



## ACLU Suing NSA on Behalf of Wikipedia and Other Groups

The American Civil Liberties Union has announced that it will file a lawsuit against the National Security Agency and the Department of Justice on behalf of several organizations, including Wikimedia (the parent company of Wikipedia) and the Rutherford Institute, over the government's mass surveillance program.

According to the lawsuit, the NSA's surveillance program of Internet traffic violates the First Amendment of the U.S. Constitution. "This kind of dragnet surveillance constitutes a massive invasion of privacy, and it undermines the freedoms of expression and inquiry as well," ACLU Staff Attorney Patrick Toomey said in a statement.

Also included as plaintiffs in the lawsuit are Amnesty International USA, the National Association of Criminal Defense Lawyers, Human Rights Watch, *The Nation* magazine, Global Fund for Women, PEN American Center, and Washington Office on Latin America.

Wikimedia announced its intentions to file suit in a Wikimedia blog post, stating that the NSA's current actions surpass what is granted by the Foreign Intelligence Surveillance Act:

Privacy is the bedrock of individual freedom. It is a universal right that sustains the freedoms of expression and association. These principles enable inquiry, dialogue, and creation and are central to Wikimedia's vision of empowering everyone to share in the sum of all human knowledge. When they are endangered, our mission is threatened. If people look over their shoulders before searching, pause before contributing to controversial articles, or refrain from sharing verifiable but unpopular information, Wikimedia and the world are poorer for it.

The lawsuit will focus specifically on "upstream" surveillance, which captures communications with "non-U.S. persons" as permissible under the authority of the 2008 Foreign Intelligence Surveillance Act Amendments Act. The lawsuit argues that the program's net is far too vast, and as such, captures communications that are not connected to any suspicious person.

"In the course of its surveillance, the NSA copies and combs through vast amounts of Internet traffic, which it intercepts inside the United States with the help of major telecommunications companies," the ACLU said in a statement on Tuesday. "It searches that traffic for keywords called 'selectors' that are associated with its targets. The surveillance involves the NSA's warrantless review of the emails and Internet activities of millions of ordinary Americans."

When NSA contractor Edward Snowden turned whistleblower and began leaking classified U.S. government documents in 2013, Wikipedia was mentioned as a target of government surveillance.

The ACLU had attempted a lawsuit in 2013 against the NSA's warrantless wiretapping program, but the





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Supreme Court rejected the case because the plaintiffs could not provide sufficient proof that they had been spied on.

The Wikimedia blog post addresses that lawsuit, stating that it was dismissed by the Supreme Court because the parties did not have standing. However, the post explains that the disclosures from that case revealed some troubling information and may have provided Wikipedia all the standing it needs for this lawsuit:

The 2013 mass surveillance disclosures included a slide from a classified NSA presentation that made explicit reference to Wikipedia, using our global trademark. Because these disclosures revealed that the government specifically targeted Wikipedia and its users, we believe we have more than sufficient evidence to establish standing.

In a March 10 *New York Times* [op-ed](#) by Lila Tretikov, executive director of the Wikimedia Foundation, and Wikimedia co-founder Jimmy Wales, they elaborate on their concerns regarding the privacy of the volunteers who contribute their time to writing Wikipedia articles and make it possible for Wikipedia to operate:

On our servers, run by the nonprofit Wikimedia Foundation, those volunteers discuss their work on everything from Tiananmen Square to gay rights in Uganda. Many of them prefer to work anonymously, especially those who work on controversial issues or who live in countries with repressive governments.

These volunteers should be able to do their work without having to worry that the United States government is monitoring what they read and write.

Wales and Tretikov contend that Wikipedia has been a useful and educational conduit for people to gain information that they may not otherwise have access to, citing as an example articles written during the 2011 Arab uprisings. They believe that knowledge that the NSA is analyzing Wikipedia contributions may compel writers to stop posting, in fear that their identities could be revealed to their own governments.

The lawsuit is seeking an end to the NSA's surveillance of Internet traffic and a ruling that such a practice is unconstitutional. The lawsuit also asks the court to demand that the federal government destroy all collected communications as part of this program.

"By tapping the backbone of the internet, the NSA is straining the backbone of democracy," Tretikov said. "Wikipedia is founded on the freedoms of expression, inquiry, and information. By violating our users' privacy, the NSA is threatening the intellectual freedom that is central to people's ability to create and understand knowledge."



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