



Written by [Joe Wolverton, II, J.D.](#) on June 6, 2013

Verizon Hands Over Customer Data Daily to NSA, Top Secret Order Reveals

According to [a court order labeled "TOP SECRET,"](#) federal judge Roger Vinson ordered Verizon to turn over the phone records of millions of its U.S. customers to the National Security Agency (NSA).

The order, issued in April by the U.S. Foreign Intelligence Surveillance Court and leaked on the Internet by the *Guardian* (U.K.), compels Verizon to provide these records on an "ongoing daily basis" to hand over to the domestic spy agency "an electronic copy" of "all call detail records created by Verizon for communications (i) between the United States and abroad; or (ii) wholly within the United States, including local telephone calls."



This information includes the phone numbers involved, the electronic identity of the device, the calling card numbers (if any) used in making the calls, and the time and duration of the call.

In other words, if you are a Verizon customer, your detailed phone records secretly have been handed over — and will continue to be handed over — to NSA agents.

This wholesale dragnet of personal electronic communication data proves beyond dispute that the Obama administration is keeping millions of Americans under constant surveillance regardless of whether the targets are suspected of committing crimes.

In other words, millions of innocent Americans have had their call records shared with a federal spy agency in open and hostile defiance of the Fourth Amendment's guarantee of "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

What is reasonable? While in the law, "the term reasonable is a generic and relative one and applies to that which is appropriate for a particular situation," consider the following explanation of the use of the term in the constitutional context. [St. George Tucker, a Founding Generation jurist, wrote:](#)

In the administration of preventive justice, the following principles have been held sacred; that some probable ground of suspicion be exhibited before some judicial authority; that it be supported by oath or affirmation; that the party may avoid being thrown into confinement, by finding pledges or securities for his legal conduct, sufficient in the judgment of some judicial authority; that he may have the benefit of a writ of habeas corpus, and thus obtain his release, if wrongfully confined; and that he may at any time be discharged from his recognizance, or his confinement, and restored to his former liberty and rights, on the order of the proper judicial authority; if it shall see sufficient cause.

With this latest revelation it seems that the once "sacred" principles of reasonableness and probable



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cause have been defiled and justice is no longer a demonstrable purpose of government.

Again, the government has made no attempt to demonstrate that any of those whose phone records have been seized are suspected of committing some crime. It is a plain and simple violation of the Fourth Amendment in the hope of finding something that one day might be found to qualify as suspicious. That is putting the cart of culpability before the horse of the Constitution and it should not be abided by the American people.

How far are the citizens of this Republic willing to let the federal surveillance apparatus go toward constructing a Panopticon? At this accelerated rate of construction, how long until every call, every text, every e-mail, every online message, and every movement fall under the all-seeing eye of federal overlords?

When contacted by *The New American*, a spokesman for Verizon declined to comment on his company's compliance with the order.

Such a demur is expected in light of the provision of the order which prohibits Verizon, the FBI, or the NSA from revealing to the public — including the Verizon customers whose phone records now belong to the Obama administration — that the data is being given to the government.

Glen Greenwald of the *Guardian* (U.K.) [details the data being](#) seized by the NSA:

The information is classed as “metadata”, or transactional information, rather than communications, and so does not require individual warrants to access. The document also specifies that such “metadata” is not limited to the aforementioned items. A 2005 court ruling judged that cell site location data — the nearest cell tower a phone was connected to — was also transactional data, and so could potentially fall under the scope of the order.

While the order itself does not include either the contents of messages or the personal information of the subscriber of any particular cell number, its collection would allow the NSA to build easily a comprehensive picture of who any individual contacted, how and when, and possibly from where, retrospectively.

Greenwald's accurate analysis raises a couple of very important questions.

First, why would agents of the federal government willingly violate the Fourth Amendment to the Constitution by seizing phone logs of millions of innocent Americans?

Next, how long until the next TOP SECRET court order is leaked, one making the same demands on AT&T, Sprint, or other telecommunication companies?

As quoted by Greenwald, the Cato Institute's Julian Sanchez remarked, “We've certainly seen the government increasingly strain the bounds of ‘relevance’ to collect large numbers of records at once — everyone at one or two degrees of separation from a target — but vacuuming all metadata up indiscriminately would be an extraordinary repudiation of any pretence [sic] of constraint or particularized suspicion.”

Can anyone doubt that?

Readers should recall that as required by provisions of the Foreign Intelligence Surveillance Act Amendments of 2008 (FISA) and the Patriot Act (as amended in 2005), the Department of Justice revealed to Congress in April the number of applications for eavesdropping received and rejected by the FISA court.



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To no one's surprise (least of all to the architects and builders of the already sprawling surveillance state), [the letter addressed to Senator Harry Reid](#) (D-Nev.) reports that in 2012, of the 1,789 requests made by the government to monitor the electronic communications of citizens, not a single one was rejected.

That's right. The court, established specifically to judge the merits of applications by the government to spy on citizens, gave a green light to every government request for surveillance.

Not content to be a mere formality for electronic surveillance, the FISA court (officially called the Foreign Intelligence Surveillance Court) also held the coats of the FBI while that agency carried out the searches and seizures set out in 212 applications.

Perhaps the most disturbing take-away from the leak of this secret court document ordering Verizon to hand over customer call logs and other data to a federal surveillance agency is the fact that the government considers the protections of the Fourth Amendment to be nothing more than a "[parchment barrier](#)" that is easily torn through. The Obama administration regards the Constitution — as did the Bush administration before it — as advisory at best, and nothing now stands between the citizens of this nation and the construction of the 21st century [Panopticon](#).

In this country, then, every citizen is now a suspect.

As former NSA employee Thomas Drake told this reporter last July, these NSA projects began in the days after the attacks of September 11, allowed that agency to spy on Americans, and have "crossed the Rubicon" and "opened a Pandora's box."

With the [Rubicon](#) behind them, the federal government has declared war on the Constitution and obviously aims to disregard the reasonableness requirement and designate every American as a potential threat to the security of "the homeland."

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