

Obama Revives Truman ‘Loyalty Program’

by Edward Spannaus

Dec. 3—In a yet further Unitary Executive power-grab which has received little attention, President Obama issued a Presidential Memorandum on Nov. 21—just before the Thanksgiving weekend—establishing an Insider Threat Program in every Executive Branch department and agency, targeting potential whistle-blowers and anyone else who is deemed to represent a “threat to national security.”

This action constitutes nothing less than a revival of President Harry Truman’s Federal Employee Loyalty Program, established in 1947—the precursor of Sen. Joe McCarthy’s witchhunts, years before they got underway. It creates a police-state atmosphere in Federal agencies, in which everyone is expected to spy on their colleagues, and report their suspicions under the cloak of anonymity—just as the Truman Loyalty Program was based on anonymous charges, often just office gossip.

Obama has already gone far beyond his predecessors in his arrogation of Executive power to himself: No other President has claimed the legal right to assassinate a U.S. citizen without due process; he carried out military action and acts of war for 70 days in Libya before informing Congress; he has repeatedly claimed that he can rule by Executive and administrative actions without Congressional legislation (his “we can’t wait” mantra); and his Administration has repeatedly invoked the doctrine of “state secrets” to bar disclosure of government wrongdoing.

And now, anyone who talks out of turn, or says anything critical of His Highness, may find himself targeted for “disloyalty,” or as a threat to national security.

Crackdown on Whistle-Blowers

Obama’s Nov. 21 three-paragraph covering memorandum for Federal department and agency heads, was entitled “National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs.” The still-secret detailed policy and standards document was transmitted with it.

The purpose, Obama stated in the public memorandum, is to promote the development of “insider threat” programs “to deter, detect and mitigate actions by employees who may represent a threat to national security.” These threats are defined as encompassing “potential espionage, violent acts against the Government or the Nation, and unauthorized disclosure of classified information. . . .”

That last item is clearly aimed at whistle-blowers—not only those disclosing information about wrongdoing and corruption to the press, but also, disclosures to Congress. One of *EIR*’s intelligence sources advised that this is intended to purge potential whistle-blowers, and to shut down Congressional oversight. Examples of Obama’s potential targets are the Drug Enforcement Administration agents who were sources for Congressional committees looking into the Fast and Furious gun-walking to Mexican drug cartels; military officers who were prime sources of information on what actually happened in Benghazi, Libya; and NSA employees who have provided information to the public on the continuation and expansion, under Obama, of the Bush-Cheney surveillance program launched after the 9/11/2001 attacks.

Obama’s Justice Department has already used the 1917 espionage laws to press criminal charges in cases of national-security leaks—more than all other previous administrations combined.

Beyond the 2011 Executive Order

The development of the Insider Threat Policy was mandated by Executive Order 13587, issued by Obama on Oct. 7, 2011. Entitled “Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information,” it established, among other things, an inter-agency “Insider Threat Task Force,” staffed by personnel from the FBI and the National Counterintelligence Executive, which was directed to develop the policy and minimum standards to be issued within one year. All agencies were directed to implement an “insider threat detection and prevention program,” following the guidance and standards to be developed.

The final document issued by Obama went significantly beyond the mandate of the 2011 Executive Order, in encompassing the much broader and ambiguous categories of “threats to national security” and “violent acts against the Government or the Nation.”

The delay in the issuance of the classified policy

guidelines raised the question of whether Obama and the White House were dissatisfied with the Task Force product, and revised it to their liking. The fact that the final version appears to go well beyond the 2011 mandate, and that Obama waited until after the election to issue it, strongly suggests that this is the case.

The issuance of the classified Insider Threat Policy comes at the same time that Congress is considering whistle-blower protection legislation, and legislation to crack down on leaks—which will probably more or less cancel each other out. Obama’s intention is to emasculate Congressional oversight as much as possible, which will make it more difficult for any government employees or contractors to take their concerns about wrongdoing or corruption to Congress. Of course, on the other hand, the Obama White House, like the Bush-Cheney White House before it, has no compunction about leaking classified information and spoon-feeding it to gullible reporters whenever they think it makes them look good.

‘See Something, Say Something’

A Pentagon lawyer told *EIR* that he sees the new program as “very dangerous,” and fraught with potential Constitutional violations. He particularly put this in terms of First Amendment protections of freedom of expression.

Another important Constitutional issue is the abrogation of the right to due process. This is clear from an existing FBI manual on “The Insider Threat,” prepared for private companies and government contractors. Among “behavioral indicators” are: interest in matters outside the scope of one’s duties; showing unusual interest in the personal lives of co-workers; unnecessarily copying material; remotely accessing the company’s computer network; notable enthusiasm for overtime work, weekend work, or unusual schedules (as one lawyer commented to *EIR*, this could apply to any large law firm); or living beyond one’s means (which applies to about 90% of Americans at the present time).

Any employees witnessing these or other specified behaviors are urged to report them to the FBI or other counterintelligence personnel. No hard evidence is required to trigger an investigation, nothing more than one employee secretly accusing another of asking too many questions, or spending too much money, or working too much overtime—or probably just making disparaging comments about President Obama and his policies.