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Obama tracking whatever you say and do — you're Americans?

By: Nat Hentoff, Senior Fellow at the Cato Institute
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My Jewish parents had changed their lives — inner and outer — by coming to America.

When their son was old enough to go to school, they were determined not to send him to the prestigious Hebrew school on the street next to where they lived in Boston.

No, the boy was to be more fully Americanized by taking a sizable walk to the William Lloyd Garrison public elementary school in the neighborhood.

They are no longer here, but I can imagine their hurt had they read this on the front page of the June 7 Wall Street Journal: “The National Security Agency’s monitoring of Americans includes customer records from the three major phone networks as well as emails and Web searches, and the agency also has cataloged credit-card transactions” (“U.S. Collects Vast Data Trove,” Siobhan Gorman, Evan Perez and Janet Hook).

I would also have shown them a startling story by U.S. reporter and constitutional lawyer Glenn Greenwald, who covers American civil liberties et al, for the British newspaper The Guardian. He found a top-secret Obama program run by the NSA that had direct access to the Internet systems of “Google, Facebook, Apple and other U.S. Internet giants” (“NSA Prism program taps in to user data of Apple, Google and others,” Greenwald and Ewen MacAskill, June 6).

Included are huge quantities of personal information about us, such as “search history, the content of emails, file transfers and live chats.”

The program is called PRISM.

Were they here, my parents might have asked, “What happened to America?”

“His name,” I would tell them, “is Barack Obama.”

Greenwald, also my Facebook friend, and MacAskill add that PRISM “facilitates extensive, in-depth surveillance on live communications and stored information. The law allows for the targeting of any customers of participating firms who live outside the U.S., or those Americans whose communications include people outside the U.S.”

And, of course, “it also opens the possibility of communications made entirely within the U.S. being collected without warrants.”

So you, readers, will know more about your ever-closer companion, PRISM. Barton

Gellman and Laura Poitras write that “according to the slides and other supporting materials obtained by The (Washington) Post, ‘NSA reporting increasingly relies on (the gigantic) PRISM’ as its leading source of raw material, accounting for nearly 1 in 7 intelligence reports” (“U.S., British intelligence mining data from nine U.S. Internet companies in broad secret program,” Gellman and Poitras, The Washington Post, June 6).

And, as our re-elected president has become the rule of law, that 1 in 7 number “is a remarkable figure in an agency that measures annual intake in the trillions of communications.”

Oh, multiple news outlets have reported that “government officials declined to comment.”

Very seldom am I part of a story I’m reporting on, but I may be one of the eventual “persons of interest” after reading this in Greenwald and MacAskill’s report: “Disclosure of the PRISM program follows a leak to The Guardian ... of a top-secret court order compelling telecoms provider Verizon to turn over the telephone records of millions of U.S. customers.”

Despite the huge volume of calls, it does appear that every one is being monitored. Since my phone calls have long been transmitted by Verizon, this makes me uneasy.

Citing Greenwald’s reporting in The Guardian, Stephen Rex Brown writes in the New York Daily News that the court order “requires the carrier to hand over information regarding phone calls — which does not include actual conversations (as if we actually believe that) — on an ‘ongoing, daily basis’ to the FBI” (“Verizon is giving the feds phone records for all of its U.S. customers: report,” Brown, New York Daily News, June 6).

Gee, the FBI has known my phone numbers well since the J. Edgar Hoover era. I’ll never know, but I guess they’ll find my suspicious “patterns” now on Verizon.

Under the court order, “the information is classed as ‘metadata,’ or transactional information, rather than communications, and so does not require individual warrants to access” (“NSA collecting phone records of millions of Verizon customers daily,” Greenwald, The Guardian, June 5).

Furthermore, the Verizon court order is covered by “the so-called ‘business records’ provision of the Patriot Act ... That is the provision which (Sen. Ron) Wyden and (Sen. Mark) Udall have repeatedly cited when warning the public of what they believe is the Obama administration’s extreme interpretation of the law to engage in excessive domestic surveillance.”

Through the Freedom of Information Act, I have part of my FBI record, with decidedly negative comments on what I’d written about the long distances between the Patriot Act and the Constitution.

So what of those of either party who intend to hold on to our American identities against Obama? I suggest that we press those members of Congress who individually represent us to join Republican Sen. Rand Paul’s introduction of the “Fourth Amendment Restoration Act of 2013,” which, according to his Senate website, “ensures the

constitutional protections of the Fourth Amendment are not violated by any government entity.”

No matter, I would add, who the president is.

“The bill,” says Paul, “restores our constitutional rights and declares that the Fourth Amendment shall not be construed to allow any agency of the United States government to search the phone records of Americans without a warrant based on probable cause” (www.paul.senate.gov).

Here, too, I would expand the act to protect more than just our phone records.

So the senator has introduced the legislation. But how many of you are outraged enough to do anything about what Obama is doing to you — besides spreading the word about Paul’s bill? If so, please let me know what that will be.

(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.)