

“Big Brother Obama”: Systematic Spying on Americans, Unconstitutional US Data-Mining

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On June 5, London’s [Guardian](#) reported part of it. “NSA collecting phone records of millions of Verizon customers daily,” it headlined. On June 6, a follow-up article headlined “[NSA taps in to systems of Google, Facebook, Apple and others, secret files reveal](#).” The [Washington Post](#) followed with its own report. It said the NSA and FBI “are tapping directly into the central servers of nine US Internet companies, extracting audio, video, photographs, e-mails, documents and connection logs that enable analysts to trace a person’s movements and contacts over time.” Microsoft, Yahoo, Google, Facebook, Paltalk, AOL, Skype, YouTube, Apple, and other online companies willingly cooperate with lawless government spying.

Doing so, in part, reflects old news. Institutional spying on Americans is longstanding. Previous articles discussed it. More on the Guardian articles below.

According to retired NSA/US Air Force/Naval Intelligence/Defense Intelligence Agency intelligence analyst-turned whistleblower Russell Tice:

What’s ongoing “is much larger and more systemic than anything anyone has ever suspected or imagined.”

It’s been widely known for years. Little was revealed publicly. Pervasive spying is much worse than suspected. Other media reports followed London’s Guardian revelations.

Few people knew before. Many more do now. A firestorm of public anger is needed to have any chance to stop it. Nothing less stands a chance. What follows remains to be seen. Based on post-9/11 extremism, expect worse ahead, not better.

All three branches of government are involved. They’re complicit in sweeping lawlessness. Congress is regularly briefly. Bipartisan leaders are fully on board. So are US courts.

Federal ones are most egregious. Right-wing extremists control them. America’s High Court is supremely pro-business. It’s profoundly unjust. It mocks judicial fairness.

It rubber stamps what demands rejection. It rejects what demands affirmation. It consistently serves wealth and power interests. So do Congress, Obama, and administration officials.

Populist ones don’t matter. Nor does constitutional law. Its inviolability is disregarded. It’s rendered null and void.

On June 5, the [Electronic Frontier Foundation](#) (EFF) headlined “Confirmed: The NSA is Spying on Millions of Americans,” saying:

London's Guardian "confirmed what EFF (and many others) have long claimed: the NSA is conducting widespread, untargeted, domestic surveillance on millions of Americans."

"This revelation should end, once and for all, the government's long-discredited secrecy claims about its dragnet domestic surveillance programs."

"It should spur Congress and the American people to make the President finally tell the truth about the government's spying on innocent Americans."

Domestic spying is longstanding. Post-9/11, it's been institutionalized. In 2002, Bush authorized it by presidential order. He did so secretly.

In December 2005, New York [Times](#) writers James Risen and Eric Lichtblau headlined "Bush Lets US Spy on Callers Without Courts," saying:

He "secretly authorized (NSA) to eavesdrop on Americans and others to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials."

Mark Klein worked for AT&T for 22 years. In 2004, he retired. After doing so, he turned whistleblower. He revealed blueprints and photographs of NSA's secret room inside the company's San Francisco facility.

Three other whistleblowers submitted affidavits. They explained post-9/11 lawless NSA spying on millions of Americans. The FBI, CIA, Pentagon, state and local agencies operate the same way.

Spies "R" us defines US policy. America's a total surveillance society. It's unsafe to live in. Everyone is suspect unless proved otherwise.

The 2012 FISA Amendments Reauthorization Act renewed warrantless spying. It passed with little debate. On Sunday, December 30, 2012 Obama signed it into law. Doing so largely went unnoticed.

Warrantless spying remains law for another five years. Phone calls, emails, and other communications may be monitored secretly without court authorization.

Probable cause isn't needed. So-called "foreign intelligence information" is sought. Virtually anything qualifies. Vague language is all-embracing.

Constitutional protections don't matter. All major US telecommunications companies are involved. So are online ones. They have been since 9/11. Things now are worse than then.

One expert said what's ongoing "isn't a wiretap. It's a country-tap." It's lawless. Congress has no authority to subvert constitutional provisions. Legislation passed has no legitimacy. Constitutional changes require amendments. More on that below.

The Patriot Act trampled on Bill of Rights protections. Doing so for alleged security doesn't wash. Fifth and Fourteenth Amendment due process rights were compromised.

So were First Amendment freedom of association ones. Fourth Amendment protections from

unreasonable searches and seizures were violated. Unchecked sweeping surveillance followed.

So-called “sneak and peak” searches are conducted through “delayed notice” warrants, roving wiretaps, email tracking, as well as Internet and phone use.

Section 215 pertains to alleged suspects, real or contrived. It authorizes government access to “any tangible item.”

Included are financial records and transactions, education and medical records, phone conversations, emails, other Internet use, and whatever else Washington wants to monitor.

Individuals and organizations may be surveilled whether or not evidence links them to terrorism or complicity to commit it. In other words, everyone is fair game for any reason or none at all.

On May 15, 2012, [Wired.com](http://www.wired.com) headlined “CIA Chief: We’ll Spy on You Through Your Dishwasher.”

Virtually everything electronic is vulnerable. Devices with Internet connections for sure are. So are TVs, radios, electric clocks, car navigation systems, light switches, refrigerators, electric stoves, toasters, vacuum cleaners, and other wired items.

Before Petraeusgate, the former CIA chief said:

“Items of interest will be located, identified, monitored, and remotely controlled through technologies such as radio-frequency identification, sensor networks, tiny embedded servers, and energy harvesters – all connected to the next-generation internet using abundant, low-cost, and high-power computing.”

He added that household spy devices “change our notions of secrecy.” Former rules don’t apply. Modern technology permits anything goes.

London’s Guardian revealed telecom giant Verizon spying. A [top secret April 25, 2013 order](#) authorized it. It runs through July 19. It includes domestic and foreign calls.

NSA has access to every Verizon customer’s call history for nearly three months. If so ordered, spying may be extended indefinitely. Verizon is prohibited from disclosing what it’s doing publicly.

Information obtained includes all domestic and foreign calls, phone locations, time calls made, their duration, and other “identifying information.” Patriot Act Section 215 permits it.

What’s collected is called “metadata” or transactional information. It’s not limited to what’s included above. It’s not called communications. Individual warrants aren’t sought.

As discussed above, doing so is lawless. Congress has no authority to violate constitutional provisions. Compromising Fourth Amendment protections do so brazenly.

Verizon and AT&T cooperation with NSA and other US agencies isn’t unique. It’s virtually certain that all other major US telecom companies operate the same way. So do major online ones. They do so willingly, irresponsibly and lawlessly.

Post-9/11, sweeping surveillance became policy. What Bush began, Obama escalated. Privacy rights are systematically violated. EFF and other organizations filed suits to stop it.

In 2006, EFF's *Hepting v. AT&T* was filed. It charged lawless company monitoring of private customer communications. Without their knowledge or approval, it supplies NSA with information they contain.

Whistleblower help provided documented proof. Nonetheless, right-wing courts are incorrigible. In June 2009, a federal judge dismissed *Hepting* and dozens other suits against telecoms.

In September 2008, EFF's *Jewel v. NSA* was filed. It remains ongoing. It challenges lawless NSA spying. It uses documents former AT&T employee Mark Klein supplied.

In 2011, EFF filed an FOIA suit against the Justice Department. It did so for "records about the government's use of Section 215."

Obama's the most lawless, secretive president in US history. So is his Justice Department. In *Hepting*, it claimed telecom immunity. In *Jewel*, it claims privileged state secrets.

In EFF's FOIA suit, it maintains information sought is top secret. It operates extrajudicially. It turns constitutional provisions on their head. It does so secretly. It lies when confronted with facts.

"It's time to stop hiding behind legal privileges and to come clean about Section 215 and FISA," said EFF.

"It's time to start a national dialogue about our rights in the digital age. And it's time to end the NSA's unconstitutional domestic surveillance program."

The same goes for the FBI, CIA, Pentagon, other federal agencies, as well as state and local ones working cooperatively with Washington. It's time for complicit companies to stop acting against the interests of their own customers and users.

According to Cato Institute surveillance expert Julian Sanchez:

"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 pretense of constraint or particularized suspicion."

In the 1960s, Senator Frank Church warned that NSA's "capability at any time could be turned around on the American people, and no American would have any privacy left, such is the capability to monitor everything: telephone conversations, telegrams, it doesn't matter."

"There would be no place to hide," he said. Presidents could "impose total tyranny, and there would be no way to fight back." His warning went unheeded.

Institutionalized spying is official policy. Big Brother no longer is fiction. Obama officials claim no court or judge can challenge them. What they say goes. Governing this way is called tyranny.

A Final Comment

Candidate Obama attacked lawless Bush administration practices. "I will provide our intelligence and law enforcement agencies with the tools they need to track and take out the terrorists without undermining our Constitution and our freedom," he said.

That means no more lawless spying, he added. "No more ignoring the law when it is inconvenient."

President Obama exceeded the worst Bush administration practices. He's done so consistently. He contemptuously disregards bedrock constitutional law.

On June 7, he offered a specious defense of lawlessness. He lied doing so, saying: "Nobody is listening to your telephone calls. That's not what this program is about."

That's precisely what it's about. It's Big Brother writ large. He tried having things both way, adding:

"You can't have 100% security and then also have 100% privacy and zero inconvenience. You know, we're going to have to make some choices as a society."

True enough when justifiable and constitutionally permitted. Irresponsible overreach has no place in free societies. Sacrificing fundamental freedoms for alleged security assures losing both.

Even [New York Times](#) editors said Obama "lost all credibility on this issue." He "repudiate(d) constitutional principles governing search, seizure and privacy."

[Los Angeles Times](#) editors criticized Obama's "brave new world of government surveillance that Americans should find alarming."

[London Guardian](#) editors said "(f)ew Americans believe they live in a police state....Yet the everyday fact that the police have the right to monitor the communications of all its citizens - in secret - is a classic hallmark of a state that fears freedom...."

Ironically, The Guardian story broke on D-Day's 69th anniversary. It commemorates America's Normandy landing. It was done to liberate Europe.

It wasn't supposed to institutionalize what many gave their lives to defeat. Fascism wasn't vanquished. It was transplanted to America. It's visible in plain sight.

On June 6, National Intelligence head [James Clapper](#) issued a rare public statement. He did so regarding "Unauthorized Disclosures of Classified Information." In part, he said:

Revelations "threaten potentially long-standing and irreversible harm to our ability to identify and respond to the many threats facing our nation."

"The judicial order that was disclosed in the press is used to support a sensitive intelligence collection operation, on which members of Congress have been fully and repeatedly briefed."

"The classified program has been authorized by all three branches of the Government."

“Although this program has been properly classified, the leak of one order, without any context, has created a misleading impression of how it operates.”

What’s ongoing “protect(s) our nation from a wide variety of threats.”

Government authorization lacks legitimacy. It’s lawless. Police state tyranny has no place in free societies. At stake are fundamental constitutional rights. Post-9/11, they’ve been seriously eroded on route to eliminating them altogether.

Doing so for any reason doesn’t wash. So-called terrorist threats don’t exist. State terrorism threatens humanity. It does so at home and abroad.

Clapper lied saying ongoing practices “are consistently subject to safeguards that are designed to strike the appropriate balance between national security interests and civil liberties and privacy concerns.”

No safeguards whatever exist. Constitutional law is spurned. Doing so threatens freedom everywhere. Rogue states operate this way. America’s by far the worst. Obama, Clapper, Holder, and likeminded ideologues belong in prison, not high office.

On June 6, [Wall Street Journal](#) editors didn’t surprise. They headlined “Thank You for Data-Mining. The NSA’s ‘metadata’ surveillance is legal and necessary.”

It’s not “scandalous,” said Journal editors. It’s “a core part of the war on terror.” Outrage “stem(s) from the fact that the government is widely collecting call records, not merely those associated with a particular suspect or group.”

According to Journal editors, what’s ongoing “misunderstands how the program works.”

Fact check

It’s explained above clearly. It’s sweeping, all-inclusive and lawless. All major telecom and Internet companies are involved. They do so extrajudicially. They brazenly subvert constitutional rights.

Claims about mass surveillance disrupting domestic terror attacks don’t wash. Numerous ones reported were false flags. Innocent victims were targeted.

No one prosecuted planned or committed criminal acts. None conspired to do so. Accusations made were false. Political prisoners fill America’s gulag. It’s the shame of the nation for good reason.

Lawless surveillance for any reason has no place in legitimate democracies. Constitutional law principles are inviolable. No president, Congress or court may subvert them. Doing so reflects tyranny.

Amendments are required to change constitutional law. Two-thirds of both Houses may propose them. So may national legislative conventions of two-thirds of the states.

Ratification requires approval by three-fourths of the states. State ratifying conventions of three-fourths of them may do so. Congress has some say over which method is used.

Ratified amendments become constitutional law. [Article V](#) explains how. No executive,

congressional or judicial process may do so.

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