



Written by [Thomas R. Eddlem](#) on September 22, 2013

The NSA Domestic Surveillance Lie

“And so in light of the changed environment where a whole set of questions have been raised, some in the most sensationalized manner possible, where these leaks are released drip by drip, one a week, to kind of maximize attention and see if they can catch us at some imprecision on something.”

— President Obama,
August 9, 2013 press
conference



President Obama’s unprecedented press conference on NSA surveillance August 9 complained about the journalist/leaker team of Glenn Greenwald from the British newspaper *The Guardian* and former NSA contractor-turned-whistleblower Edward Snowden, implying that the two were merely trying to draw attention to themselves and bait the administration into admitting something inconsistent with what it said previously, hence giving the pair something else to use to draw even more attention to themselves. However, in chastising the pair’s news releases on the NSA, it was very apparent that Obama’s press conference was a desperate attempt at political damage control, with Obama trying to construct a new, credible lie upon which he could claim that the NSA had never violated the Fourth Amendment or the privacy of Americans.

Widespread surveillance of Americans began shortly after the September 11, 2001 attacks under the Bush administration, and received some attention with reporting by the *New York Times* from 2004-2006. Despite the reporting on NSA surveillance, Bush — and later, Obama — administration personnel issued official denials that the NSA was listening to American citizens’ electronic communications.

We’re not collecting data on American citizens.

The Bush administration, which initiated the denials of spying on Americans, implied that any U.S. surveillance within the country was strictly limited to likely terrorists — people that courts ruled to be dangerous based on the available evidence. President Bush stated on April 20, 2004:

There are such things as roving wiretaps. Now, by the way, any time you hear the United States government talking about wiretap, it requires — a wiretap requires a court order. Nothing has changed, by the way. When we’re talking about chasing down terrorists, we’re talking about getting a court order before we do so. It’s important for our fellow citizens to understand, when you think Patriot Act, constitutional guarantees are in place when it comes to doing what is necessary to protect our homeland, because we value the Constitution.

On March 20 of this year, the director of national intelligence, Admiral James Clapper, also denied that there has been wholesale monitoring of Americans’ communications, when he was asked by Oregon Senator Ron Wyden, “Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?”

Director of National Intelligence and Admiral James Clapper: “No, sir.”

Wyden: “It does not?”



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Clapper: “Not wittingly. There are cases where they could inadvertently perhaps collect, but not wittingly.”

Oops. We meant to say we are collecting metadata on Americans.

Both administrations engaged in flat-out lies to the American people, but the Obama administration has been caught in lie after lie as it continually retreats from its official story.

The official story changed dramatically with Snowden’s whistleblowing. Snowden told Greenwald back on June 9, 2013 that the NSA — once devoted to foreign intelligence — was increasingly focused upon surveilling Americans. “The NSA specifically targets the communications of everyone. It ingests them by default. It collects them in its system and it filters them and it analyzes them and it measures them and it stores them for a period of time.” It had gone so far, the former Booz-Allen-Hamilton employee claimed, “I, sitting at my desk, certainly had the authority to wiretap anyone, from you or your accountant, to a federal judge or even the president, if I had a personal email.” Though Obama administration officials denied Snowden’s sweeping charges (Snowden was later validated), they had to backtrack after Greenwald published information on the NSA’s collection of Americans’ Internet “meta-data” under the agency’s PRISM program.

James Clapper retracted his statement to Wyden on June 9 during NBC’s *Sunday Today* show:

I responded in what I thought was the most truthful, or least untruthful manner by saying no. And again, to go back to my metaphor. What I was thinking of is looking at the Dewey Decimal numbers — of those books in that metaphorical library — to me, collection of U.S. persons’ data would mean taking the book off the shelf and opening it up and reading it.

We’re not collecting e-mail and other private Internet messages from Americans.

This first of several backtracks was followed by the next fallback line in NSA denials soon thereafter: The NSA admitted collecting data on Americans, but only metadata — information about Internet traffic — not private e-mails and other private Internet-based messages.

On July 31, 2013, at the Black Hat USA 2013 conference, NSA Director General Keith Alexander laid out the entirety of what the NSA was supposedly collecting:

I thought it would be important to give you a picture of what our analysts actually see. There it is ... as you can see, what you have is the date and time of the call, the calling number and the call — the duration of the call. And we also put in the origin of the metadata data.... This does not include the content of the communications. This does not include your phone calls or mine, your emails, nor mine, your SMS messages. There is no content.

By the time Alexander said those words, they were already out of date. That same day Greenwald published in *The Guardian* information on the NSA’s XKeyscore program, a program that collects millions of e-mails from American citizens without a warrant, along with “nearly everything a user does on the Internet.” Later, other NSA programs were also revealed to have collected Americans’ e-mail messages on a massive scale. In response to being busted on this lie, the Obama administration had another fallback upon which to rest their damage-control program: Even though they are collecting all Americans’ Internet data, including the full content of e-mail messages, the data had never been misused and are subject to multiple safeguards. Of course, the Fourth Amendment to the U.S. Constitution prohibits not only warrantless “searches” by the government, it bans government “seizures” of records without both a warrant and probable cause as well.



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We're not misusing the personal data that we do collect.

In a televised interview on July 18, 2013, NSA Director General Alexander admitted that the NSA does collect the “content” of Americans’ personal communications but, he insisted, the government is not listening to or sifting through the collection of data on Americans. The NSA has safeguards against actually searching Americans’ data.

NBC Reporter Pete Williams: “Let’s talk about the phone program. You gather all this data from the phone companies and it sits in your big tank. What can you do? Can you munch on it and chew on it and do data mining, or does it just sit there until you have some specific question?”

Gen. Alexander: “Yeah, it sits there. And that’s a great question because the court restricts what we can do with that data. We can only look at that data if we have a nexus to al-Qaida or other terrorist groups.”

This was the fallback position of the Obama administration throughout the month of July. They essentially claimed that the NSA was collecting all types of data on Americans, but that this collection is put into a type of legal lockbox that is not touched without a warrant and a court order from a FISA court. But by August 15, the *Washington Post* had reported that the NSA had violated the privacy of Americans’ data — and had violated its own rules — thousands of times per year. Thus, the Obama administration was forced to fall back to the next lie, that the NSA had never *intentionally* violated Americans’ privacy by searching their private e-mails and phone records.

Okay, our collection of data on Americans has been abused accidentally, but never deliberately.

Obama then went on his national public relations tour for the NSA’s unconstitutional wiretapping program, again assuring Americans that their private information was safe in his administration’s hands. He said in an interview with Jay Leno on the *Tonight Show* on August 7, 2013:

We put in some additional safeguards to make sure that there’s federal court oversight as well as congressional oversight, that there is no spying on Americans. We don’t have a domestic spying program. What we do have are some mechanisms where we can track a phone number or an email address that we know is connected to some sort of terrorist threat. And that information is useful. But what I’ve said before I want to make sure I repeat, and that is we should be skeptical about the potential encroachments on privacy. None of the revelations show that government has actually abused these powers, but they’re pretty significant powers.

He reiterated his administration’s lily-white hands again at a press conference on August 9, 2013:

If you look at the reports — even the disclosures that Mr. Snowden has put forward — all the stories that have been written, what you’re not reading about is the government actually abusing these programs and listening in on people’s phone calls or inappropriately reading people’s emails. What you’re hearing about is the prospect that these could be abused. Now, part of the reason they’re not abused is because these checks are in place, and those abuses would be against the law and would be against the orders of the FISC.

Two weeks after Obama’s national public relations tour for the NSA, the *Wall Street Journal* revealed on August 23 that NSA staffers had used the databases to spy on romantic interests frequently enough to create the label “LOVEINT” for love intelligence: “National Security Agency officers on several occasions have channeled their agency’s enormous eavesdropping power to spy on love interests, U.S.



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officials said.” The privacy of Americans has been abused, the Obama administration has been forced to admit, but faced with the evidence, it claimed in statements for the *Wall Street Journal* story that it took place only rarely. The *Wall Street Journal* reported that “the practice isn’t frequent — one official estimated a handful of cases in the last decade — but it’s common enough to garner its own spycraft label: LOVEINT.”

We’re not collecting the phone audio of Americans’ phone calls.

While it’s too early to say whether the NSA is collecting audio of Americans’ telephone calls, it does remain the last element of electronic data that the NSA still officially denies collecting *en masse*. Most intelligence analysts seem to believe that Americans’ phone calls are not recorded and stored for later use, or at least most of Americans’ phone calls. But this may be largely an issue of technological limitations rather than willingness of the NSA to engage in that kind of unconstitutional monitoring. As the NSA opens a huge data center in Utah this year, technological limitations may become a moot point.

Obama pointedly did not deny that the federal government was collecting the audio of Americans’ telephone calls in his August 9 press conference, though a denial would have perhaps been a waste of time. With a long history of public lies on the issue of warrantless surveillance that explicitly violates the Fourth Amendment to the U.S. Constitution, President Obama’s denials would not have been believable anyway. Obama has obviously bought into the idea that intelligence officials need to collect every bit of information about Americans, stating in his August 9 press conference: “We need new thinking for a new era. We now have to unravel terrorist plots by finding a needle in the haystack of global telecommunications. And meanwhile, technology has given governments — including our own — unprecedented capability to monitor communications.”

Is another lie about to be exposed by the Greenwald/Snowden whistleblowing team? Only time will tell.

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