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The National Security Agency and Surveillance in the United States

In the aftermath of the September 11th, 2001 attacks, and with the rising use of mobile phones and computers, the United States surveillance program has seen a significant overhaul and expansion in the past decade. This growing security state, authorized by the Patriot Act passed in the shadow of 9/11, allows the United States government access and storage of exabytes (1 billion gigabytes) of data. Since the National Security Agency leaks by Edward Snowden, which exposed the agency's vast surveillance programs which include domestic spying as well as surveillance on other democratic world leaders, a conversation has started within the United States and around the world about the cost of freedom for security.

The United States has maintained throughout the beginning of the 21st century that it did not partake in domestic spying. The leaks by Snowden showed this to be false, and that domestic spying against alleged "terrorists" does, in fact, occur. However, there are questions as to whether or not these programs are actually successful at targeting terrorists, as they only target well-known internet websites and applications like Skype, Facebook, Google, etc.¹ The questions now being asked in the United States is whether this domestic spying program, as well as the larger surveillance program abroad, is 1) effective; 2) legal; and 3) worth the cost of freedom.

Considering the scope of this surveillance program, the actual effectiveness is questionable. President Barack Obama claimed that over fifty threats that had been averted by the NSA's surveillance program. But ultimately, the agency could only point to one case in San

¹ <http://www.bloomberg.com/news/2013-06-23/u-s-surveillance-is-not-aimed-at-terrorists.html>

Diego where the surveillance played a “dominant role,” and has ultimately only publicly identified four of the purported cases.² In only the last six months of 2012, the world’s largest social network, Facebook, has given the government access to data for between *18,000 and 19,000* users.³ Most likely, many of these users were never convicted of a crime, but their data was still examined by government agencies. Is this an effective use of the surveillance program? There seems to be a disconnect between the rhetoric and the facts when examining the effectiveness of this surveillance, which is extremely concerning when you consider the massive scale of the entire program.

The legality of this vast surveillance program is a challenging issue to tackle, largely because of the use of secret courts to determine whether the domestic spying occurring is legal. This entire conversation has occurred in private for the last five years, without the knowledge of the American public. There are serious constitutional questions to consider, mainly the Fourth Amendment to the U.S. Constitution protecting privacy. The amendment forbids the government from “unreasonable searches and seizures,” and has been further interpreted by the Supreme Court to protect an American’s right to privacy. Historically, the law of the United States requires a warrant in order to execute a search of an American’s property or data, and that warrant is presented to the individual being searched.

Under this new surveillance program, vast amounts of data is collected on unsuspecting individuals, who may have never committed a crime in their life, and then a request is made in secret to view this data. The individual in question is never notified or aware that the government is combing through their data, or surveilling them. It is my belief that the surveillance program

² <http://www.propublica.org/article/claim-on-attacks-thwarted-by-nsa-spreads-despite-lack-of-evidence>

³ <http://newsroom.fb.com/News/636/Facebook-Releases-Data-Including-All-National-Security-Requests>

employed by the United States, expanded under the Obama administration, is a profound breach of American laws and values, and is a deep invasion into the privacy guaranteed to citizens of the United States. Even if the case could be made that this surveillance *is* legal, the moral question concerning the loss of personal privacy is profound.

Let us imagine that President Obama's claim that fifty threats had been averted because of the NSA's surveillance program is true—would this validate the use of such an overreaching program? The simple answer is no. The government's invasive surveillance program is, to me, unquestionably unconstitutional. Allowing this program to continue unchecked will lead us down a slippery slope of unimaginable government oversight into our everyday lives, and American citizens will be unable to think or communicate freely. We're already seeing the consequences of allowing this type of program to continue; an FBI domestic terrorism training guide informed agents on how to identify anarchists, who the FBI argues are "criminals seeking an ideology."⁴ What have these "criminals seeking an ideology" done wrong? What crime have they committed, other than radical thinking? Is radical thinking a crime? These are questions we have to be asking, and they're questions that the government needs to be answering.

Ultimately, I believe this overreaching program is illegal and at odds with so-called American values. The government, in attempting to prosecute Edward Snowden, argues that this nation has laws, and if you break these laws, you have to be held accountable. While Snowden may have to face consequences under U.S. law for leaking information about the government's classified domestic surveillance program, then so must the government face the consequences of illegally surveilling American citizens. It's almost certain that these consequences will not

⁴ <http://www.greenisthenewred.com/blog/wp-content/Images/ACLURM026485-anarchist.pdf>

come by court order, so they must come from the American public. It's up to the voter, the ultimate decider, to hold the government responsible.