



Written by [Joe Wolverton, II, J.D.](#) on September 1, 2013

DNI Clapper: We'll Tell Tumblr How Many Americans We Monitor

He lied to Congress, but he's going to tell the truth on Tumblr.

[On his official Tumblr blog](#), Director of National Intelligence James Clapper (shown) announced August 29 that he will soon declassify a cache of documents disclosing how many people are being watched under the various federal surveillance schemes.



DNI Clapper writes:

In June, President Obama directed the Intelligence Community (IC) to declassify and make public as much information as possible about certain sensitive U.S. Government surveillance programs while being mindful of the need to protect sensitive classified intelligence and national security.

Consistent with this directive and in the interest of increased transparency, the DNI has determined, with the concurrence of the IC, that going forward the IC will publicly release, on an annual basis, aggregate information concerning compulsory legal process under certain national security authorities.

Specifically, for each of the following categories of national security authorities, the IC will release the total number of orders issued during the prior twelve-month period, and the number of targets affected by these orders:

- FISA orders based on probable cause (Titles I and III of FISA, and sections 703 and 704).

- Section 702 of FISA

- FISA Business Records (Title V of FISA).

- FISA Pen Register/Trap and Trace (Title IV of FISA)

- National Security Letters issued pursuant to 12 U.S.C. § 3414(a)(5), 15 U.S.C. §§ 1681u(a) and (b), 15 U.S.C. § 1681v, and 18 U.S.C. § 2709.

The watcher-in-chief hedges, of course, adding, “Our ability to discuss these activities is limited by our need to protect intelligence sources and methods.”

He goes on to trot out the Establishment's favorite trope: All the violations of the Constitution “are an important part of our effort to keep the nation and its citizens safe.”

Freedom for safety seems to be the only available currency exchange in the economy of the surveillance state.

In light of the [protections afforded by the Fourth Amendment](#), this is the trade demanded only by tyrants.

Americans are endowed by their Creator with the right to be free from unwarranted searches and seizures. When the government takes away these rights, then there is no liberty, regardless of pretexts and purposes put forth by the federal government.



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Besides, is there any demonstrable evidence that any of this unconstitutional surveillance has helped avert even a single terrorist attack? Has a single would-be bomber been snared in the NSA's surveillance dragnet?

Furthermore, these unconstitutional searches undermine legitimate efforts to protect national security. Logically, when everyone is suspect, then no one is a suspect.

And Americans must remember that it isn't just evidence of criminal activity that is being collected, collated, and stored by the federal surveillance apparatus. When every form of communication is monitored, then the universe of things that could be exposed to view expands exponentially.

While it's true that most Americans have "done nothing wrong" criminally speaking, it is equally true that most of us have done many embarrassing things that we would prefer not to have put in a file for future use by political enemies — inside or outside the government. What are these possible peccadilloes? Think: bad credit, poor scholastic performance, web surfing habits, sensitive medical diagnoses, etc.

It is most important to remember that there is no evidence that such massive surveillance and deprivations of rights has made us any safer. What, then, is the true purpose of the surveillance?

It isn't security. As [one German writer recently observed](#), "A monitored human being is not a free human being."

Lest constitutionalists and libertarians see Clapper's declaration as some sort of victory for freedom, it is important to remember that the list of those being watched will be limited and will not include even a fraction of the number of Americans being monitored in direct, open, and hostile violation of the Bill of Rights.

Evidence of the extreme editing that will precede Clapper's disclosure is found in the history of the effort last year by Senators Ron Wyden (D-Ore.) and Mark Udall (D-Colo.) to force the feds to reveal how many citizens they are treating as suspects.

[In July of 2011 and again in May 2012](#), Udall and Wyden co-authored a letter to DNI Clapper, asking him a series of four questions regarding the activities of the NSA and other intelligence agencies regarding domestic surveillance.

In one of the questions, the senators asked Clapper if "any apparently law-abiding Americans had their communications collected by the government pursuant to the FISA Amendments Act" and if so, how many Americans were affected by this surveillance.

Regarding the Wyden-Udall inquiry, in a letter dated June 15, 2012, [I. Charles McCullough III informed the senators](#) that calculating the number of Americans who've had their electronic communications "collected or reviewed" by the NSA was "beyond the capacity of his office and dedicating sufficient additional resources would likely impede the NSA's mission.

In other words, the NSA is too busy illegally recording our private e-mails, texts, Facebook posts, and phone calls to figure out how many of us are already caught in their net. And, furthermore, there is nothing Congress can do about it.

Naturally, Senators Udall and Wyden didn't take kindly to Inspector General McCullough's brush-off. In a response to the response, the senators told McCullough that they just wanted a "ballpark estimate" of the number of American citizens who have been monitored under the authority of the FISA. In [an additional statement](#) released by Senator Wyden he expressed concern that the figure is likely very



high:

I am concerned, of course, that if no one has even estimated how many Americans have had their communications collected under the FISA Amendments Act, then it is possible that this number could be quite large. Since all of the communications collected by the government under section 702 are collected without individual warrants, I believe that there should be clear rules prohibiting the government from searching through these communications in an effort to find the phone calls or emails of a particular American, unless the government has obtained a warrant or emergency authorization permitting surveillance of that American.

When and if any reports are released, DNI Clapper says they, "like other unclassified information related to foreign intelligence surveillance activities, will be available on our Community website established at the direction of the President."

Congress, it seems, doesn't merit a response, but when the president speaks, Clapper listens.

The documents, as with the promise of them, will be posted on the DNI's official Tumblr.

Photo of DNI James Clapper: AP Images

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