



Editorial: Pull the NSA back within legal limits

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New revelations continue to confirm how pervasively the government spies on Americans. The latest comes from the Wall Street Journal, which reported, "The National Security Agency – which possesses only limited legal authority to spy on U.S. citizens – has built a surveillance network that covers more Americans' Internet communications than officials have publicly disclosed, current and former officials say."

The NSA formally was established in 1952 to provide communications intelligence on the Soviet Union and other foreign enemies. It never was supposed to spy on American citizens, unless those citizens were involved with foreign enemies.

Yet, according to the Journal, "The system has the capacity to reach roughly 75 percent of all U.S. Internet traffic in the hunt for foreign intelligence, including a wide array of communications by foreigners and Americans. In some cases, it retains the written content of emails sent between citizens within the U.S. and also filters domestic phone calls made with Internet technology."

That surveillance goes far beyond what was described by NSA leaker Edward Snowden, who, since his revelations in June, has been charged with espionage by the Obama administration and has been granted asylum in Russia.

"It's another shocking but not surprising revelation," Jim Harper told us of the Journal story; he's the director of information policy studies at the libertarian Cato Institute. He pointed to a 2006 article in USA Today that was an early report on of the extent of the NSA's spying. "Now we know something of the full extent of it."

He said the Journal's sources probably are private companies "who have gotten their arms broken to promote this surveillance for awhile." They were reluctant to talk to the press in the past, but since the Snowden revelations, have become more willing to reveal what's going on.

We have no problem with the NSA conducting its original mission – spying on America's enemies. But, along with most Americans, we don't like the 75 percent dragnet for all communications.

Second, as Mr. Harper pointed out, this much secrecy makes it difficult for Americans, individually and through their representatives in Congress, to supervise what's going on. He said that soon a federal court for the District of Columbia will issue an order releasing a key ruling, until now secret, by the Foreign Intelligence Surveillance Court. That ruling

found unconstitutional major parts of the NSA's surveillance. The FISC is the secret court that reviews NSA actions.

The Justice Department currently is redacting parts of the FISC opinion that the DOJ believes would compromise national security. The government can be pretty heavy-handed in its redactions. But the Electronic Frontier Foundation, which filed the Freedom of Information Act request for the FISC opinion, could go back to the court if it believes the redaction goes too far.

Although security against terrorists and other threats is important, our liberties are even more important. The NSA and its defenders insist that "safeguards" are in place to prevent abuse. But as we noted in a previous editorial, an internal NSA audit catalogued "thousands" of rules violations since 2008.

In a democratic society, it's the people themselves who are supposed to provide a check against abuse by using the right "to petition the government for a redress of grievances," as our First Amendment guarantees. Americans need to demand that Congress bring the NSA's actions back within the bounds of the Constitution.