



Written by [Joe Wolverton, II, J.D.](#) on July 18, 2013

Safety or Statism: The Goal of the Surveillance State

If you have nothing to hide, why should you worry about the government's goal of "collecting it all?"

Although nearly every law, regulation, or order issued by the federal government is almost indecipherable because of the amount of vague language, when it says it is *collecting all information*, it really means all information.

That three-word incriminating phrase first appeared in a *Washington Post* op-ed featured in a story published earlier this week by *The New American*. On July 16, [Thomas R. Eddlem wrote](#):



The *Washington Post* ran a [lengthy profile of NSA Director Keith B. Alexander](#) on July 14, summarizing Alexander's philosophy with the phrase, "Collect it all." A July 15 op-ed by *Washington Post* editorial writer Charles Lane [suggested](#) that "the United States needs to engage in data collection on a wide scale, both at home and abroad."

The original NSA [profile piece](#) explained the origins of Alexander's unconstitutional surveillance state during the Iraq War, explaining that it began as an attempt to gather war-related intelligence from foreigners: "The NSA director, Gen. Keith B. Alexander, wanted more than mere snippets. He wanted everything: Every Iraqi text message, phone call and e-mail that could be vacuumed up by the agency's powerful computers."

In the original *Washington Post* piece, General Alexander trots out one of the surveillance state's favorite tropes: Our snooping keeps you safe. Then, he points out that were it not for the powers granted to the government (unconstitutionally) by the slate of post-9/11 "laws," Iraq wouldn't be as safe as it is today.

It's one thing to explain away his department's disregard for the Constitution and the civil liberties it protects, but it is another degree of daring altogether to hold up Iraq as the epitome as safety.

In his defense, maybe General Alexander is too busy listening to private phone calls or snooping into Skype sessions to read [this recent report from the *Economist*](#):

After a lull of nearly five years during which it seemed as if Iraq might be emerging from the legacy of its civil war, the country has been drawn back into a nightmare of spiralling attacks on a widening range of targets. The past four months have been among the bloodiest since 2008; nearly 3,000 people have been killed and over 7,000 injured. But the Islamic State of Iraq, the latest incarnation of al-Qaeda, now appears to have broadened its scope from its trademark attacks on security forces and Shia mosques and markets, to suicide-bombings of cafés and funeral gatherings.

Perhaps that's what Alexander meant when he said, "If we give up a capability that is critical to the defense of this nation, people will die": Thanks to the [NSA's dragnet surveillance of the electronic](#)



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[communications of millions of Americans](#) who aren't suspected of even the slightest criminal intent, the United States will soon be a venue of violence on par with Iraq.

Maybe. Maybe not. Regardless of the government's guarantees of safety, the unavoidable fact is, [as Ron Paul wrote](#), "If we give up our Constitution and its protections against a power-hungry government, the United States as we know it will die."

Death by a thousand paper cuts seems to be the fate of this union. The "[parchment barrier](#)" is being shredded and the constitutional confetti that remains of the fundamental freedoms it was written to safeguard are tossed onto the heads of the heroes of the surveillance state.

What is the purpose of the wholesale collection of every electronic fingerprint left by Americans? Again, safety is the shield, but statism is the sword.

To understand the depth of the dilemma, one must begin with the threshold understanding that all the data collected by the NSA and its surveillance sisters will be stored indefinitely, so that the data can be analyzed by federal agents for signs of potential criminal behavior.

These sweeping powers resulted from a debate among Obama administration intelligence officials.

"The debate was a confrontation between some who viewed it as a matter of efficiency — how long to keep data, for instance, or where it should be stored — and others who saw it as granting authority for unprecedented government surveillance of U.S. citizens," the *Wall Street Journal* reported, claiming that the newspaper received this insight into the process through Freedom of Information requests and interviews with representatives at several agencies familiar with the events.

In a historic and unconstitutional way, the new directives grant the NSA the power to place every American under the constant surveillance of the federal government, not because these people have ever merited the attention, but because someday they might.

Granting an agency of the federal government the power to place innocent citizens under surveillance is not only an unconscionable diminution of due process rights, but a complete regulatory nullification of the Bill of Rights.

Another equally intrusive aspect of the new regulations allows agents of the U.S. government to exchange the information gathered on citizens to be shared with their counterparts in other countries so that they can conduct their own analyses. Should any agent — foreign or domestic — find any hint of potential threats in these files, the individual will be marked for future surveillance so as to prevent commission of future crimes.

Beyond the [Minority Report](#) angle to this story, there are the possible violations on the prohibition of the enactment of ex post facto law. [Article I Section 9](#) is the source of this constitutional restriction on congressional power. The Constitution mandates that no "ex post facto Law shall be passed."

Turned on its head, the government now insists that that section does not mean that if monitored behavior is legal when the record of it is made, then the person committing the act may not thereafter be subject to prosecution if the act is subsequently outlawed.

The revised interpretation of ex post facto was explained by [Robert Litt, general counsel in the Office of the Director of National Intelligence](#). He complained to the *Washington Post* that the former (read: constitutional) framework was "very limiting." "On Day One, you may look at something and think that it has nothing to do with terrorism. Then six months later, all of a sudden, it becomes relevant," Litt said.



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Alexander Hamilton [warned](#) against this type of mercurial legislating: “The creation of crimes after the commission of the fact, or, in other words, the subjecting of men to punishment for things which, when they were done, were breaches of no law, and the practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny.”

In a response to the *Post* piece on Alexander and the “collecting it all” caption, Ron Paul echoed Hamilton’s warning of the approach of tyranny presaged by the appearance of an all-seeing, all-powerful federal government. In [a post published by the Ron Paul Institute for Peace and Prosperity](#), the former congressman and constitutionalist icon wrote:

What “collecting it all” does mean is that our every electronic human interaction is stored indefinitely by the federal government for possible future use against us should we ever fall out of government favor by, for example, joining a pro-peace organization, joining a pro-gun organization, posting statements critical of government spying on our Facebook pages or elsewhere. This massive database will be used — and perhaps has already been used — to keep us in line. The absence of meaningful Congressional oversight — unless cheerleading counts as oversight — means that no one will put the brakes on people like Keith Alexander, whose “passion” to “protect” us is leading us into totalitarianism.

The key phrase in Paul’s commentary is “leading us into totalitarianism.” Although the hour is late, Americans zealous of liberty and committed to its preservation need not be led into that abyss.

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