

# Napolitano: Justice Scalia Thought Obama Spied on Supreme Court

## Newsmax

By Theodore Bunker | Tuesday, 16 May 2017 12:13 PM

Judge Andrew Napolitano said on Fox Business Monday that the late Justice Antonin Scalia told him "that he often thought that the court was being surveilled" roughly four or five years ago.

Napolitano appeared on the program to discuss the claim made by Sen. Rand Paul, R-Ky., accusing the Obama administration of spying on him and another senator.

"It's about your own government spying on the opposition party," Paul said on **"America's News HQ"** last week. "That would be enormous if it's true."

When asked about Paul's claim, Napolitano said, "Well, they're most likely true. Think of this as a three-step process: Surveillance, which is acquisition in a digital version of every keystroke on every computer, and every communication on every cell phone and landline phone; storage, which is the maintenance of the digital versions of these communications; and then unmasking, which is accessing this data and finding out the names of the people who are actually surveilled."

He added that "It is beyond dispute that the NSA has access to, if it wants, it would be unlawful for them to do this, but they have it, every phone call of every person in the United States of America since 2005."

Napolitano continued, saying, "It is the use to which the raw intelligence data can be put that makes it criminal. If they had to unmask Sen. Paul's name in order to understand a conversation he was having with a foreign agent and the foreign agent was harmful to the United States, they can do that. That's not what he's talking about. They're talking about them unmasking him while he's having a conversation with his campaign manager when he's running in the Republican primary in 2016."

"The use of intelligence data for political purposes is a felony ... Unmasking is illegal if done for any reason other than national security."

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