

National security – the most noticeable precaution

[Government](#)



National Security: How Working Without Warrants Puts Us At Risk Samantha Schmidt English 112-L04 April 19, 2012 National Security: How Working Without Warrants Puts Us at Risk After 9/11, the whole country was sent into a tailspin. The fact that the United States, one of the most powerful countries worldwide, had suffered such a blow was mind blowing. The people were terrified. So too insure that a tragedy of that magnitude never happened again, the government put into place many new precautions.

The most noticeable precaution would of course be the security in airports. What used to be a fast and simple process became a long, intrusive, uncomfortable experience. However, the biggest change is almost undetectable. To prevent another terrorist attack the National Security Agency (NSA) was given the ability to place individuals under surveillance. That means watching their emails, internet searches, and even listening in on phone conversations.

In the beginning it was understood that the NSA would have to obtain warrants before placing individuals under surveillance, but as time passed it became apparent that the NSA often skipped the warrant process. If the NSA has the correct amount of evidence to give them probable cause against a suspect then they should be obtaining warrants. The National Security Agency has been providing important information to the US Military and major US decision makers since 1972. The NSA is responsible for a very large amount of information passed down the lines.

The agency also enables Network Warfare operations in order to defeat terrorist organization foreign, and domestic. (National Security Agency, 2011) A warrant is a piece of paper giving law enforcement the ability to <https://assignbuster.com/national-security-the-most-noticeable-precaution/>

search, and seize items or information when probable cause has been presented (Search, 2010). When obtaining warrants, law enforcement must show enough evidence to prove that they have good reason to be interested in this certain individual. When one bypasses the obtaining of a warrant, they are endangering any chance of a conviction.

Once a case gets to court, if it is discovered that the law enforcement agents acted without a warrant the case can be dismissed. If a terrorist is found, and brought to trial the evidence will be heavily examined, and the topic of warrants will come up. Once it is revealed that evidence was acquired without a warrant, the case can either be dismissed or the defendant could be found not guilty. Then due to Double Jeopardy, that same suspect cannot be tried again under the same charges. So proceeding in an investigation without a warrant can lead to letting a dangerous terrorist back into the public.

In 2010, Federal Judge Vaughn R. Walker, ruled against the government stating they had violated a 1978 federal statute requiring court approval for domestic surveillance, when in 2004 they intercepted a message between a now-defunct Islamic charity, two of its lawyers, and Al Haramain. Judge Walker, Chief Judge of the Federal District Court in San Francisco, ruled that the government was going to be held liable and would pay the plaintiffs for having been “ subjected to unlawful surveillance. Judge Walker further displayed his objection to FISA’s action by stating it had “ Obvious Potential for governmental abuse and over reaching” This was not the first time a specific wiretapping incident had been considered illegal. In 2006 Federal Judge Anna Diggs Taylor’s ruling of an illegal ruling was reversed on the

grounds that the plaintiffs could not prove they were under surveillance, and therefore lacked the legal standing to sue. (Risen & Savage, 2010). Even when the NSA obtained warrants, they were often procured under spotty methods.

In his 2006 essay; Big Brother Is Listening, James Bamford points out the flaws of the NSA's warrant process. He gives the account of Jonathon Turley, a George Washington University Law professor who was employed by the NSA as a young intern. The FISA (Foreign Intelligence surveillance court), courtroom was hidden away on the top floor of the of the Justice Department Building (because even the location is supposed to be secret), is actually a heavily protected, windowless, bug-proof installation known as a Sensitive Compartmented Information Facility or SCIF.

Turley recounted " I was shocked with what I saw. I was convinced that the judge is that SCIF would have signed anything that we put in front of him. And I wasn't entirely sure that he had actually read what they put in front of him. But I remember going back to my supervisor at NSA and saying, ' That place scares the daylights out of me. '" The idea of judges signing warrant requests when they have not even read them and therefore, do not understand them is quite worrisome.

When a judge signs a warrant, they must read to see if there is enough legal grounds to approve it. By signing without reading, a judge is giving the ok to watch these people having no idea if there was probable cause or sustainable evidence. When a judge is presented with a warrant application, they should have to read that application in its entirety. They should have to

know that there is proof without a reasonable doubt that this person should be put under surveillance.

They should fully understand the details and evidence of the case, and then decide if surveillance is really necessary. More important though, the NSA should always get a warrant before placing an individual under surveillance. Not only to protect our privacy, but to make sure the charges stand up in court. Even though the NSA is a government agency, they cannot bypass the rules of investigation. References Bamford, J. (2006). Big brother is listening. White F. D. , & Simone J. B.

The well-crafted argument. (406-415) Boston, Ma: Wadsworth. National Security Agency. (2011). Retrieved April 18, 2012, from www.nsa.gov/about/index.shtml Risen J. , & Savage C. (2010, March 31). Federal judge finds NSA wiretaps were illegal. The New York Times. Retrieved April 19, 2012, from www.nytimes.com/2012/04/01/us/01nsa.html Search Warrants: An Overview. (2010). Cornell University Law School. Retrieved April, 17, 2012, from www.law.cornell.edu/wex/search_warrant