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The NSA and the Fourth Amendment

“Even if you are doing nothing wrong, you are being watched and recorded,” said ex-NSA (National Security Agency) whistle blower, Edward Snowden. During June of 2013, two of Snowden’s documents were published, slowly revealing the NSA’s actions. Americans then realized they have been victims of the NSA’s spying scandal. The NSA’s activities include reading and collecting American citizens’ e-mails, phone calls, and texts messages, all without any form of a search warrant. The NSA claimed that gathering this information would prevent and stop acts of terrorism. Did the actions of the NSA violate the Fourth Amendment? Because the NSA compiled hundreds of thousands of random people’s data without a search warrant, the acts of the NSA are unconstitutional.

The Fourth Amendment states, “The right of the people to be secure in their persons, houses, papers, effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause...” In order for the government to be able to search a person or his belongings, it must receive a search warrant from a judge upon probable cause. Because the world is always changing, certain words of the Constitution may be interpreted differently than in previous generations. Therefore the term “papers” could also include digital data such as text messages, e-mails, etc. The NSA attempted to use the excuse of preventing acts of terrorism as a probable cause to spy on people. Doing this, the NSA illegally infringed upon citizens’ privacy because they lacked the authority to do so. Because it is highly unlikely that **all** the people the NSA spied on were capable of participating in acts of terrorism, the NSA violated the Fourth Amendment by lacking both realistic probable cause and a search warrant for each individual.

Acts of terrorism in America have always existed and are still occurring. As an example, two months before the NSA leaked information, two bombs went off during the Boston Marathon as many runners were completing the race, killed three people and injured two hundred

sixty people. Although the government found the two culprits involved, the lives of those who died are irreplaceable. If the government knew the plans of the terrorists beforehand, could it have prevented the destruction inflicted? The NSA felt compelled to try its best to prevent another tragedy from happening. The NSA argued that collecting metadata of thousands of unidentified citizens was legal because the information collected was not directly associated with a specific person. Then, the NSA would look at patterns within the data such as words like "terror" or "bomb" and later find who was associated with these words. The NSA claims that American citizens' safety is a higher priority than their privacy. However, the NSA lacked the legal authority to gather all the information it found. Although the NSA attempted to prevent more devastation, its method of preventing terrorism invaded people's privacy.

The acts of the NSA are prohibited by the Fourth Amendment. If the NSA sought and was given a search warrant for each individual, its actions would have been completely legal. Although its intentions were meant to prevent terrorism, it did not have the legal authority to look through the personal information of completely random people. For all these reasons, the recent acts of the NSA are unconstitutional.