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We can't hide from the national security agency

by **Nat Hentoff**, Aspen Daily News Columnist

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How many Americans know that as of September 2013, all of us engaged in any form of communication will be subject — with the approval of President Barack Obama and the silence of Congress — to continuous tracking and databasing by the National Security Agency?

As I reported here last week, the NSA's massive new center in Bluffdale, Utah — more than five times larger than the U.S. Capitol — will be storing and analyzing:

"All forms of communication, including the complete contents of private emails, cell phone calls and Google searches, as well as all sorts of personal data trails — parking receipts, travel itineraries, bookstore purchases ..." ("The NSA Is Building the Country's Biggest Spy Center (Watch What You Say)," James Bamford, wired.com, March 15).

Are you at all concerned? Note that this bottomless database is deceptively called the Utah Data Center (UDC), as if it were a minor league state agency. But journalist-historian James Bamford, as he has done in previous reports and books, breaks into the NSA's deep secrecy.

Dig this: "The mammoth Bluffdale center will have another important and far more secret role that until now has gone unrevealed."

Citing a senior intelligence official formerly involved in this endless spying, Bamford reports that the NSA is now also expert in breaking codes.

"And code-breaking is crucial," he writes, "because much of the data that the center will handle — financial information, stock transactions, business deals, foreign military and diplomatic secrets, legal documents, confidential personal communications — will be heavily encrypted."

These are, reports Bamford, "unfathomably complex encryption systems employed by not only governments around the world but also (pay attention) many average computer users in the U.S."

Bamford is not exaggerating when he quotes another official, who says, "Everybody's a target; everybody with communication is a target."

I've already asked if any of you are at all worried about inexorably losing what's left of your privacy outside of our rule of law. You won't be able to go to a judge to get the government to justify how it now suspects you of being associated with an enemy of the U.S. or some other evildoer.

And where are the protests of those in Congress and around the country as James Bamford demonstrates that "there is no doubt that (the NSA) has transformed itself into the largest, most covert, and potentially most intrusive intelligence agency ever created"?

There's more: "For the first time since Watergate and the other scandals of the Nixon administration, the NSA has turned its surveillance apparatus on the U.S. and its citizens."

We now live in a country — the former land of the free and the home of the brave — where the NSA "has established listening posts throughout the nation to collect and sift through

billions of email messages and phone calls, whether they originate within the country or overseas.

“It has created a super computer of almost unimaginable speed to look for (suspicious) patterns and unscramble codes.”

Some may pay tribute to the vaunted American creative inventiveness of the NSA as it secures unprecedented outposts of the digital age to go into the lives — even slipping into the thoughts — of mere citizens.

Will Republicans in power be any more protective of your Fourth Amendment national birthright “to be secure in (your) persons, houses, papers and effects against unreasonable searches and seizures” by a government that you yourselves elect to protect who we are as Americans?

What is happening to We the People? We are not yet a police state. The First Amendment is still functioning. There are organized and individual protests against failing public schools, employment discrimination, predatory landlords and tuition increases in colleges and universities.

But with the NSA burrowing ceaselessly into our once very private lives, where are the reminders of the Declaration of Independence and its indictments of King George III? Have any of you read it lately? The late Supreme Court Justice William Brennan, knowing I was on my way to tell Pennsylvania high school students stories of how we became Americans, asked me with a sigh:

“How can we get the Constitution’s Bill of Rights into the lives of students?”

He forgot the equal need to also awaken their parents as to why they are Americans.

With the NSA and other government intelligence agencies reveling in ever-new digital-age inventions to get deeper and deeper into our lives and thoughts, it may not be more than a generation or two before the Constitution will be as out of date as carrier pigeons.

The late Supreme Court Justice Hugo Black once urged — and this advice has never been as vital to our future as Americans as it is now: “If we are to ... pass on to future generations of Americans the great heritage of freedom which (the Founders) sacrificed so much to leave to us ...

“We must not be afraid to be free.”

Is it too late for Americans to live and act on these words, thereby ensuring that the National Security Agency is encapsulated in a museum of extinct enemies of our freedom?

Place your bets — and maybe get out on the streets with the Declaration of Independence to protest our vanishing privacy!

(Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights. He is a member of the Reporters Committee for Freedom of the Press, and the Cato Institute, where he is a senior fellow.)