



Written by [Joe Wolverton, II, J.D.](#) on January 10, 2014

President Discusses NSA “Reforms” With Lawmakers, Tech

President Obama is “[listening and discussing](#)” with lawmakers and tech industry leaders to consider reforms to the National Security Agency’s surveillance programs.

In preparation for the publication of his recommendations for changes to the NSA’s practices, the president summoned members of Congress to the White House reportedly to bounce some reform ideas off them.



In reports on the confab, the mainstream media reveal their biases. [This from Time magazine:](#)

The 90-minute meeting focused on two potential changes. One would strip the NSA of its ability to store telephone “metadata” — information about the phone numbers involved in calls, including their length, but not their content.

Really? The so-called “metadata” doesn’t contain information on the content of phone calls?

After a closed Senate intelligence briefing held last June, Senator Bill Nelson (D-Fla.) made a statement that seems to contradict this claim. “Only when there is probable cause, given from a court order by a federal judge, can they go into the content of phone calls and emails,” Nelson said.

This brings up the question: How can the NSA “go into the content of phone calls and emails” unless they are storing that information somewhere?

Furthermore, it’s not as if it’s all right for the snoops to record metadata. There’s a lot of information that can be gleaned from those markers. [The Electronic Frontier Foundation \(EFF\) explained](#) just how much personal information the feds can get out of metadata:

What they are trying to say is that disclosure of metadata — the details about phone calls, without the actual voice — isn’t a big deal, not something for Americans to get upset about if the government knows. Let’s take a closer look at what they are saying:

They know you rang a phone sex service at 2:24 am and spoke for 18 minutes. But they don’t know what you talked about.

They know you called the suicide prevention hotline from the Golden Gate Bridge. But the topic of the call remains a secret.

They know you spoke with an HIV testing service, then your doctor, then your health insurance company in the same hour. But they don’t know what was discussed.

They know you received a call from the local NRA office while it was having a campaign against gun legislation, and then called your senators and congressional representatives immediately after. But the content of those calls remains safe from government intrusion.

They know you called a gynecologist, spoke for a half hour, and then called the local Planned



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Parenthood's number later that day. But nobody knows what you spoke about.

Sorry, your phone records — oops, “so-called metadata” — can reveal a lot more about the content of your calls than the government is implying. Metadata provides enough context to know some of the most intimate details of your lives.

So, there's no comfort in the president's proposal to farm out the storage of metadata. The federal government is listening and make no mistake, it will know if there's anything in your personal life (online or in real life) that it can use to keep you in line.

Next, at Thursday's meeting President Obama reportedly floated the idea of a “public advocate to the Foreign Intelligence Surveillance Act (FISA) court.”

There are a few problems with this “reform,” as well.

First, where does Congress get the authority to set up a secret court to protect the fundamental rights of citizens from being deprived by the federal government? There is nothing in the Constitution — the sole source of all federal power — that gives any of the three branches anything close to a right to impanel such a powerful court.

In fact, the FISA court sounds eerily similar to the Star Chamber, an English court of the 14th to 17th centuries that met in secret, with no record of indictments, no identification of witnesses, and no transcript of the proceedings. Eventually this court was used as a political weapon, a way for the king and the Parliament to persecute their enemies and keep the dirty details hidden from the public.

Sound familiar?

Speaking of not acting without authority, where does President Obama get the right to “reform” legislation? He likely understands but ignores the fact that any “reform” of a law is nothing more than making a new law. Too bad one of the “hand-picked” lawmakers didn't remind President Obama during their chat Thursday that the Constitution gives the Congress exclusive power to pass laws.

Of course, it's not as if the FISA court is serving as any sort of check on the NSA's zealous accumulation of data anyway. As [reported by *The New American* last May](#):

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 the end of last month the number of applications for eavesdropping received and rejected by the FISA court.

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.

Given his record, it isn't likely that the president will follow through on any of his proposed “reforms” anyway. And that's exactly what one attendee admitted after his visit to the Roosevelt Room.

The [National Journal reports](#):

House Judiciary Committee Chairman Bob Goodlatte, R-Va., said “it's increasingly clear that we



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need to take legislative action to reform” the NSA’s intelligence gathering.

“If the president believes we need a bulk collection program of telephone data, then he needs to break his silence and clearly explain to the American people why it is needed for our national security,” Goodlatte said in a statement. “Americans’ civil liberties are at stake in this debate.”

Representative James Sensenbrenner takes an even dimmer view of the president’s promises. Again, from the *National Journal*:

“All three branches of government have said the NSA has gone too far,” said Sensenbrenner, who also authored the post-9/11 Patriot Act, from which the NSA derives much of its legal justification for its data grabs. “Even President Obama’s hand-picked panel agrees that bulk collection by the NSA has come at a high cost to privacy without improving national security. This problem cannot be solved by presidential fiat.”

Sensenbrenner is right. The Patriot Act, FISA, and all the other acts that purport to allow an agency of the federal government to trample the rights guaranteed by the Fourth Amendment have been passed by Congress, usually by a huge bipartisan majority.

Congress must undo what they have done, and the American people must demand it. The NSA must be defunded; the Patriot Act, FISA, and all these other enabling acts of the surveillance state must be repealed.

If something isn’t done soon, the establishment will likely continue construction of the surveillance until the entire country is being watched around the clock and every monitored activity is recorded and made retrievable by agents who will have a dossier on every American.

The fight can yet be won, though. Americans can attack the sprawling surveillance state on several fronts. First, we must elect men and women to federal office who will honor their oaths of office to preserve, protect, and defend the Constitution. Then, once in office, each of them must be held immediately accountable for each and every violation of that oath.

Beginning at the next election, Americans can send pink slips to every lawmaker who has voted to fund the NSA, pass the Patriot Act, FISA, etc.

Next, we must fill our state legislatures with men and women who won’t roll over for the federal government, but will stand as the barriers to such tyranny that they were meant to be.

Americans can come together and remind the president, the Congress, and the courts that we know that our unalienable rights are granted to us by our Creator and we won’t sit by as D.C. tries to take them away.

The White House meeting with technology corporate giants is scheduled for Friday. It will be worth noting if these NSA collaborators will push the president to “[move aggressively](#)” on NSA reform as they promised their millions of customers they would.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, the Second Amendment, and the surveillance state. He is the co-founder of Liberty Rising, an educational endeavor aimed at promoting and preserving the Constitution. Follow him on Twitter @TNAJoeWolverton and he can be reached at jwolverton@thenewamerican.com



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