

## Virginia NOW Wants You to Help Rein in the NSA

Simone Roberts and Paradise Kendra

### Why work on surveillance issues?

We believe that women and women's organizations have several priority interests in restricting NSA surveillance of US citizens.



1. Intelligence gathered through the NSA's methods *could potentially* be used by the FBI and local law enforcement to interfere with or prevent rallies, protests, and acts of civil disobedience organized by VA NOW and similar groups. **(First Amendment)**
2. Women's medical privacy, in deeply red states like Kansas for instance, *could potentially* be violated by anti-choice state administrations to learn the identities of women who have had/planned to have abortions. **(Fourteenth Amendment)**
3. Stalking. NSA analysts have already been found to be stalking past, present, and desired romantic partners. While the NSA has responded to most of these cases appropriately ([click](#)), the room for abuse is a real concern.

We also have interests in this problem as citizens:

- current NSA practices NSA continue the erosion of individual/civil liberties begun with the **PATRIOT Act**
- dangers of human fallibility in the misinterpretation or abuse of collected data
- possible observation of or interference with legitimate community and political grassroots organizations in the US

Mostly what we're worried about is: *Mistakes*. It's a lot of data (nearly all of it) and you might not even know that you're four degrees of separation from someone who's one or two degrees of separation from a person of interest, suspect, or criminal --- but that's close enough for a mistake to happen because the computers watching us are searching for patterns of connection and relation in addition to red-flag words and phrases.

And, lastly, this is just bad for a republic. Total surveillance and democracy cannot exist together. Both James Madison and Thomas Payne could agree on that.

## **What's the difference between the NSA tracking me and an internet company or advertiser?**

Simply put, Google can't hold you in indefinite detention as a material witness. Reebok can't accidentally arrest you as an unlawful combatant.

That may sound hyperbolic or stark, but think back to all the perfectly innocent citizens who found themselves on the No Fly List by mistake, or worse who were actually detained, and then could not get the mistake corrected. Sometimes, even with the best intentions, security agencies overdo it.

When the NSA makes a mistake -- maybe by misunderstanding a conversation you had last year on the phone and don't remember -- the consequences can at the least destroy your reputation. "I'm worried about Jason. He's so unhappy with the situation, and I think he's reaching for comforts that are dangerous." "Well, converting to Islam is not a sign that you're unhappy or unreasonable."

## **Here's what we're asking you to do.**

**1. Promote campaigns by these two organizations through your social media.** These two organizations, in addition to the ACLU, are working to end NSA data dragnets and to bring intelligence efforts back into reasonable and constitutional boundaries:

**Demand Progress** is a petition campaign site largely interested in internet/activism issues (copyright, surveillance, harassment of whistleblowers, grassroots work). Here is a sample petition for their anti-NSA campaign ([click](#)).

**Fight for the Future** is a similar organization, duplicating many of the campaigns of Demand Progress, but puts visitors in direct contact with their federal representatives.

**2. Do the same thing for the ACLU's efforts.** Their petition is here ([click](#)). Details of their suit against the NSA are in this [WaPo article](#).

**3. Write a letter. Seriously.** Petitions are nice and all, but petitions and form emails don't get nearly the attention that personally written letters and phone calls do. It's the *effort* factor. Each phone call and letter is often extrapolated to represent many hundreds or a thousand people who agree with you.

You might write your federal representatives to say that you want them to vote for one or both of these bills:

[Rep. Rush Holt \(D NJ\): HR 2818 Surveillance State Repeal Act](#): Would repeal the PATRIOT Act and prevent the NSA from installing "backdoors" to most internet encryption, thus allowing private citizens to actually protect the data they want to protect, like their bank transactions ([click](#)).

[Sen. Patrick Leahy \(D VT\): S 1599 USA Freedom Act](#): There is no summary of this bill at present, but basically it would end generalized eavesdropping on cell phone communications and the internet dragnet. It would force more careful FISA review.

[Contact for VA House Reps](#)  
[Contact for VA Senators](#)

You might write to your state representatives to ask them to draft legislation for the state that restricts surveillance along the lines of the federal bills, or modeled on legislation being considered in [Wisconsin and California](#), and to a lesser degree in Texas.

[Contact for VA State Legislators](#)

In your letter you could ask for the following:

- Demand a clear and limited definition of "national security," a term that presently means just about anything at all.
- Limit both foreign and domestic surveillance to legitimate terrorist tracking and triangulation, not surveillance of entire populations or governments.
- Limit use of encryption back doors.
- Limit legal use so that no data collected by NSA can be used in non-terror related criminal or civil cases against US citizens, or as leverage in other actions.
- Impose immediate loss of security clearance and prosecution of any government official who uses collected data against other citizens for personal, financial, or political gain or influence.

- Forbid any use of NSA tracking methods to restrict political organizing, action or civil disobedience.
- Protect whistle-blowers from intimidation and over-prosecution.
- Include an exoneration clause that assures well-publicized public apologies to citizens if the program targets them and investigations/detentions/arrests follow a mistaken identification of a “potential terrorist.”

It's kind of a lot to take in, but give it a day or so. Think about how you really feel about Homeland Security and the NSA collecting the record of every electronic thing you do: phone call, email, on-line purchase, Netflix rental, bank transaction, charitable donation, Facebook post, listserv discussion, browsing through Pinterest, you conversations with your Muslim and Middle Eastern friends.

You may want to write a letter broad enough to cover everything, or focused on some key concerns that matter more to you. But write. And send a copy of your letter to [info@vanow.org](mailto:info@vanow.org) if you want to (subject line: My NSA Letter). We'll collect and post them on our Facebook page to encourage more action.

## BACKGROUND

**[How dedicated is our security state to gathering every byte of information about all citizens, seemingly everywhere in the world \(France, Germany, and Brazil got the most media attention\)?](#)**

The NSA describes its data collection center as 1.5 million square feet, and will consume 65 megawatts of electricity costing \$1 million *per month*. It's in Nevada, and the water needed to keep all those servers cool will be about 1.7 million gallons (6500 tons) of water *per day* -- in Nevada ([click](#)) and ([click](#)). It is meant to store everything, possibly forever. The word “Exabyte” was coined for a memory capacity equal to 100,000 times the total holdings of the Library of Congress. How much is that? It's this much:

The Library of Congress is the largest library in the world, with more than 155.3 million items on approximately 838 miles of bookshelves. The collections include more than 35 million books and other print materials, 3.4 million recordings, 13.6 million photographs, 5.4 million maps, 6.5 million pieces of sheet music and 68 million manuscripts. ([click](#))

Multiplied by 100,000. The facility is also having some significant technical problems with electrical overloads and failures (and the gods only know what effect *that* could have on the data accuracy) ([click](#)). The room for error here goes beyond mistakes in human interpretation or logarithm design, but includes the random electrical arc scrambling some data. And given the stakes here, those are unacceptable errors.

Rumors that the report published by the Review Group on Intelligence and Communications Technologies will “roll back” the security state’s powers are hopeful, but false. The recommendations are far more conservative than most civil liberties organizations would like, as summarized in this op-ed by Michael Morell, one of the report’s authors [\(click\)](#).

### Who’s resisting besides Edward Snowden and Anonymous?

VA NOW would be joining a trend. Several large tech companies (AOL, Yahoo, Microsoft, Google, Apple, Facebook, Twitter, and LinkedIn) are insisting on five points of reform for current surveillance laws [\(click\)](#). Though these companies are direct competitors, they have come together to demand these reforms so that the internet, essential to the success of all, becomes a trustworthy space once again.

Lawmakers in some states and in the federal government are trying many avenues to restrict surveillance powers to something that will catch bad actors and let the rest of us enjoy our rights and liberties. Terrorists are criminals, they behave like any kind of criminal, and standard forensic procedures can catch them.



Some leading intellectuals and writers are letting their voices be heard. Five hundred writers, from many nations, have signed a public letter demanding a “digital bill of rights” be established in the UN. [\(click\)](#)

Your letter would not place you on the fringe, but right in the stream of national and international efforts to reign in the NSA. Have you seen the logo for the new spy satellite going into orbit? [\(click\)](#) No, we did not make that up. You thought we made that up, didn’t you? Nope.

**From Wired Magazine:** “The legislation has support from Republicans and Democrats in both the House and Senate, and from groups like the American Civil Liberties Union and National Rifle Association. But the USA **FREEDOM Act’s** passage into law remains uncertain.

“It is time for serious and meaningful reforms so we can restore confidence in our intelligence community,” said Sen. Patrick Leahy, a Democrat from Vermont and one of the bill’s chief sponsors. Today’s proposal is a radical revamp of the Patriot Act, legislation passed in the immediate aftermath of the September 11, 2001 terror attacks. In 2006, lawmakers amended the act to allow the bulk collection program under the disguise of Section 215 of the Patriot Act — which allows the secret Foreign Intelligence Surveillance Court to authorize broad warrants for most any type of “tangible” records, including those held by banks, doctors and phone companies”.

[\(click\)](#)

**From NYT:** ““We pay them to spy,” Mr. Holt said. “But if in the process they degrade the security of the encryption we all use, it’s a net national disservice.”

Mr. Holt, whose Surveillance State Repeal Act would eliminate much of the escalation in the government’s spying powers undertaken after the 2001 terrorist attacks, was responding to news reports about N.S.A. documents showing that the agency has spent billions of dollars over the last decade in an effort to defeat or bypass encryption. The reports, by The New York Times, ProPublica and The Guardian, were posted online on Thursday.”

[\(click\)](#)

**From Reason Magazine:** “The USA FREEDOM Act, which aims to rein in the National Security Agency (NSA), has a growing coalition of bipartisan support that includes Rep. Justin Amash (R-Mich.).

The full title—“Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online-Monitoring Act”—is a mouthful. But it aims to do exactly what it says. If passed, the bill could end bulk meta-data collection, require the attorney general to make certain Foreign Intelligence Surveillance (FISA) court decisions public, and allow Internet and telephone companies to disclose some information about FISA court orders they receive. Additionally, it would create a position within the FISA court of a “special advocate” to act “zealous and effective...in defense of civil liberties.” [\(click\)](#)

Freedom and justice for all,

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