



Written by [Mike Maharrey](#) on March 30, 2018

How Federal Surveillance and “Parallel Construction” Undermine the Rule of Law

From the [Tenth Amendment Center](#):

When we talk about NSA spying, most people’s eyes glaze over. They just don’t think it will have any impact on them. After all, the surveillance agency only spies on foreigners and terrorists, right? And if some Americans’ data ends up in NSA databases in the process, well, that doesn’t really matter. It’s the price we pay for security.

But in fact, federal surveillance and the investigative practices it fosters undermines and subverts the fundamental rule of law in the United States.

State and local law enforcement agencies use the reams of data the NSA collects to prosecute Americans. Most of these cases have nothing to do with terrorism or national security. In fact, the vast majority relate to the so-called “war on drugs.” In the process, these state and local cops shred due process, obliterate the Fourth Amendment and make a mockery out of the “rule of law.”

Using a secretive process known as “parallel construction,” police build cases on illegally obtained, warrantless data collected by the NSA and other federal agencies without anybody ever knowing. These investigations take place in complete secrecy with no judicial oversight. Oftentimes, suspects and defense attorneys have no idea how police obtained information.

Former NSA technical director William Binney called parallel construction “the most threatening situation to our constitutional republic since the Civil War.”

Reuters [revealed](#) the extent of NSA data sharing with state and local law enforcement in an August 2013 article. According to documents obtained by the news agency, the NSA passes information through a formerly secret DEA unit known as Special Operations Divisions and the cases “rarely involve national security issues.” Almost all of the information involves regular criminal investigations.

Through fusion centers, state and local law enforcement agencies [act as information recipients](#) from various federal departments under Information Sharing Environment (ISE). We also know that ISE partners include the Office of [Director of National Intelligence](#), which is an umbrella covering 17 federal agencies and organizations, including the NSA. While fighting terrorism was always held out as the reason for dragnet spying, Binney said it was bound to be abused.

To read the whole article, [click here](#).



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