



Obama Reversed Bush-era Limitation on NSA Collection on U.S. Citizens

September 10th, 2013 • 9:49 AM

In 2011, the Obama Administration secretly got permission from the Foreign Intelligence Surveillance Court, to reverse restrictions on the NSA's use of intercepted phone calls and e-mails, allowing the NSA to search for Americans' phone calls and emails without a warrant, the *Washington Post* reported on Sept. 7.

While this provision — which U.S. Senators Ron Wyden and Tom Udall had been warning about — was disclosed by Britain's *Guardian* newspaper a month ago — what is new in the *Post* story is that in 2008, the FISA Court, at the Bush Administration's request, had imposed an explicit, wholesale ban on those kinds of searches, but that the Obama Administration persuaded the court to lift that prohibition. So what we have here, is yet another instance in which Obama has gone beyond Bush & Cheney in the use of executive authority, in pursuit of the Schmittlerian "unitary executive."

"Section 702 [of the FISA law] was intended to give the government new authorities to collect the communications of individuals believed to be foreigners outside the U.S., but the intelligence community has been unable to tell Congress how many Americans have had their communications swept up in that collection," Wyden told the *Guardian* last month. "Once Americans' communications are collected, a gap in the law that I call the 'back-door searches loophole' allows the government to potentially go through these communications and conduct warrantless searches for the phone calls or emails of law-abiding Americans."

In a statement to the *Washington Post* last week, Wyden said: "The Court documents declassified recently show that in late 2011 the court authorized the NSA to conduct warrantless searches of individual Americans' communications using an authority intended to target only foreigners. Our intelligence agencies need the authority to target the communications of foreigners, but for government agencies to deliberately read the e-mails or listen to the phone calls of individual Americans, the Constitution requires a warrant."

W W W . L A R O U C H E P A C . C O M

Paid for by the Lyndon LaRouche Political Action Committee
P.O. Box 6157, Leesburg, VA 20178, www.larouhepac.com
and Not Authorized by Any Candidate or Candidate's Committee