



Written by [Alex Newman](#) on June 2, 2015

Unconstitutional NSA Spying, Now in Limbo, Blasted by Expert

With the expiration of key provisions of the misnamed Patriot Act [thanks to Senator Rand Paul's efforts](#), the National Security Agency is supposedly dismantling elements of its flagrantly unconstitutional domestic espionage apparatus — at least, that's what the public is being told. Unsurprisingly, apologists for the surveillance state are in an uproar. But according to an intelligence community veteran and numerous experts, ending the NSA's lawless and indiscriminate spying on Americans would be excellent news for the Constitution, common sense, and even national security.



It remains unclear whether the backroom deals reportedly underway in Congress to salvage the anti-constitutional authority for the NSA programs will succeed in bringing them officially back online with a fraudulent veneer of “legality.” For now, though, the Obama administration claims to be winding down the scheming purportedly authorized under Section 215 of the Patriot Act. “We’ve said for the past several days that the wind-down process would need to begin yesterday if there was no legislative agreement,” a “senior administration official” was quoted as saying in news reports. “That process has begun.”

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The program in question, partly exposed by the leaks of former NSA contractor Edward Snowden and [others before him](#), was (and probably still is) vacuuming up gargantuan amounts of private data, without a warrant, on innocent Americans. Rather than have the NSA do the collection itself, surveillance-state apparatchiks were hoping to pass the [USA “Freedom” Act](#), mandating that companies retain the data for future government perusal. On Sunday, Senator Rand Paul (R-Ky.) blocked the renewal of the expiring Patriot Act provisions — temporarily, as the senator from Kentucky acknowledged when he said “they will ultimately get their way.”

And indeed, the Obama administration and the GOP establishment are determined to continue spying on you. “The Senate took an important — if late — step forward tonight,” White House spokesman Josh Earnest was quoted as saying on Sunday. “We call on the Senate to ensure this irresponsible lapse in authorities is as short-lived as possible. On a matter as critical as our national security, individual senators must put aside their partisan motivations and act swiftly. The American people deserve nothing less.”

Many experts on national security and surveillance, though, [say the exact opposite](#). Terrence Schofield has worked in intelligence since 1972 and in counterterrorism for over 10 of those years. He also provided systems engineering and management consulting services under contract to eight of the 17 acknowledged member agencies of the U.S. Intelligence Community, he said. His first security clearance was granted in 1972 and, at varying times in his more than 40-year career, he held the



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highest security clearances granted.

In comments to *The New American*, Schofield blasted the spying program and its defenders. “The argument that blanket domestic spying on United States citizens is essential to national security is an affront to any of us who value and honor our Constitution,” he said, citing the Fourth Amendment, the proscription against search and seizure without probable cause, and the need for a warrant to be issued with a degree of specificity on who, what, when, where, and for how long. “By extension, the 5th Amendment (due process) and 1st Amendment (freedom of assembly and freedom of speech) are also violated by blanket domestic surveillance.”

Even the collection of “metadata,” Schofield said, must be resisted — for several important reasons. “For those readers who, bless them, are unfamiliar with the term, metadata refers to data about data — when the message was transmitted, where it originated, where it was sent to, the message length, the message type, and so forth — but not its actual content,” he said, noting that as a contractor for the NSA prior to September 11, 2001, he was asked to provide advice on bulk data collection. One of the groups at the NSA, he said, argued for a collection strategy “best summarized as ‘collect it all’.”

Aside from the impossibility of storing all that data at the time, and the obvious constitutional concerns, Schofield argued that it was simply a bad idea. “I drew a simple analogy — if you throw some lug nuts into a container of motor oil and want to retrieve them later, it behooves you to make the container no larger than absolutely necessary,” he said. “In the vernacular of the rather esoteric science of information retrieval, this is what is known as ‘precision’.”

Even just the collection of metadata also has serious privacy concerns. “Based on metadata alone, a most revealing profile can be established for an individual and an organization,” Schofield explained. “Similarly, the lack of data can also be revealing. And these data we’re talking about aren’t just telephone calls and emails — it’s about all your electronic transactions — credit and debit cards, ATM withdrawals, airline reservations, gasoline purchases, your utility bill, and so forth. You get the point.”

Indeed, as retired General Michael Hayden, the former boss of both the NSA and the CIA, noted last year: “[We kill people based on metadata.](#)”

“So, should the practice of blanket domestic surveillance of U.S. citizens be continued, in the name of national security? No, as a matter of course,” Schofield continued. “It’s a flagrant and blatant violation of the 4th Amendment and needs to be discontinued immediately. Senator Rand Paul’s objections are rational and sound, and Senator Cruz’s and Senator McConnell’s efforts to introduce slightly different forms of that surveillance (‘Freedom Act’ — how ironic) reveals much about their true loyalties and their casual disregard for the 4th Amendment.”

Beyond those constitutional concerns, Schofield blasted the national security apparatus for its ineptness, citing, among other concerns, its apparent inability to act on the most obvious clues — tips from the Russians about the Boston bombers, the warning offered by the father of the underwear bomber, the associations of terrorist U.S. Army Major Hasan with a radical Islamist cleric, and more. “A failure to act on such ‘actionable intelligence’ should be prosecuted as dereliction of duty, if not treason,” he said. “Yet, I am unaware of any such actions.”

“Could it be because these indications and warnings, as obvious as they are, are being overshadowed by the vastness of meaningless data that are being collected daily? Absolutely, and NSA has long known about the problem of not analyzing the data it collects in a timely manner,” Schofield continued.

“‘SIGINT by the pound’ is the derisive term used. The other member agencies of our national security



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apparatus are equally culpable.”

Today, the national-security apparatus is “highly dysfunctional,” he added. “It is a bloated beast that cannot get out of its own way. Putting aside the issue of violating the Constitution, this practice of collecting vast quantities of data is simply counterproductive. By engorging the ‘container’ to absurd proportions, you achieve the terrorists’ goal of hiding in plain sight.”

And it all needs to end, Schofield argued. “Dismantle the domestic surveillance state. It does exist, it has for quite some time, and it is a dishonor to our Constitution,” he said. “If we aren’t willing to honor our Constitution ourselves, then we have no argument against those who would attack it.”

Indeed, according to Schofield, “the greatest threat to our national security lies internally — it is the acts of dishonorable elected and appointed officials that represent the real threat to our great nation.” “To expose the depth and depravity of those machinations, one only need to examine voting records, listen to Congressional testimony or, for that matter, watch the nightly news,” he concluded.

The Obama administration and the establishment wing of the GOP are battling the American people, the U.S. Constitution, and their oath of office in their insatiable quest to spy on everyone. But it is worth remembering that, according to the Justice Department’s Inspector General, [FBI agents cannot cite a single major terror case solved](#) due to the anti-constitutional espionage powers granted under the Patriot Act. Members of Congress should obey their oath of office and refuse to renew the attack on privacy and liberty — and then verify that the NSA spying has been shut down for good.

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