



Written by [Joe Wolverton, II, J.D.](#) on July 19, 2013

Intelligence Chief Clapper Likely to Escape Punishment for Perjury

Senator Carl Levin (D-Mich.) said July 16 that he'd thought of a way to hold Director of National Intelligence James Clapper (shown) accountable for lying under oath to Congress.



During an address at the [Monitor Breakfast sponsored by the Christian Science Monitor](#) and held at the St. Regis Hotel in Washington, D.C., Levin, the chair of the Senate Armed Service Committee, wouldn't go so far as calling on President Obama to fire Clapper, but he suggested it as a possibility.

"I'm troubled by that testimony," he said. "I don't know how he has tried to wiggle out from it, but I'm troubled by it, so how do you hold him accountable? I guess the only way to do that would be for the President to somehow or other fire him. I think he made it clear he regrets saying what he said and I don't want to call on the President to fire him, although I'm troubled by it."

Evidence of Clapper's culpability is convincing. Here's a [brief recap of the events](#) provided by Breitbart.com editor-at-large, Ben Shapiro:

In March 2013, Sen. Ron Wyden (D-OR) asked Clapper whether the NSA grabbed "any type of data at all on millions or hundreds of millions of Americans." Clapper replied, "No." Then he said, "Not wittingly. There are cases where they could inadvertently perhaps collect, but not wittingly."

In June, Clapper said that those statements were "the least untruthful" thing he could say. Clapper then apologized for his "erroneous" statements in a letter to Congress.

Both parties in Congress have declined to do anything about Clapper's possible perjury. Sen. Wyden and Sen. Mark Udall (D-CO) did not call for his removal; Sens. Dianne Feinstein (D-CA) and Saxby Chambliss (R-GA), and Reps. Mike Rogers (R-MI) and Dutch Ruppersberger (D-CA) have all declined to comment.

"This administration views [NSA leaker Edward] Snowden as the problem, not Gen. Clapper," said Rep. Adam Schiff (D-CA).

Schiff's take on the Obama administration's case of mistaken identity is right and the president's pursuit of Snowden rather than the defense of the Bill of Rights (something he has twice sworn to do) is perhaps part of the reason Clapper will get off scot-free.

Snowden is not the issue.

If Congress (or the president) valued their oaths of office, they would devote their impressive resources to demolishing the federal government's unconstitutional Panopticon until every brick is detached from the other and all that remains is a shameful pile of rubble.



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All that is accomplished by the hearings, the speeches, and the half-heart recriminations, however, is to serve as critical misdirection allowing the federal government to distract citizens while it makes fundamental rights disappear.

One wonders why there isn't a stronger, more forceful, and frontal attack on Clapper in the Senate, especially in light of the [op-ed written by Senator Rand Paul \(R-Ky.\)](#) on June 12. Paul wrote:

In the United States, we are supposed to have a government that is limited with its parameters established by our Constitution. This notion that the federal government can monitor everyone's phone data is a major departure from how Americans have traditionally viewed the role of government.

If this is acceptable practice, as the White House and many in both parties now say it is, then there are literally no constitutional protections that can be guaranteed anymore to citizens.

In the name of security, say our leaders, the Constitution has become negotiable.

He continues:

But those who continue to defend the National Security Agency's actions are essentially saying that something that would be controversial even as an exception — blanket phone trolling by the government — is now the new rule. They are saying it's OK to spy on citizens' phone data without a warrant, not just one time or a few times, but all the time.

They are saying that suspending the Bill of Rights is now the new normal.

In my world, the Constitution still applies.

If the Constitution is to continue to apply, citizens must maintain their close watch on the eyes of government whose sleight of hand is making our rights no more than an illusion.

Hear. Hear.

And, regarding Clapper's mealy-mouthed mea culpa, calling an outright lie an "erroneous" statement is typical of the confused babble that is the *lingua franca* of Washington, D.C. That said, there is no reason that Americans should sit idly by while their federal representatives let Clapper skate.

For his part, Senator Levin [told the audience at the Monitor Breakfast](#) that "in principle" the National Security Agency (NSA) wasn't doing anything that hadn't been done before; the only difference is, they are using more advanced technology. Levin also claimed that he felt sufficiently informed of all the NSA's surveillance programs, with the exception of PRISM. Under PRISM, the NSA and the FBI are "tapping directly into the central servers of nine leading U.S. Internet companies, extracting audio, video, photographs, e-mails, documents, and connection logs that enable analysts to track a person's movements and contacts over time," as reported by the *Washington Post*.

But, when the NSA confines itself to the dragnet seizure and surveillance of millions of cellphone customer's phone logs, Levin is fine with that.

"They can't look at the substance of my conversations, but they can find out a heck of a lot about me by what phone calls I make," Levin said. "If this technology were in the hands of [former FBI director] J. Edgar Hoover, would I feel comfortable? No. But, on the other hand, I wasn't comfortable with J. Edgar Hoover with his technology."

Again, Levin plays the lovely assistant helping the master magician pull off one of the greatest illusions



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of all time.

Despite the misdirection, Americans know that technology isn't the issue. As [The New American has reported](#), the unconstitutional surveillance of Americans isn't limited to listening in to phone calls or recording text messages or social media updates. In America in 2013, the government is rifling through old-fashioned letters (the kind with stamps and sealed envelopes), as well.

The bottom line is that if the Constitution is to be saved and if the fundamental liberties that define free societies are to be upheld and secured, readers should remind themselves that Snowden isn't the story, technology isn't the story, and predictable congressional impotence isn't the story. The story is the indisputable fact that the Obama administration unapologetically carries on unconstitutional and criminal surveillance of millions of Americans in open and hostile violation of the Fourth Amendment to the Constitution and neither he nor his accomplices consider themselves accountable to anyone.

Photo of Director of National Intelligence James Clapper: AP Images

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