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Domestic Surveillance
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Chapter 1: Introduction

The 7th anniversary of the September 11th attack came and went like the previous years. Some briefly acknowledged it as it came up in a conversation, but for me, my heart sank as dread seeped into my bones because for me September 11th was real. On that day I remember I was at school in the suburbs of New Jersey as I watched the two towers crumble into oblivion. The next day I watched my classmates dissolve into tears over their parents, aunt, uncles, and other family members who were in the towers at the time. The days immediately after the attack were hard on everyone, but post 9-11 America was coerced by the thought of another attack; terrorism was less surreal in the minds of all Americans. As months passed, people started to go back to their normal everyday lives with an extra hint of alertness. In the summer of 2005, London was hit by a series of bombings during the morning rush hour. Americans were shocked by the new, but were not as devastated since it wasn’t their country. That very winter, The Washington Post published a controversial story revealing the fact that the National Security Agency (NSA) has been secretly spying on US citizens without a warrant. Americans, appalled that their own government would do such a thing felt betrayed and wanted answers. People protested and Bush’s approval ratings dropped some more. Now, seven years later, the most important topics on everyone’s mind are the decaying economy or the new United States president. The fact is, our lives are even more engrossed in technology which also means the topic of domestic surveillance is more important than ever, so it is crucial to know the legitimacy of the actions taken by the US government during that time so that we may better prepare ourselves for the future.

In my thesis I argue that given the state of chaos, fear, and terror, the government
should be allowed infringe on all of its citizens rights, as long as its purpose is to protect its citizens. Because of the many technological advancements that are constantly emerging in our world today, laws need to be changed, granting the government unrestricted excess to anything and everything, in order to keep these places safe. Also, getting a warrant has not only proved to be a tedious and useless action, it also risks the exposure of the program, ultimately deeming it ineffective and inefficient. Additionally, those who have nothing to hide should not be afraid of the government peeping into their private lives; besides, the rights of a few individuals are well worth the well being of millions of others. The government’s infringement on its citizen’s rights can is also justifiable on a philosophical level by a Rousseauean social contract, thus farther proving my point on not only a practical and legal level but also a philosophical level.

Chapter 2: Main Article

1. A Success Story

Individuals whom wish to harm society exploit technology’s new means of communication; someone needs to keep law and order within these domains, giving the government legitimate reason to monitor these realms. As new technologies arise, new societies beyond the ones we physically live in also come to existence. There are places like online chat rooms, blogs, and telephone lines where information can be exchanged without leaving physical traces behind. In other words, without being able to keep tabs on these forms of communication, terrorists will be able use them to plan attacks right under our nose. For example, Iyman Faris was plotting to destroy the Brooklyn Bridge under the instruction of al Qaeda. Faris and the terrorist organization were communicating through coded phone conversations\(^1\). Thankfully, “the eavesdropping program had helped uncover

the plot”\(^2\). This narrow escape from yet another terrorist attack reinforces our vulnerability toward our own technology; thus, to effectively protect its citizens, the government must be able to freely surveil all possible areas where terrorist activities may occur. How else can the government protect its citizens?

2. Useless Legal Procedures

While obtaining a warrant every time monitoring is the course of action that should be taken, it is nonetheless a tedious and unnecessary process that will only decrease the effectiveness and efficiency of the program. Traditionally, if the government wanted to wire tap a phone, or go through someone’s e-mail, they would need to present a case to the Foreign Intelligence Surveillance Court (FISC). If the court felt that there was legitimate reason to snoop, a warrant would be granted within a few hours. While this seems like the more lawful approach to domestic surveillance, people should note that FISC grants almost every warrant the government asks for, turning down only a number that you can count with your fingers. Also, sometimes a warrant is needed before the court can issue one\(^3\), and when time is of the essence, government officials just don’t have the leisure to sit around and wait for warrants\(^4\). Sometimes, having the audacity to throw the rule book out the window is the difference between thousand dead bodies and a few people behind bars. Furthermore, getting a court to issue a warrant will decrease the secrecy of the program, ultimately making the program ineffective because if a suspect is aware of the program, they will be more careful, making it harder to incriminate them\(^5\).


What it all boils down to is whether a simple rubber stamped piece of paper is worth the lives of thousands of Americans.

Besides, domestic surveillance is harmless and does not affect those whom have nothing to hide or aren’t doing anything against the law. Since a search is done before the actual surveillance is put in place, it will target only suspicious individuals. At any given time only about 1000 people are being watched\(^6\). For all we know, you and I could both be on the list, but what difference does it make? If you aren’t talking about blowing up The Golden Gate Bridge or hijacking a plane into the Sears Towers, why does it matter if the government is listening in on your phone conversations or reading your e-mails? The government couldn’t care less about the dinner reservations you have on Sunday or the conversation you had with your mother last night, their more interested in conversations about building bombs, and suicide bombers. Uncle Sam here is trying to prevent terrorist attacks, and through phone tapping and e-mail monitoring, he endeavors to locate new threats. So, naturally, if you have nothing to hide, where is the harm in just letting him eavesdrop?

3. Under The Letter of the Law

Some question the legality of this action, but the violation of these rights is absolutely justifiable considering the magnitude of national security. The government is trying to protect the country and its citizen from another devastating September 11\(^\text{th}\) incident, not establish a totalitarian government. By allowing the government to eavesdrop, it can better do its job in protecting its citizen because it can more effectively and efficiently prevent terrorist attacks. Nevertheless, the government is meddling with

our rights, and it is allowed to do so is because the terrorism campaign “provided ample authorization,” said presidential administration lawyers\(^7\). Thus, “the government may be justified in taking measures which in less troubled conditions could be seen as infringements of individual liberties,” expressed a Justice Department Lawyer\(^8\). National Security is the top most priority of the government’s agenda, and if making sure Americans are safe on American soil costs the liberties of everyone, the people should be handing over their rights neatly wrapped because, in the end, it is them that the government is trying to shield from a panoply of terrorist attacks.

4. On A Philosophical Level

Furthermore, the government’s choice of action can not only be supported on a practical level but also on a philosophic level by Rousseau’s social contract. There is no doubt that the government exists to serve its people, but in order to do so, the people have to let it serve them. This means the people need to surrender their rights to insure the well being of everyone. In *The Social Contract* Rousseau mentions that “[people] alienate their liberty only for their own advantage”\(^9\). In this case, “their own advantage” is their extension of their lives, and thus, people should be giving up their rights in order for the government to protect them. In addition “the most important of its [the state’s] cares is the care for its own preservation”, and to ensure its existence it has “absolute power over all its members”\(^10\). Putting this in context, the US government has every right to impose surveillance laws that may contravene on the rights of its people because it is trying to guarantee the continuation of the country, by making sure bombs don’t explode over their


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soil. Rousseau also states that “The inflexibility of the laws” can cause harm to certain situations and “render them disastrous and at a time of crisis” bringing about “the ruin of the State.” He suggests that “In these rare and obvious cases, provision is made for the public security by a particular act entrusting it to him who is most worthy”\(^{11}\). Stopping a terrorist attack would no doubt be “a time of crisis” that jeopardizes “public security”, so the action of handing power over to The Commander and Chief to make final decisions on surveillance laws instead of leaving it for a tedious Supreme Court Case should not be questioned by the public. All in all, the government’s decision to domestically surveillance is not only valid within the letter of the law, but also within the bounds of Rousseau’s social contract.

Chapter 3: Conclusion

I sympathize with the woes of the people, yet I remain certain that the government did nothing wrong. Sometimes prioritizing is important for the survival of a society, and this is just what the US government did, yet it is under scrutiny for its decision to keep thousands of people safe at the expense of a few people’s privacy. Also, with people going through their policies with a fine tooth comb it’s hard for a government to act at its full potential in keeping its citizens safe. Do people really want to cease the domestic surveillance program and see an attack the magnitude of September 11\(^{th}\), only to realize that the government was doing the right thing all along? I hope not, for all of our sakes.

Works Cited


