

# Debating the point beyond which government surveillance transforms into a breach ...

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The government is the protector of the individuals in a country. It defends the citizenry whenever the latter is aggravated and whose life is put into jeopardy. It helps people find good jobs in order to live comfortably. It also gives aid whenever its constituents need financial or medical care assistance. The government, after all, is like a mother that provides anything that its children deem necessary. While everything appears to be perfect on one angle, there is another side of the story. With the government's effort to protect everyone living under its jurisdiction, it has decided to create surveillance programs to monitor people and actions—especially those with ulterior motives. But some agencies have crossed the line, as incidents of invasion of privacy have been reported. With all these bad image, is it right to think that surveillance programs are beneficial to the public's welfare? I do not think so.

Government surveillance programs are harmful because it violates the provisions of civil liberty. Even though the powerful implementing departments strive so hard to only use their authority to monitor those that pose threat to the country, they often fail at protecting the privacy of ordinary citizens. The “. . . National Security Agency (NSA) has been building a massive data and supercomputing center in Utah, apparently with the goal of intercepting and storing much of the world's Internet communications for decryption and analysis.” (Richards, 2013)

Aside from this move, the National Security Agency has had records of spying more than what they actually needed. The members of NSA go through e-mails, phone conversations, and even library records to find out if a specific person is a threat of terrorism to the United States of America. The <https://assignbuster.com/debating-the-point-beyond-which-government-surveillance-transforms-into-a-breach-of-personal-liberties/>

sad part is that they can issue a gag order to prevent the receiver of the letter of an NSL or National Security Letter from telling anyone that such communication was issued. This law was so bad that even a federal court decided to do something about this particular way of espionage. According to an article posted by the American Civil Liberties Union (2004), a “ federal court . . . struck down an entire Patriot Act provision that gives the government unchecked authority to issue ‘ National Security Letters’ to obtain sensitive customer records from Internet Service Providers and other businesses without judicial oversight. The court also found a broad gag provision in the law to be an ‘ unconstitutional prior restraint’ on free speech.” Apparently, a lot of other government agencies are not happy about the power given to both the NSA and the FBI. In fact, some lawyers even argued about the legal challenges to be faced by the letter recipients. How are they going to report to the authorities the abuse committed by the members of the NSA or FBI during their data mining efforts? Will they ever have the chance to exercise their right to free speech? Unfortunately, under the government’s issuance of gag order in the PATRIOT Act, ordinary citizens will almost get their privacy wavered by virtue of no choice.

Surveillance is not bad; as a matter of fact, it can greatly help the government track down criminals, coup d’état plans, and the like. However, there are also plenty of reasons why the modern government surveillance brings more danger than benefits to the public. “ Surveillance can sometimes be necessary, even helpful. But unconstrained surveillance, especially of our intellectual activities, threatens a cognitive revolution that cuts at the core of the free minds that our political institutions

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presuppose. . . By thus recognizing the harms of surveillance, and crafting our laws accordingly, we can obtain many of its benefits without sacrificing our vital civil liberties or upending the power balance between individuals on the one hand and companies and governments on the other.” (Richards, 2013)

With that said, what should really be the scope of surveillance that is acceptable and legal? Read on.

### **Allowable Range of Surveillance**

Everyone knows about the large-scale threats and bombing acts carried out by various terrorism organizations for the past years. The September 11 attack which killed thousands of people (including hijackers) is a clear example of a massive act of terrorism in the United States. Another brutality similar to it is the 2005 London subway bombings which put the lives of hundreds of people in jeopardy, even having some killed along the way. The entry of terrorists, acts of kidnapping and other crimes, illegal immigrant entries, and acts like these should be the only reason why the governments of different countries need to impose surveillance, which should only initially include only the use of CCTVs in public spaces like parks, airports, and the like. A good model for this would be the Texas governor’s decision of “. . . putting cameras up on areas of the border that people commonly cross and plugged them in to the internet. So it has created virtual vigilantes. Anybody who wants can waste their time looking at a desert, and if you see a Mexican coming across it you can call a number to some department of the Texas state which will alert the border control.” (Occupy London, Davis)

With this type of surveillance, not every single person is subjected to invasion of privacy since the monitoring will only be applied to places where the public usually go to and fro. There is no indication of surveillance inside the homes, offices, and other spaces considered personal.

The successful use of CCTVs can be attributed to the United Kingdom, which helped its police track down crimes and the like more effectively. According to Sheldon (2011) in his article Camera surveillance within the UK: Enhancing public safety or a social threat? “ The use of CCTV within the UK as a means of surveillance is widespread both within the public and private sectors and it has been regularly reported that the UK has more CCTV cameras per person than anywhere else in the world. Previous reports based on limited and fictional empirical evidence claim that the UK has 4. 2 million cameras with people being filmed up to 300 times a day. Recent research within Cheshire provides a more realistic assessment of the national situation and suggests that there are about 1. 85 million cameras within the UK with the average person captured on CCTV less than 70 times a day, mainly within the workplace and through glimpses by cameras in shops. This still equates to one CCTV camera for every 32 people.” Although it may seem too much but fortunately, the CCTVs set up in places where people traffic is high is able to help UK resolve crimes and get leads to mysterious criminalities.

On the other hand, wiretapping phone conversations and e-mail data mining should only be performed on individuals who are considered threats to a city or a country in general. For example, those who were caught acting maliciously on cameras or those entering the jurisdiction with negative

background from their city or town of origin. To check if these people will really bring crime and terrorism to a place, only then should the FBI and NSA release orders to monitor telephone calls and electronic mail exchanges. If the government is keen at following this procedure, ordinary citizens will be assured that their privacy will not be desecrated.

### **The Start of Abuse**

The original setup of surveillance does not seem to work well in various government agencies. Instead of just getting information about suspects and other people considered as national threat, the authorities have demonstrated tons of abuses when it comes to civil liberty. With the power given to the members of the FBI and the NSA, the number of illegal wiretapping and email hacking has significantly increased. As shown in the documentary FBI's Patriot Act Abuse of National Security Letters and illegal NSA spying, the partnership between the NSA and major telecommunications and Internet service providers proves how the government works at acquiring personal phone information of even the most ordinary of all citizens in America. In fact, a senior software engineer named Brian Reid who has wide experience over the matter confirmed that a specific AT&T data turned over to the NSA was authentic and has the power to tap 100% of whatever phone call coming in and going out from various people's communication lines.

Another shocking revelation on wiretapping was exposed by a former NSA contractor named Edward Snowden. In the Washington Post article NSA tracking cellphone locations worldwide, Snowden documents show by

Gellman and Soltani (2013), the whistleblower showed a large database that <https://assignbuster.com/debating-the-point-beyond-which-government-surveillance-transforms-into-a-breach-of-personal-liberties/>

contains “. . . location data from around the world by tapping into the cables that connect mobile networks globally and that serve U. S. cellphones as well as foreign ones. Additionally, data are often collected from the tens of millions of Americans who travel abroad with their cellphones every year.” In the NSA’s defense, they call the information acquisition of domestic mobile phones to be purely “ incidental”, which has raised brows for the majority of the public.

### **The Real Harm of Government Surveillance**

With all the misuse of the FBI and NSA of their surveillance power, it is clear to see that government spying brings no good to civilians. First off, it does not encourage the exercise of civil liberty at all. As we all know, The Bill of Rights defined civil liberties in various amendments that included the freedom of speech, the right to bear arms, and the right to privacy. Before the government can intrude in any individual’s personal space, it needs the subject’s consent before anything else. If the person refuses to be subjected to data mining, the government should not use force. It should present a warrant and should follow the correct legal procedure of its state. The gag order should be eliminated unless, of course, the case is beyond control and has been proven to be a national threat to the country. If not, all legalities must be strictly imposed when it comes to surveillance.

Government spying can dishearten those non-conforming groups from expressing their ideas. Can you imagine a world where people are secretly spied “. . . when they are thinking, reading, and communicating with others in order to make up their minds about political and social issues. Such intellectual surveillance is especially dangerous because it can cause people

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not to experiment with new, controversial, or deviant ideas. . .” (Richards, 2013) If you come to think of it, those who have less popular political beliefs can get questioned by authorities. As a matter of fact, these people will even be thought of as extremists who could possibly turn into terrorists. This potential discrimination and conclusion will then dismay radicals from having healthy arguments with their peers because any deviance from the government can mean trouble.

People are well aware of their rights especially when it comes to their individual privacy. Once they discover that their private phone conversations or their email threads are being monitored, they will have a tendency to hate the entirety of the government. This negative feeling can possibly translate into a bigger rebellious move, which will give the US authorities more problem than they already have.

On the other hand, the government has the capacity to blackmail, bully, and intimidate the people who do not conform to what it wants. The FBI and the NSA can use sensitive personal information in the form of recorded phone conversations, printed and dated text or email exchanges, and video clips against the deviants. After all, they can easily acquire the data from its telecommunication partners from the private sector.

The worst thing that could happen with the ongoing abuses of the PATRIOT Act and other spying activities is the citizenry’s loss of faith towards the government. If the National Security Agency and the Federal Bureau of Investigation do not heed the public’s call at stopping their exploitation of their surveillance privileges, more and more people will raise their fists

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against the country. Such scenario will soon lead to protests, to riots, and then to civil war. The economy will suffer and the country will be torn apart. It will be very long before the government (if there will still be such a thing left) can get back to its feet, bring all the pieces back together, and create another nation with fair rights.

If you have read Mike Davis' *Ecology of Fear: Los Angeles and the Imagination of Disaster*, you will realize how possible it is for a chaotic city to emerge if people from the communities will continually be oppressed. Social apartheid can surface where the minorities (those who are against the government's ways and means) are separated from other social classes, particularly those who are with the government in terms of conformity. As Davis (1999) would describe it:

The Neighborhood Watch program, comprising more than 5, 500 crime-surveillance block clubs from San Pedro to Sylmar, is the LAPD's most important innovation in urban policing. Throughout what Burgess called the 'Zone of Workingmen's Homes', which in Los Angeles comprises the owner-occupied neighborhoods of the central city as well as older blue-collar suburbs in the San Fernando and San Gabriel valleys, a huge network of watchful neighbors provides a security system that is midway between the besieged, gun-toting anomie of the inner ring and the private police forces of more affluent, gated suburbs.

Imagine if you were living in that city at that very state—full of disorder, unrestricted surveillance, discrimination, injustice, and hostility. Will you be able to survive? But still, this setup can develop if the government does not

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stop its abuse of power and the people decide to aggressively do something about the issue. The government will react by exiling the deviant ones to remote areas or by putting them to jail. The rest of the citizens will then be subjected to highly strict surveillance with a large number of military men roaming around, guarding the wealthy and the powerful from the non-conformists.

To date, a large number of privacy invasion cases have been raised against government agencies like the National Security Agency and the Federal Bureau of Investigation. If you are going to use a search engine and just enter the keywords " NSA", you will discover a lot of news pertaining to the unrelenting abuse of the PATRIOT Act and its provisions. From gathering information of ordinary citizens to even extending their spying scope on a global scale, it seems that these government agencies do not have plans of stopping and correcting the wrong that they have done. As a matter of fact, for every complaint they received from the court, the NSA and FBI always try to justify their actions with their supposed investigation on a suspected person or group. They always try to emphasize their right to demand confidential information from anyone without any warrant.

As for the public, it is very helpful for individuals to stay cautious with every conversation they make. As much as possible, they should communicate with their families and loved ones personally if they do not want their privacy to be validated. Their use of the phone and email should be limited to casual conversations so as to prevent the government from accusing you of malicious matters. In today's high-surveillance age, it is important to be

careful. As George Orwell in his famous dystopian novel Nineteen Eighty-Four would say it:

“ Big Brother is watching you.”