

# Civil rights vs. the nsa surveillance program

[Government](#), [Military](#)



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The government will submit its arguments to the court by October 13. The ACLU has a month to respond with a ruling expected to be rendered by the end of the year. Whichever side loses the appeal will likely appeal further to the Supreme Court.

The ACLU contends that for the government to authorize the unwarranted surveillance of its citizens violates the Fourth Amendment to the Constitution which prohibits the use of general warrants and requires that probable cause be apparent. The National Security Agency (NSA) has had its surveillance program in place for five years in its global fight on terrorism but has not obtained the proper court-ordered warrants required by law in these monitoring activities. Judge Taylor ruled last August that this violates the civil rights of the Americans affected because the government is not presenting its justifications for its surveillance activities in court. Taylor had ruled that the NSA must stop this program but the 6th Circuit Court of Appeals allowed the stay of that ruling as requested by the government.

The Bush administration continues to insist that the ' Terrorist Surveillance Program' is a necessary tool that ultimately protects American citizens. This program has been in existence since the September 11 attacks yet the public has only recently learned of it. There are concerns that civil liberties, which are supposed to be protected by the Constitution, are being eroded by a government that is overstepping its powers by wiretapping Americans without the benefit of a court-ordered warrant. The argument surrounds the concept that the Bush administration is violating the separation of powers laid down in the Constitution. The Executive Branch cannot act as the Judicial Branch and authorize searches or seizures on its orders alone. Though Bush

has taken an oath to 'faithfully execute the laws of the United States,' he has evidently acted to make the laws as it suits his agenda as well, another violation of the separation of powers. The power to make laws is solely the responsibility of Congress.

Paraphrasing one of our founding fathers, Benjamin Franklin, 'Those that would sacrifice freedom for security deserves neither.' A District Court judge ruled that the NSA program violates the Constitution, therefore, stripping away the freedoms guaranteed all Americans. Besides the Fourth Amendment, First Amendment rights of free speech are also in question. This matter will undoubtedly be presented to the Supreme Court where the fate of freedom will be decided. Some have suggested that sacrificing some of our freedoms is necessary in order to gain security in these times of heightened terrorist activities. Freedom comes at a cost that has been bought and paid for by the blood of many thousands of Americans. The Courts will now decide if we give up the freedoms that so many sacrificed their lives because we are unwilling to make sacrifices ourselves. The Bush administration has made its choice.