



Written by [Jack Kenny](#) on July 24, 2013

House to Debate Curb on NSA Surveillance

The U.S. House of Representatives on Wednesday is scheduled to debate an amendment to curb the National Security Agency's collection of records of billions of phone calls made and received by Americans each day. A vote on the measure, proposed by Rep. Justin Amash (R-Mich.) as an amendment to a defense appropriations bill, could occur as early as Wednesday evening or Thursday morning, *The Guardian* of London [reported](#).



The White House, the NSA, and the Republican and Democratic leaders of the House Intelligence Committee are all vigorously opposing the measure. NSA Director General Keith Alexander spent hours in closed-door meetings on Capitol Hill Tuesday in an effort to persuade legislators to shelve the amendment.

"This blunt approach is not the product of an informed, open or deliberative process," said a statement issued by White House press secretary Jay Carney Tuesday. "We urge the House to reject the Amash amendment and instead move forward with an approach that appropriately takes into account the need for a reasoned review of what tools can best secure the nation."

After Alexander spent four hours in meetings with Amash and other House members, Mike Rogers (R-Mich.), chairman of the House Intelligence Committee, and Dutch Ruppersberger of Maryland, the committee's top Democrat, urged their colleagues to vote down the amendment.

"While many members have legitimate questions about the NSA metadata program, including whether there are sufficient protections for Americans' civil liberties, eliminating this program altogether without careful deliberation would not reflect our duty under Article I of the Constitution to provide for the common defense," Rogers and Ruppersberger wrote in an open letter to House members. The amendment would have "unintended consequences for the intelligence and law enforcement communities beyond the metadata program," they warned.

"It's been an extraordinary day on Capitol Hill as insiders scramble to block the growing chorus of support for the Amash anti-surveillance amendment," said David Segal, executive director of the progressive organization called Demand Progress, which supports the amendment. "Just as the NSA's domestic spying apparatus is evidence of some of our leaders' fear of the American people, these extraordinary actions by the White House and the NSA evidence their fear that the will of Americans will be codified in the law tomorrow," said Segal, adding that support for the measure has been spurred by "tens of thousands of Americans" of both progressive and conservative bent, who have made it known "that they will not stand for broad-based domestic spying by our own government."

The NSA's massive surveillance program has been a headline-making topic for the past several weeks, after [Edward Snowden](#), the 29-year-old systems administrator with NSA contractor Booz Allen Hamilton, exposed the NSA PRISM program, which collects billions of e-mails and other electronic communications, in addition to phone records, each day. Snowden fled the country and since June 23 has been at an airport in Moscow, where he has applied for temporary asylum by the Russian



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government.

The United States, which has no extradition treaty with Russia, has nonetheless been pressuring Moscow to return Snowden to the United States, where he is wanted on charges of espionage and theft of government property in the form of classified documents. Snowden has been offered asylum in three Latin American countries, but is unable to travel since the U.S. State Department revoked his passport.

Snowden's revelations came shortly after the Associated Press [announced](#) in May that records of phone calls to and from four AP offices had been seized in a Justice Department investigation to determine the source or sources for a published report of a completed U.S. and British sting operation against al-Qaeda operatives in Yemen. Records from *Fox News* phone lines and the e-mails of *Fox* correspondent [James Rosen](#) were seized by the Justice Department, also in the investigation of a news leak.

The surveillance power of the government as it relates to press freedom was also an issue in a ruling Friday by the U.S. Court of Appeals for the Fourth Circuit, requiring *New York Times* reporter James Risen to testify about his sources in the criminal trial of a former CIA agent. Risen wrote a story for the *Times*, and has since published a book, about the secret surveillance of phone calls in an NSA program begun by the Bush administration after the terrorist attacks in New York and Washington, D.C., on September 11, 2001.

"The precedent set here is especially troubling since the Fourth Circuit, where the ruling applies, includes Maryland and Virginia, home to most national security agencies," the *Times* said in an [editorial](#) published Tuesday. "If left to stand, it could significantly chill investigative reporting, especially about national security issues."

Concerns involve not only issues of press freedom, but the privacy of ordinary Americans in their personal telephone and e-mail communications. While records of those communications may not be among the callers' or writers' personal "effects," protected against "unreasonable search and seizure" by the Fourth Amendment, the same amendment requires as a feature of all search warrants that they are "particularly describing the place to be searched and the person or things to be seized." The collection of billions of phone records, e-mails and other electronic messages from millions of Americans each day hardly fits that description. Its contribution to national security is also questionable, since it seems unlikely that would-be terrorists would discuss their plans on open phone lines or e-mails or post their plots on Facebook.

Sen. Ron Wyden (D-Ore.), a member of the Senate Intelligence Committee, has repeatedly [charged](#) that secret rulings by Foreign Intelligence Surveillance Court have interpreted the government's power under the Patriot Act to seize private records and communications to be far broader than what was intended by Congress when it passed that legislation after the 9-11 attacks. While the classified status of those rulings prevent him from discussing the particulars, Wyden, in an address to the Center for American Progress Tuesday, spoke against what he called a "culture of misinformation" concerning intelligence and security issues.

"Merging the ability to conduct surveillance that reveals every aspect of a person's life with the ability to conjure up the legal authority to execute that surveillance, and finally, removing any accountable judicial oversight, creates the opportunity for unprecedented influence over our system of government," the Oregon senator said. That effort, he added, "chips needlessly away at the liberties and freedoms our Founders established for us, without the benefit of actually making us any safer."

Photo of United States Capitol building



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