to the *Wall Street Journal* editorial page to declare that Snowden was the real villain of this story: "Every time we tell terrorists how we can detect them, we encourage them to find ways to avoid detection."

Meanwhile, the people who have perhaps the most consistent position on Obama are left-wing civil libertarians. Glenn Greenwald, the *Guardian* blogger who helped break the NSA story, has been attacking the President's civil rights record ever since then-senator Obama voted to uphold George W. Bush's phone surveillance. But while left-wing civil libertarians may be best positioned to make the case against Obama and the security state, they may not have much backup. The high level of liberal support for Obama has made Democrats less interested in government overreach now that Obama is running the government. "Certainly there is a sense that Democrats worry less about the growth of the surveillance state under Obama simply because they fundamentally trust Obama as they did not trust Bush," Sanchez says. Even a public figure as liberal as David Simon, creator of *The Wire*, wrote that the media had "displayed an astonishing ignorance of the realities of modern electronic surveillance" and that this was a "faux scandal."

But libertarians like Greenwald may have reason to hope that this moment could finally create a tipping point: not for Obama's political fortunes, but for the ability of the public to pay attention to these issues. Sanchez cites the consistency of a few Democrats like Wyden, as well as "a minority contingent of Republicans." The hope, he adds, is that "as more and more claims that

these sweeping forms of surveillance are necessary to protect us from terrorists prove unfounded, legislators will stop simply taking them on faith.” That could happen. Or it could be that a combination of liberal and conservative indifference will establish these revelations as unexceptional common practice. As Bush’s former press secretary, Ari Fleischer, gleefully tweeted, “I support President Obama’s anti-terror actions. They’re bipartisan now.”