



Written by [Thomas R. Eddlem](#) on January 19, 2015

DEA Began Warrantless Surveillance in 1990s!

U.S. Drug Enforcement Agency officials have admitted in court filings that they engaged in widespread warrantless surveillance of the American people as far back as the 1990s, back during the Clinton administration and before the September 11 attacks.

The *Wall Street Journal* [reported](#) on January 16: “The program began in the 1990s, say people familiar with its operation, and was ended in August 2013 amid reports about the DEA gathering phone records in other ways.” That may have been a reference to the copy of information the DEA receives from the NSA of Americans’ phone-call data, through the DEA’s Special Operations Division (SOD). The statement that warrantless surveillance of Americans’ phone-call data began in the 1990s — before the September 11, 2001 attacks and before the Bush presidency — means that the limits of the Fourth Amendment were breached on a widespread basis even earlier than previously documented.



This release was based upon legal filings in the criminal prosecution of Shantia Hassanshahi, who has been charged with selling prohibited electronics to Iran, in contravention of existing economic sanctions.

In some respects, the DEA database has been a worse violation of the U.S. Constitution than the much-maligned NSA database — also acquired without the warrants, probable cause and particularity required by the Fourth Amendment to the U.S. Constitution — because the latter at least pretends to have judicial oversight. [According to the *Wall Street Journal*](#), “The DEA database sounds similar to one kept by the National Security Agency, though the NSA gathers both foreign and domestic calls. And the NSA program differs in another key way: It is authorized and overseen by the Foreign Intelligence Surveillance Court. The DEA, according to the filing, gathered data simply through administrative subpoenas that aren’t reviewed by a judge.”

The FISA courts were set up in the wake of the Church Committee hearings during the mid-1970s after the NSA and FBI had engaged in warrantless wiretapping against leaders of the civil rights and anti-Vietnam war movements. The FISA courts, established after the 1978 FISA law, are supposed to act as a judicial constitutional check against warrantless executive branch surveillance but have in reality acted as a rubber stamp on massive warrantless surveillance.

The New American has [previously reported](#) that the DEA is grabbing Americans’ phone content through



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a program called SOD (Special Operations Division), based upon reporting by [Reuters](#) and the [Washington Post](#). The SOD program essentially acquires a copy of the NSA database on an ongoing basis, though the DEA is reported to maintain the telephone “metadata” longer than the five years the NSA is reported to keep the information. The *Wall Street Journal* reported that the DEA warrantless surveillance program in the filing was closed down and deleted in 2013. While the story did not explain if the program was the SOD program previously reported, it seems likely that it was a separate, parallel warrantless wiretapping program.



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