



Written by [Bob Adelman](#) on March 11, 2015

Wiki Lawsuit Highlights NSA's All-Inclusive, Unconstitutional Spying

As reported by *The New American* [on Tuesday](#), Wikipedia has joined forces with the ACLU in representing itself and other groups violated by the NSA's unrestrained data collection by suing the agency.

The lawsuit holds that the NSA has — by its relentless, warrantless, and suspicionless secret acquisition of Wikipedia's private customer information — not only infringed on the precious freedoms of those customers guaranteed in the First and Fourth Amendments, but also exceeded authority granted to it by Congress under the 2008 Foreign Intelligence Surveillance Act Amendments Act.



Early in President George W. Bush's first term, the NSA was given essentially carte blanche to use its surveillance technology to spy on suspected agents of foreign governments inside the United States. As the NSA's technology improved, so did the secret expansions of the NSA's power and authority under the president, with repeated authorizations by President Bush between 2001 and 2007.

With passage of the FISA Amendments Act in 2008, however, "probable cause" was no longer required, allowing the NSA to acquire data from individuals without specific individualized suspicion of criminal behavior or intent. Instead, the standard provided under the Fourth Amendment was discarded in favor of "reasonable suspicion."

With Edward Snowden's revelations of the breadth and depth of the NSA's intrusions came evidence that Wikipedia itself was a prime target for such warrantless data acquisition. Visited by more than 500,000 people every month, accessing data continually updated by more than 75,000 contributors from around the globe every month, it was just a matter of time before Wikipedia, through its foundation, Wikimedia, joined up with other groups suffering under the same surveillance and pushed back against the agency.

Monday's lawsuit was the result. If successful, the suit would rein in NSA's excesses, as sought by Wiki and its plaintiffs:

Plaintiffs respectfully request that the Court declare the government's ... surveillance to be unlawful; enjoin the government from continuing to conduct [that] surveillance; and require the government to purge from its databases all of Plaintiff's communications that [that] surveillance has already allowed the government to obtain.

Missing from the lawsuit or public discussion of the challenge to NSA's power and authority by Wiki and the ACLU is any mention of just how deliberately intrusive it became under Director Keith Alexander. For eight critical years, Alexander personally drove the NSA to "collect everything." His



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retirement a year ago kept him off the list of defendants listed in the lawsuit, but his record remains.

Back in 2005, while Alexander was running the NSA, Iraqi roadside bombings were killing people, including Americans, indiscriminately. At the time the NSA employed more than 100 teams of analysts scouring any available data that might lead to the bombers and their factories.

Alexander saw his opportunity, and he took it. As one anonymous senior U.S. intelligence official observed, "Rather than look for a single needle in the haystack, his approach was: 'Let's collect the whole haystack. Collect it all, tag it, store it ... and whatever it is you want [in the future], you go searching for it.'" As Thomas Drake, a former NSA official and whistleblower, put it: "[Alexander was] absolutely obsessed and completely driven to take it all, whenever possible."

Alexander arrogated unto himself the roles of both intelligence officer and military aggressor, and according to another anonymous Pentagon official, he was "the only man in the land who [could] promote a problem by virtue of his intelligence hat, and then promote a solution by virtue of his military hat."

The lawsuit

challenges the suspicionless seizure and searching of internet traffic by the National Security Agency (NSA) on U.S. soil...

The NSA is seizing Americans' communications en masse while they are in transit [in the network of high-capacity cables, switches and routers that make up the internet], and it is searching the contents of substantially all international text-based communications — and many domestic communications as well — for tens of thousands of search terms.

The surveillance exceeds the scope of the authority that Congress provided in the FISA Amendments Act of 2008 (FAA) and violates the First and Fourth Amendments.

Whether the U.S. District Court in Maryland, where the Wiki/ACLU lawsuit was filed, takes their complaints seriously enough to throttle back the excessively overreaching and unconstitutional behavior of the NSA remains to be seen.

It's too bad that Alexander won't be part of the proceedings.

A graduate of an Ivy League school and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics.



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