



Written by [Joe Wolverton, II, J.D.](#) on October 30, 2013

Hearing on NSA Surveillance Little More than Love Fest

The National Security Agency (NSA) is not monitoring phone calls of European citizens, no matter what its own slides and journalists say to the contrary.

That is the shorter version of testimony given by NSA chief General Keith Alexander during a hearing October 29 before the House Intelligence Committee, to determine potential changes to the Foreign Intelligence Surveillance Act (FISA).



The House Intelligence Committee is headed by one of the most outspoken and enthusiastic cheerleaders for the surveillance state, Representative Mike Rogers (shown, R-Mich.). Rogers' rah-rah attitude about the government's massive accumulation of data on Americans (and now, apparently, citizens of many other countries) is notorious.

Earlier this month at a cybersecurity conference sponsored by the *Washington Post*, former NSA Director Michael Hayden made a crack about adding Edward Snowden's name to a kill list.

In [a story from *The Hill*](#) covering the conference, Brendan Sasso reported that after Hayden's tasteless joke:

The audience laughed, and Rep. Mike Rogers (R-Mich.), chairman of the House Intelligence Committee who was also on the panel, responded, "I can help you with that."

Let that sink in. A sitting member of Congress is bragging about having the power to add the name of an American citizen to a list of people targeted for assassination by the federal government. Today, it's Edward Snowden; tomorrow, who knows?

Rogers could not be keener on chucking in to help construct the Panopticon, placing all Americans and indeed all people around the globe under the never-blinking eye of the federal government.

In [a July 2013 statement issued by Rogers](#) and ranking committee member Dutch Ruppersberger (D-Md.), Rogers called for a "robust dialogue" with regard to preserving the NSA's power to abridge fundamental civil liberties in the name of thwarting terrorist attacks. Rogers attacked what he called the "premature reactions" to the abuses revealed in Snowden's leaks.

During questioning at Tuesday's hearing, Rogers began by asking Alexander to comment on the reports published by several newspapers at home and abroad regarding slides leaked by Edward Snowden detailing the Boundless Informant program that seemed to point to the agency's surveillance of foreign citizens. The exchange hardly met the "robust dialogue" standard set out by Rogers in his joint statement issued in July.

At [Tuesday's hearing](#), Rogers said:

And to that end, if I can, Mr. Alexander, there was some reporting that the story about French citizens being spied on by a particular slide that was leaked on a slide deck concluded that French citizens were being spied on. Can you expound on that a little bit? By the United States, by the way, specifically the National Security Agency.



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Alexander responded:

Chairman, the assertions by reporters in France, *Le Monde*, Spain, *El Mundo*, and Italy, *L'Espresso*, that NSA collected tens of millions of phone calls are completely false. They cite as evidence screen shots of the results of a web tool used for data management purposes but both they and the person who stole the classified data did not understand what they were looking at. The web tool counts metadata records from around the world and displays the totals in several different formats.

Alexander then threw a rope around the governments of Europe as if associating others in the conspiracy diminished his own guilt.

The sources of the metadata include data legally collected by NSA under its various authorities as well as data provided to NSA by foreign partners. To be perfectly clear, this is not information that we collected on European citizens. It represents information that we and our NATO allies have collected in defense of our countries and in support of military operations.

Rogers then continued laying down cover fire for the surveillance, leading the witness to describe that the targets of the spying — Russian and Chinese intelligence and al-Qaeda — were likely using European networks and thus those networks fell safely within the scope of “lawful” NSA surveillance.

“So if I understand you correctly this information was likely collected external to the country of which it may have been reported in defense of operations ongoing in the world in which NATO participates,” Rogers asked.

“That is correct,” Alexander responded, performing his role perfectly.

This claim is at once revelatory and deceitful. According to the many reports on the Boundless Informant operation, data was collected from foreign networks en masse, with no attempt to distinguish between suspected threats to our or our allies’ national security. That is to say, the networks were not the target; rather, the targets were the countries themselves.

Insisting that all the information scoured from these networks was obtained outside the country in question is indefensible and supported neither by Alexander’s testimony, his written statement, nor by the various journalistic descriptions of the information on Boundless Informant released by Edward Snowden.

Rogers reiterated the point that the true target of the surveillance is not the populations of France, Spain, Germany, or any other European country, but rather the evildoers who might be using networks in those countries for their own nefarious communication.

Here’s the transcript (made by this reporter) of the relevant portion of the Rogers-Alexander exchange on this point:

Rogers: Hmm. And so, let me just ask you this. If, as you study the networks of the world, let’s just talk about the European Union for a second if I may. Is it possible for Chinese intelligence services, military or otherwise, to use networks that you would find in any nation-states of the European Union?

Alexander: Absolutely, Chairman.

Rogers: How about Russian intelligence services? Is it possible that they could use networks — communication networks, computer networks — inside the European Union for what they’re up to?

Alexander: Absolutely, Chairman.



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Rogers: How about al-Qaeda? Would they use, could they use, is it possible for them to use the networks found in the European Union to conduct planning, operations, or execution of operations?

Alexander: They could, absolutely, Chairman.

Fair enough. So the NSA is snooping on the electronic communication of people they believe to be conspiring to harm the United States or its allies. That does not mean, however, that those Russian and Chinese intelligence resources or those alleged al-Qaeda operatives are not also citizens of this or that European country.

And, more importantly, might these people not also be American citizens? Is the NSA not explicitly forbidden from conducting such surveillance without a warrant as mandated by the Fourth Amendment?

It is of note that not once during this hearing did Representative Rogers ask General Alexander if any of the targets were American, if the NSA sought or obtained a valid search warrant before denying Americans of their civil liberties.

Conservatives — particularly those who regard the NSA's surveillance as a necessary evil to prevent terrorist attacks on the United States — must understand that the Constitution protects the rights of "the people" not be subjected to warrantless searches, not just the rights of "good people" or "the right people."

Our Founding Fathers understood that the reason for this broad protection is that the enemies of today are the allies of tomorrow, and when rights are taken from any one group, all other groups are subject to similar deprivations when the political winds change.

Finally, in their [jointly prepared statement](#), Director of National Intelligence James Clapper and General Alexander wrote, "We remain committed, as we review these activities, both to ensuring that we have the authorities we need to collect important foreign intelligence to protect the country from terrorism and other threats to national security and to protecting privacy and civil liberties in a manner consistent with our values."

If these hearings and the many aspects of the various NSA surveillance programs revealed in the Snowden documents make anything clear it is that the values of those conceiving and conducting these surveillance operations are not consistent with the principles and protections of civil liberty laid out in the Constitution. And the testimony and questions heard at Tuesday's hearing verify that they don't pretend that they are.

Photo of Rep. Mike Rogers (R-Mich.) at the Oct. 29 House Intelligence Committee hearing: AP Images

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