

Andrew Miller

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United “Nanny States” of America: My Case Against Mass Surveillance

The year 1789, in my opinion, is the single most important year in our nation’s long and colorful history. Two years after the United States of America’s Constitution was written, and thirteen years after the Declaration of Independence was authored by five, brave men, ten amendments were written for our Constitution, each of which guarantees some freedom or right as both intrinsic and unalienable.

The government in the 1700’s was remarkably different from our current governmental body, and the time period was remarkably different than modern times. The government did not read mail sent via Pony Express, or intercept telegraphs, as the government does today with electronic mail sent via the internet or telephone calls transmitted across our nation’s telecommunications infrastructure. The government did not invasively search people’s belongings and property without either consent or a search warrant as they do today. What the government did do, however, was follow the supreme law of the land, and functioned without any major terroristic activities or threats to our free society.

If the precedent has not always been to allow the governmental agencies such as the National Security Agency, Transportation Security Administration, Department of Homeland Security, Federal Bureau of Investigation, Central Intelligence Agency, local police forces, and likely numerous others to spy on citizens of the United States, then when did this egregious practice originate?

September 11th, 2001 was a turning point in our nation’s history. On this day, a radical terroristic organization known as Al-Queda attacked our country, killing 2,996 people, and

injuring over 6,000 (History). However, this organization did far more than murder .001% of our nation's population; they obliterated our nation's freedom from governmental oversight in people's lives.

Forty-five days after the September 11 terroristic attacks, legislation was passed and signed into law known as the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (Patriot). This act, known as the USA Patriot Act, was passed nearly unanimously, and was signed into law by then president George W. Bush. Despite its "patriotic" name, the USA Patriot Act is far from being a patriotic bill. The legislation formed the TSA and provided additional authority and jurisdiction to many agencies, including the NSA. With this power in hand, these agencies now have the capability of spying on every single citizen in our country, which is exactly what these organizations are doing.

A man by the name of Edward Snowden was one of the people who was employed by these agencies to gather data on citizens, which is essentially spying. He, however, did not think that what he was ordered to do by his superiors was morally or constitutionally right. This prompted Mr. Snowden to gather evidence and information about what the "people's government" is doing to collect information about them, including phone call and text message records, web history, location and GPS history, and much more information.

There is an inherent and fundamental problem with the government collecting this "metadata," however. The fourth amendment to the Constitution of the United States of America states that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized" (Rights). This "right" is in our country's

Constitution, which functions as the highest law of the land, meaning that anything said in it shall be followed, and all legislation passed by Congress must be able to be proven Constitutional by the Supreme Court of the United States upon challenge. Now, there is no legal way for the government to obtain a warrant for every action of every person, and even if there was a way to obtain such warrant, what would the probable cause be? So-called “prevention of terrorism” is by no means reason to suspect honest, hard-working Americans of heinous crimes. Further, warrants are to have a specific location to be searched, not an entire country.

If the government cannot obtain a warrant, they cannot legally search citizens. If they cannot legally search citizens, then it is implied that if they do search citizens, they are breaking our nation’s highest law, and should be held liable for their actions. Benjamin Franklin famously phrased it best; “Those who desire to give up freedom in order to gain security will not have, nor do they deserve, either one.”

Works Cited

"9/11 Attacks." *History.com*. A&E Television Networks, 01 Jan. 2010. Web. 10 Feb. 2014.

<<http://www.history.com/topics/9-11-attacks>>.

"The Bill of Rights: A Transcription." *National Archives and Records Administration*. National Archives and Records Administration, 15 Dec. 1791. Web. 10 Feb. 2014.

<http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html>.

"USA PATRIOT Act." *USA Patriot Act*. N.p., n.d. Web. 12 Feb. 2014.

<http://www.fincen.gov/statutes_regs/patriot/>.