

# On NSA Leaks, It's the Government Versus the People

By: John Glaser – June 26, 2013

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Despite continuing efforts to politicize the revelations about the NSA's domestic spying programs, the leaks from whistleblower Edward Snowden transcend America's trivial two-party politics. This isn't Republicans versus Democrats. It's the government versus the people.

In early 2002, President George W. Bush secretly authorized the National Security Agency to spy on the electronic communications of Americans without first getting court approval. This was a direct violation of the 1978 Foreign Intelligence Surveillance Act (FISA), which required the government to obtain a warrant showing probable cause that their target was an agent of a foreign power or terrorist organization.

The FISA Amendments Act of 2008, renewed in 2012 with enthusiastic support from the Obama administration, retroactively legalized much of the Bush administration's illegal domestic spying program by authorizing broad, warrantless surveillance of Americans' international communications, largely in secret.

But even the loose standards set by the FISA Amendments Act, writes Julian Sanchez, a research fellow at the Cato Institute, were "almost immediately misused, resulting in 'significant and systemic' overcollection of Americans' *purely domestic* communications."

Snowden's leaks have substantiated that the NSA not only fails to get individualized warrants, but that it collects, in bulk, the call data of virtually all Americans and stores the content of our Internet activities, including emails, file transfers, instant messages and browsing histories.

Back when revelations about NSA spying under Bush came to light, Republicans largely stood behind their president. Some Democrats are now doing the same for Obama. But there is a growing bipartisan opposition to the sweeping surveillance powers of the intelligence agencies in the aftermath of Snowden's leaks.

In Congress, you have Democrats like Sen. Ron Wyden and Sen. Mark Udall fiercely opposed, and Republicans like Sen. Rand Paul and Rep. Justin Amash join them.

Conservative Fox News pundit Bill O'Reilly called the NSA's dragnet snooping on Americans "a massive intrusion" that is "flat out unconstitutional." The equally hawkish talk radio host Laura

Ingraham lamented, "All our records are in the hands of the government," and expressed regret for not paying closer attention to civil libertarian objections to the Patriot Act.

This bipartisan opposition to NSA overreach represents a groping towards acknowledging an historic precept, that governments have always considered their own populations their greatest enemy.

One revealing aspect of all this is that the government has charged Edward Snowden with espionage. And as former Texas Congressman Ron Paul noted this week, "espionage means giving secret or classified information to the enemy."

"Since Snowden shared information with the American people, his indictment for espionage could reveal (or confirm) that the U.S. Government views you and me as the enemy," Paul added.

Indeed, the NSA's bulk collection of virtually all Americans call data and Internet activity is "best suited for gathering information on law-abiding citizens," not members of al-Qaeda, writes Leonid Bershidsky at Bloomberg News.

This goes back in history. In the 1970s, an enormous domestic surveillance apparatus was revealed that brazenly violated the law and Americans' constitutional rights.

"The Central Intelligence Agency, directly violating its charter, conducted a massive, illegal domestic intelligence operation during the Nixon Administration against the antiwar movement and other dissident groups in the United States," *New York Times* journalist Seymour Hersh reported in 1974.

Hersh also uncovered "dozens of other illegal activities by members of the CIA inside the United States, beginning in the nineteen-fifties, including break-ins, wiretapping and the surreptitious inspection of mail."

The 1975 Church Committee discovered that the NSA, in a program begun in 1947, had been monitoring Americans' telegram messages at a rate of 150,000 per month.

Compare that with NSA whistleblower William Binney's recent estimate that the intelligence community has assembled "20 trillion transactions about U.S. citizens with other U.S. citizens." The Church Committee ultimately led to reforms meant to restrict the government's ability to so systematically violate the rights and privacy of Americans, but those reforms have essentially been gutted since 9/11.

The Department of Homeland Security (DHS), for example, was established following the 9/11 attacks and it is nothing more than a massive and intrusive bureaucracy.

In 2012, a Senate investigation found that DHS's intelligence sharing hubs, called fusion centers, gobbled up billions of dollars but disrupted no actual terrorist plots and mostly targeted Americans with no connection to terrorism.

Instead, the fusion centers were "circulating information about Ron Paul supporters, the ACLU, activists on both sides of the abortion debate, war protesters and advocates of gun rights," the AP reported.

Do you fit into any of those categories? Well, that's whom the government is really targeting, almost exclusively in the shadows.

"I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations," James Madison once warned.

America's Founders understood the greatest threat to the people is their own government. And until transparency and the Bill of Rights are restored, their prescience will become increasingly for naught.