



Written by [Thomas R. Eddlem](#) on January 7, 2014

Rep. King Says Sen. Paul Tells “Absolute Lies” About NSA Surveillance

In a January 5 Fox News Channel interview, New York Republican Congressman Peter King (shown in blue suit) [claimed](#) that Senator Rand Paul tells “absolute lies” with respect to NSA surveillance of Americans, concluding of the Kentucky Republican that “he doesn’t deserve to be in the United States Senate for spreading that kind of misperception and — absolute lies — to be honest with you.”



The [interview](#) with Fox News reporter Jamie Colby focused on King’s defense of NSA surveillance of American citizens’ phone habits, where King claimed:

The NSA is doing exactly what it is supposed to be doing. No one’s privacy is being violated, despite what Senator Rand Paul is talking about. The NSA is not listening to Americans’ phone calls. All they are doing is they are taking the records from the phone companies of phone number to phone number — no names, no addresses, no content. The only time those numbers can even be looked at is if a foreign terrorist makes a call into the United States. Then the NSA can find out what number they called. Then they have to go to court so that the FBI, the Justice Department, can get a warrant to listen to those calls.

However, Senator Paul [never claimed that the NSA was listening to Americans’ phone calls](#). He has instead filed a [class-action lawsuit](#) trying to stop bulk collection of the phone records that King described above. Asked if he was worried that the NSA was watching him or listening to his phone calls, Senator Rand Paul [told](#) the Fox News Channel:

I don’t really think so, but I think the potential for this kind of abuse exists. Think of it in this context: We now have an administration that has used the IRS to monitor people who are of conservative political bent or have certain religious beliefs. So they have already shown that they will use what is supposed to be impartial — the IRS — to do it.

Moreover, it’s not as if the NSA claims can be trusted. [The NSA claimed under oath it wasn’t collecting even the metadata](#) before whistleblower [Edward Snowden made the program public by leaking documents](#) to journalist Glenn Greenwald.

Senator Paul did claim that Americans’ privacy was being violated, as he believes Americans clearly have a right to privacy in their telephone habits. In claiming that Americans have no right to privacy in their telephone habits, King echoed the Obama administration’s policy that says the NSA should have the right to vacuum up everyone’s call records without a warrant. President Obama’s [White Paper](#) on NSA surveillance asserts that:

The telephony metadata collection program also complies with the Constitution. Supreme Court precedent makes clear that participants in telephone calls lack a reasonable expectation of privacy for purposes of the Fourth Amendment in the telephone numbers used to make and receive their



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calls.

King also [stressed](#) that — in addition to the claim that there's no privacy right to telephone traffic — the federal government has not abused this information:

Peter King: “So far, the President’s Commission, Rand Paul, all of them, have not been able to find any abuses by the NSA.

Fox News Host Jamie Colby: ...except what the NSA has come forward itself and said “we made these errors.”

Peter King: ...self-reported, and these were minimal errors where no damage was done to anyone. No political intent. No criminal intent whatsoever.”

But King’s claims are at variance with publicly known facts. The *Washington Post* [reported](#) August 15, 2013 that the NSA committed “thousands” of privacy violations per year, citing a [secret NSA internal audit](#) that had been leaked by Edward Snowden. So not only has the NSA violated privacy on a regular basis, the “errors” were not “self-reported” as King claimed, unless one considers Snowden’s leaks an instance of “self-reporting.”

And not all the NSA violations of privacy were “errors.” In 2013, the NSA acknowledged a dozen instances of deliberate misuse of the phone logs, including some so-called “LOVEINT” infractions — violations where NSA employees spied on their wives and girlfriends using the phone data. [According to](#) the August 23 *Wall Street Journal*, “The LOVEINT violations involved overseas communications, officials said, such as spying on a partner or spouse. In each instance, the employee was punished either with an administrative action or termination. Most of the incidents, officials said, were self-reported. Such admissions can arise, for example, when an employee takes a polygraph tests as part of a renewal of a security clearance.”

But in no instance were these violations of privacy “self-reported” to Congress. These deliberate “LOVEINT” violations were revealed only in a letter from the NSA inspector general to Sen. Charles Grassley (R-Iowa) September 11, 2013. Again, the NSA didn’t volunteer or “self-report” the material. Instead, it responded to a clearly worded specific request from a member of Congress only after the information had been reported in the press. Before that, Congress was ignorant of the thousands of unintentional privacy violations and the dozen intentional violations.

King’s claim that “the only time those numbers can even be looked at is if a foreign terrorist makes a call into the United States” is also false. The *San Francisco Chronicle* [reported](#) on August 4, 2013 that the NSA has turned its surveillance of all Americans over to other agencies for drug cases, and even regular criminal cases. Part of the reason for that may be that the NSA is sending a copy of all of its telephony metadata over to the DEA, according to the *New York Times* for September 1, 2013. The *Times* [reported](#), “For at least six years, law enforcement officials working on a counternarcotics program have had routine access, using subpoenas, to an enormous AT&T database that contains the records of decades of Americans’ phone calls — parallel to but covering a far longer time than the National Security Agency’s hotly disputed collection of phone call logs.”

According to an August 5, 2013 Reuters wire service [report](#) on the DEA program, called SOD, intelligence is shared with two dozen agencies:

A secretive U.S. Drug Enforcement Administration unit is funneling information from intelligence intercepts, wiretaps, informants and a massive database of telephone records to authorities across



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the nation to help them launch criminal investigations of Americans. Although these cases rarely involve national security issues, documents reviewed by Reuters show that law enforcement agents have been directed to conceal how such investigations truly begin — not only from defense lawyers but also sometimes from prosecutors and judges.... The unit of the DEA that distributes the information is called the Special Operations Division, or SOD. Two dozen partner agencies comprise the unit, including the FBI, CIA, NSA, Internal Revenue Service and the Department of Homeland Security. It was created in 1994 to combat Latin American drug cartels and has grown from several dozen employees to several hundred.

The Reuters [report](#) also noted several times that the intelligence used in drug prosecutions — including prosecutions for ordinary drug crimes — comes from “NSA intercepts” and that the goal of the agency was to establish a “parallel construction” of how the information could be obtained that would be used in prosecutions to provide deniability to NSA and other confidential informants. “It’s just like laundering money — you work it backwards to make it clean,” Finn Selander, a DEA agent from 1991 to 2008, [told](#) Reuters.

Note that Reuters included the IRS as among the agencies in the loop on the SOD division — the same IRS that has targeted conservative and Tea Party groups in recent years.

Congressmen Supporting Terrorism?

In the Fox News [interview](#), King was asked for his thoughts on Senator Bernie Sanders’ inquiry about whether the NSA was pulling phone records from members of Congress. King suggested that executive branch surveillance of Congress should also take place:

I think members of Congress should be treated the same as everyone else. If a member of Congress is talking to an al-Qaeda leader in Iraq or Afghanistan, why should that member of Congress be any different from any person on the street? So Bernie Sanders — he had a phony argument. What they are trying to suggest is that somehow the NSA is spying on members of Congress.

Ironically, King himself may be one of the few members of Congress to have had a cozy relationship with actual terrorists. King was the [Anwar al-Awlaki](#) of Irish Republican Army terrorist supporters. [King posed for pictures with IRA terrorist leaders](#) and actively [helped to fundraise](#) for their most militant wing.



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