

NSA leaks and US democracy

We ask what recent spying revelations mean for democracy in the United States.
July 5, 2013

On Independence Day in the United States, protesters demanded a restoration of their constitutional right to privacy.

The disclosures by former US government contractor, Edward Snowden, have given the world a glimpse into the far-reaching spying capacity of the National Security Agency (NSA).

Americans appear divided on whether the NSA is justified in collecting information on millions of citizens, including phone and internet data. But on Thursday - the country's independence holiday - protesters demanded that the government respect the constitutional guarantee against "unreasonable searches and seizures".

The fourth amendment to the US constitution guarantees: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Members of Congress also demanded answers on whether they were misled about the NSA's activities.

In March, prior to the series of leaks, US officials including James Clapper, the director of national intelligence, had assured members of Congress that the government was not collecting information on hundreds of millions of Americans.

Following the leaks by Snowden, Clapper backpedalled. He then wrote a letter to the Senate Intelligence Committee to apologise.

In more than a month of leaks, a lot of information has been released, much of which has been overshadowed by the drama surrounding Snowden himself. But what have we learned about the NSA?

- On June 6, the *Guardian* newspaper revealed that the NSA was collecting phone records of millions of Verizon customers in the US, mandated by a secret court order.

- The next day we learned about a previously undisclosed programme called Prism, which allows the NSA to gain direct access to the private communications of those who use large internet services including Google, Facebook, Apple, and Microsoft. But all of those companies have denied allowing such direct access.
- On June 8, the *Guardian* revealed that the NSA had developed a tool known as 'boundless informant', which allows the agency to organise the data it collects from around the world, including the US.
- On June 17, it revealed that the UK's Government Communications Headquarters, which shares information with the NSA, intercepted foreign politicians' communications during the 2009 G-20 summit.
- On June 20, top secret documents showed that US judges signed off on broad court orders that allow the NSA to use information inadvertently collected from domestic US communications, without a warrant.
- On June 21, the *Guardian* revealed that the UK spy agency, GCHQ, had been secretly tapping hundreds of fibre-optic cables carrying phone and internet traffic, and then sharing the information it obtains with the NSA.
- On June 27, it was revealed that a programme started under President George W Bush in 2001, allowing the NSA to collect vast amounts of email and internet usage records from Americans, continued until 2011 under President Barack Obama.
- And just within the last week German magazine *Der Spiegel* revealed that the NSA is spying on its European allies, including Germany, by bugging EU buildings and monitoring half a billion communications.

There have been a series of public opinion polls since the NSA documents were released. The most recent poll was published on June 19 by the *Washington Post* and *ABC News*, which found that 58 percent support the NSA's intelligence-gathering programme. While the same poll found that 65 percent supported holding public hearings on the programme, other polls have found varying levels of support for the surveillance.

A CNN-ORC poll released just a few days earlier asked respondents if they thought the Obama administration has gone too far in restricting people's civil liberties in order to fight terrorism. Forty-three percent said he had gone too far, compared to 38 percent who said it was about right and 17 percent who said it did not go far enough.

A Gallup poll asked people whether they approve or disapprove of the government's programme of collecting phone records. Fifty-three percent said they disapprove of the programme.

So, what do recent NSA spying revelations mean for American democracy?

To discuss this, *Inside Story Americas*, with presenter Shihab Rattansi, is joined by: Nathan White, the national spokesperson for the Restore the Fourth Rally; Julian Sanchez, a research fellow at the

CATO institute who focuses on technology, privacy and politics; and Thomas Drake, a former NSA senior executive and a whistleblower.

"The thing that holds us together, that united us as a country, and gives us the framework for us to be successful is the United States' constitution. The fourth amendment ... that's what's under threat here. There are people at our rallies that have dramatically different opinions about Edward Snowden and about particular politicians, but we're united in our concern that, 'how can this been happening when it seems so unconstitutional?'"

- Nathan White, the national spokesperson for the Restore the Fourth Rally