



Written by [Thomas R. Eddlem](#) on August 11, 2013

Did Obama Just Admit the NSA Was Collecting Americans' Phone Audio?

In his August 9 [press conference](#), President Obama seems to have paved the way for a government admission that the NSA is recording the telephone calls of millions of Americans. While not being explicit, the president pointedly didn't deny that the NSA was collecting the audio and transcripts of the phone calls. And he maintained that the NSA needed to collect the "haystack" to find the terrorist needle among us.



In the press conference, Obama [expressed frustration](#) at how the London *Guardian's* Glenn Greenwald and others in the media have gradually [reported](#) information from Edward Snowden about NSA surveillance of Americans' private Internet and telephone traffic. "What I'm going to be pushing the IC [Intelligence Community] to do," he said, "is rather than have a trunk come out here and leg come out there and a tail come out there, let's just put the whole elephant out there so people know exactly what they're looking at."

President Obama may have revealed the elephant with his lawyer's dodge of a [press conference](#). He pointedly [didn't deny](#) that the NSA was collecting Americans' phone call audio. "As I've said, this program is an important tool in our effort to disrupt terrorist plots. And it does not allow the government to listen to any phone calls without a warrant."

The key words above are "listen to." Notice that Obama didn't say the NSA wasn't seizing the audio from Americans' phone calls and storing it in central [data-centers](#), or even searching through computer-generated transcripts of the conversations. Intelligence officials have continuously stressed the difference between gathering the data into a database and searching through the data. Gathering any kind of "third party" data into a central database, [Obama administration lawyers claim](#), does not violate a "reasonable expectation of privacy" on the part of the American people. It is only searching through that data that is a search in the context of the Fourth Amendment, the false administration narrative asserts. (The [Fourth Amendment](#) includes a prohibition on the "seizure" of documents without warrants and probable cause, in addition to the requirement for warrants and probable cause to accompany searches.)

Obama has completely bought into the idea that intelligence officials need to collect every bit of information about Americans, [stating](#) in the 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."

In short, Obama says intelligence spooks need the haystack, which includes the audio of your mom's phone call to the neighbor discussing her sweet potato pie recipe. The new strategy by the Obama administration — post-Snowden — is not to lie about the surveillance of Americans, but to claim that the massive surveillance is put in a sort of legal lock-box that has not been abused.



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Obama stated,

And 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.

Of course, if the NSA was not recording phone calls at all, there would be no need for Obama to reassure Americans that abuse of the (still unacknowledged) recordings was not taking place. In that last statement, the president seems almost to presume the public release of information affirming such surveillance.

Obama [repeatedly stressed](#) in the press conference that this massive collection of Americans' private information has not been abused:

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.

I am comfortable that the program currently is not being abused. I'm comfortable that if the American people examined exactly what was taking place, how it was being used, what the safeguards were, that they would say, you know what, these folks are following the law and doing what they say they're doing.

The only problem with Obama's assertions about a lack of abuse is that several examples of abuse have already been disclosed publicly. Of course, the revelations by Edward Snowden demonstrate that the NSA already doesn't have control over its own massive database. Perhaps more importantly, the *New York Times* [reported](#) back in 2009 that the private e-mail messages of Bill Clinton had been searched by NSA analysts without a warrant. If even a former president's e-mail is not private, what hope can there be for privacy protections for ordinary Americans? And how can Obama continue to maintain that the privacy of Americans has not been violated in light of such public revelations?

Obama is essentially asking the American people to trust him that there haven't been more violations of privacy than have been publicly revealed. In other words, he's saying that the NSA has not covered up violations of privacy in the same way it covered up the existence of the surveillance programs themselves.

As recently as March of this year, Obama's Director of National Intelligence James Clapper [categorically told Senate investigators](#) that the NSA was not deliberately collecting telephone data on millions of Americans. A reporter asked Obama at the August 9 press conference, "Can you understand, though, why some people might not trust what you're saying right now?" Obama's [reply](#)? "No, I can't."

Obama's continued lawyer's dodge on the issue of surveillance of Americans proves the brilliance of Glenn Greenwald's intermittent revelations of the NSA's unconstitutional surveillance programs. Obama [criticized](#) Greenwald's reporting, observing, "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."

While Greenwald has yet to release Edward Snowden's documentation of an NSA program to record and store the content of Americans' telephone calls, Obama and his lawyers clearly prepared the way for such a revelation with the president's August 9 press conference.

Photo of President Obama: AP Images



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