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U.S. Phone Snooping Goes Way Beyond “National Security”

Despite incessant claims from the Obama administration and lawless-government apologists, newly unveiled official documents show that spying on Americans’ phone records goes way beyond supposed “national security” concerns and the NSA programs leaked by Edward Snowden. In fact, according to a [law-enforcement presentation](#) first obtained by [The New York Times](#), drug-prohibition enforcers at all levels of government have been working with AT&T since at least 2007 in a much more extensive espionage scandal that is attracting furious criticism from across the political spectrum.



Among the most shocking elements of the scheme, officially dubbed the “Hemisphere Project,” is the fact that Homeland Security bureaucrats, drug warriors at the DEA, and other agencies are simply writing their own “warrants” to spy on Americans. Instead of obeying the Fourth Amendment to the Constitution and obtaining a proper warrant — traditionally from a judge or a grand jury — to obtain the phone records, federal agencies, often collaborating with local officials, simply produce what is called an “administrative subpoena.”

Once a federal bureaucrat produces such a document, AT&T employees paid by taxpayers and “embedded” with law enforcement grant the government access to a massive database of phone records stretching back almost three decades. Also, it is not just records of AT&T customers. According to the slide show about the program, stamped with the logo of the White House Office of National Drug Control Policy, every call that goes through an AT&T switch is logged by the company for future access by officials. Some four billion records are added every day, the presentation shows.

The massive trove of information goes far beyond even what the NSA is publicly known to be collecting, according to the *Times*. It is also used for a wide variety of purposes way broader than enforcing [unconstitutional federal drug-prohibition statutes](#). Moreover, the presentation shows that bureaucrats involved in the program are instructed to never mention it in official documents, apparently an effort to conceal its existence from the public, defendants, and even judges.

Similar to [another recent scandal](#) that hit the headlines last month, agents involved in cases built using the Hemisphere Project are also told to seek out the allegedly incriminating data from other sources to hide and “protect” their dubious investigative tactics. Experts say the [brazen cover-ups](#) involving the spying schemes pose serious questions about the legality and constitutionality of the programs — and even the right to a fair trial for defendants ensnared in the shadowy surveillance.

Of course, Obama campaigned for office on [incessant promises of protecting the privacy rights](#) of Americans from Bush-era government agencies gone wild. On the campaign trail, for example, he



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vowed to “strengthen privacy protections for the digital age” and “harness the power of technology to hold government and business accountable for violations of personal privacy.” In 2007, he also vowed that he would prevent the “undermining our Constitution” and freedom.

“That means no more illegal wiretapping of American citizens,” Obama promised. “No more national security letters to spy on citizens who are not suspected of a crime. No more tracking citizens who do nothing more than protest a misguided war. No more ignoring the law when it is inconvenient.” Those promises, however, like countless others, appear to have been nothing more than hot air. The lawless violations [have only expanded](#) under the Obama administration.

When asked about the Hemisphere Project by the *Times*, a spokesman for the Obama Justice Department publicly defended the program and spoke as if it were no big deal, saying in a statement that “subpoenaing drug dealers’ phone records is a bread-and-butter tactic in the course of criminal investigations.” Brian Fallon, the spokesman, also added that the records were maintained by the phone company — as if that suddenly made the snooping OK. A recent congressional hearing revealed that the Obama administration [essentially believes Americans have no right to privacy](#).

AT&T also downplayed its involvement in the scheme, refusing to answer most questions about the spying and the apparatus behind it. “While we cannot comment on any particular matter, we, like all other companies, must respond to valid subpoenas issued by law enforcement,” said Mark Siegel, a spokesman for the company. [Other major companies](#) contacted by reporters also declined to comment on whether they were participating in the scheme.

Opposition to Orwellian government spying on Americans continues to expand across the political spectrum. Consider, for example, that the National Rifle Association (NRA) just [filed a brief supporting an American Civil Liberties Union](#) (ACLU) challenge to NSA spying. The information being vacuumed up could be used for, among other nefarious purposes, building a back-door database on gun owners, the NRA argued.

Now, privacy advocates are speaking out about the latest espionage scheme to be uncovered, with the ACLU, saying it raises “profound” privacy concerns, “serious” Fourth Amendment issues, and more. “I’d speculate that one reason for the secrecy of the program is that it would be very hard to justify it to the public or the courts,” said Jameel Jaffer, deputy legal director of the American Civil Liberties Union. Speaking to CNN, Jaffer [said](#) the government and its programs should be subject to the Fourth Amendment.

Catherine Crump, a staff attorney with the ACLU’s Speech, Privacy, and Technology Project and a nonresident fellow with the Stanford Center for Internet and Society, also lambasted the program. “Current protections for Americans’ call records are inadequate,” she [explained](#), pointing to some of the myriad ways that the Hemisphere records could be abused. “This is not the sort of information the government should access lightly, and certainly not without the supervision of a judge.” She also blasted the companies involved, saying they should probably not be keeping all of these records in the first place — and especially not without informing customers.

Even more troubling than the federal government’s vast domestic espionage apparatus supposedly aimed at criminals is an increasingly vast body of evidence pointing to whom exactly authorities are targeting. If leaked documents from the [Justice Department](#), [Homeland Security](#), [the military](#), [so-called “fusion centers,”](#) and more offer any indication, among the primary targets today are regular Americans.



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Conservatives, libertarians, pro-life activists, returning veterans, opponents of the United Nations, advocates for individual liberty, constitutionalists, Ron Paul supporters, Christians, environmental activists, and numerous other broad categories of Americans have been painted as potential terrorists by federal authorities in official documents. Indeed, Justice Department documents show that the federal government is even training state and local police to [equate mainstream political opinions with possible terrorism](#). [Christians were also equated with al-Qaeda in a military training program](#).

Also, assuming the government is telling the truth about the true purposes of its vast espionage apparatus — and that is probably not be a wise assumption based on [recent revelations](#) and the history of government more generally — the implications are still highly troubling. Aside from constitutional issues, even if one were to assume that the current government is well intentioned, there is no guarantee that the next one will be, or the one after that.

With access to so much data on hundreds of millions of innocent Americans, the potential for wide-scale abuses is enormous. Plus, as the recent scandal surrounding IRS targeting of conservatives illustrates well, there is little reason to give U.S. authorities the benefit of the doubt. It is way past time for the federal government to obey the Constitution and stop lawlessly gathering information on virtually all Americans. The purpose of the U.S. government is to secure individual rights, not trample them. However, the only way that will happen is if Congress steps in to rein in the abuses.

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