



DEA Dodges Federal Law; Triples Surveillance

The Drug Enforcement Administration (DEA) is doing more than its share of spying on Americans' phone calls, texts, e-mails, and other electronic communications.

In the past decade, the federal agency has more than tripled the surveillance it conducts. Most of this has been done without any federal oversight. Typically, federal judges have to sign off on wiretapping and other electronic intercepts by federal agencies, but the DEA makes a regular practice of sidestepping that typical practice.



In a 12-month period ending in September 2014, the DEA intercepted 11,681 communications — more than three times the total for the same 12-month period ending September 2004. The agency avoided federal judges and Justice Department lawyers, who are being held to a higher standard since the Snowden revelations. Instead, it has opted to seek the desired warrants from local prosecutors and judges in at least 60 percent of those cases, [USA Today reports](#). The agency has an easier time getting approval from local judges and prosecutors because they are less involved in the cases and are loaded down with their own work. Moreover, because local judges and prosecutors are spread out from New York to California, it is difficult, if not impossible, for them to have any real grasp of the scope of the surveillance being conducted.

The DEA and other federal agencies are required by federal law to obtain approval from a senior Justice Department official before even seeking a warrant for electronic surveillance from a federal judge. No such law exists when the warrant is sought from a local judge. As Hanni Fakhoury, an attorney for the Electronic Frontier Foundation (EFF), explains, "That law exists to make sure that wiretap authority is not abused, that it's only used when totally appropriate. That's a burden. And if there's a way to get around that burden, the agents are going to try to get around it."

In most cases, it appears they are succeeding.



Written by [C. Mitchell Shaw](#) on June 11, 2015

This is not the first time the DEA has acted surreptitiously in its surveillance activities, or the first time the EFF has spoken out against the agency's actions. In 2013, the EFF — known for its strong stand against the overreach of electronic surveillance routinely conducted by the myriad of three-letter agencies — [reported](#) that the DEA and NSA were secretly sharing intelligence in many cases that did not warrant such deep intrusion into the privacy of Americans.

As the disclosures made by Ed Snowden revealed, the federal thirst for a ubiquitous surveillance state is unquenchable. It is a perverse quest that never ends. As the NSA and other agencies have delved more deeply into the private communications of Americans, the lust for even more surveillance has driven them to greater depths of perverting the law and the principles that made America a land of freedom and privacy. As an increasing amount of information comes to light, the implications of tyranny become more obvious.

This recent revelation comes after *USA Today* obtained the DEA's wiretapping statistics using the Freedom of Information Act. The numbers show a disturbing trend of the DEA dodging the intent of the federal laws that regulate electronic interception of communications. In an effort to take the shortest path to the information the agency seeks, it has come dangerously close to violating the law, while it has certainly violated the privacy of thousands of citizens.

It is time for Americans to stand up and demand an end to mass surveillance. The apparatus that permits the surveillance plaguing citizens by threatening their most basic liberties needs to be dismantled. If the three-fold increase of electronic interception of personal communications by the DEA is any indication of where the country could be in another 10 years, then constitutionalists must work quickly.



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