

Top Ten Myths About the Illegal NSA Spying on Americans



- MYTH: This is merely a “terrorist surveillance program.”
REALITY: When there is evidence a person may be a terrorist, both the criminal code and intelligence laws already authorize eavesdropping. This illegal program, however, allows electronic monitoring without any showing to a court that the person being spied upon in this country is a suspected terrorist.
- MYTH: The program is legal.
REALITY: The program violates the Fourth Amendment and Foreign Intelligence Surveillance Act (FISA) and will chill free speech.
- MYTH: The Authorization for the Use of Military Force (AUMF) allows this.
REALITY: The resolution about using force in Afghanistan doesn’t mention wiretaps and doesn’t apply domestically, but FISA does—it requires a court order.
- MYTH: The president has authority as commander in chief of the military to spy on Americans without any court oversight.
REALITY: The Supreme Court recently found the administration’s claim of unlimited commander in chief powers during war to be an unacceptable effort to “condense power into a single branch of government,” contrary to the Constitution’s checks and balances.
- MYTH: The president has the power to say what the law is.
REALITY: The courts have this power under our system of government, and no person is above the law, not even the president, or the rule of law means nothing.
- MYTH: These warrantless wiretaps could never happen to you.
REALITY: Without court oversight, there is no way to ensure innocent people’s everyday communications are not monitored or catalogued by the NSA or other agencies.
- MYTH: This illegal program could have prevented the 9/11 attacks.
REALITY: This is utter manipulation. Before 9/11, the federal government had gathered intelligence, without illegal NSA spying, about the looming attacks and at least two of the terrorists who perpetrated them, but failed to act.
- MYTH: This illegal program has saved thousands of lives.
REALITY: Because the program is secret the administration can assert anything it wants and then claim the need for secrecy excuses its failure to document these claims, let alone reveal all the times the program distracted intelligence agents with dead ends that wasted resources and trampled individual rights.
- MYTH: FISA takes too long.
REALITY: FISA allows wiretaps to begin immediately in emergencies, with three days afterward to go to court. Even without an emergency, FISA orders can be approved very quickly and FISA judges are available at all hours.
- MYTH: Only liberals disagree with the president about the program.
REALITY: The serious concerns that have been raised transcend party labels and reflect genuine and widespread worries about the lack of checks on the president’s claim of unlimited power to illegally spy on Americans without any independent oversight.