



TO: House Policy & Legislative Oversight Committee  
FROM: Gary Daniels, Associate Director, ACLU of Ohio  
DATE: November 13, 2013  
RE: House Concurrent Resolution 31

To Chairman Dovilla, Vice Chair Buchy, Ranking Minority Member Gerberry, and members of the House Policy & Legislative Oversight Committee, my name is Gary Daniels, Associate Director for the American Civil Liberties Union of Ohio (“ACLU of Ohio”) and I appear to present proponent testimony on House Concurrent Resolution 31, to investigate the activities of the National Security Agency.

The ACLU, nationally and in Ohio, has long fought against intrusive and unnecessary government surveillance. Our actions include past, current and surely future lawsuits against the NSA.

Never before has the federal government had the spying, collection and storage capabilities it now does. Never before has so much data and information about us been available so easily.

Those two factors have led to what the ACLU warned against for decades – an out-of-control federal government where even the most mundane details of our private lives are collected, organized and analyzed by an alarming number of government (and private) entities.

Meanwhile, three things keep happening with surveillance technology – it keeps getting better, cheaper and more prevalent. Combine all these factors with the magic words “national security” and a judiciary that has largely abandoned the Fourth Amendment, and what was once a speculative recipe for a surveillance state is now full blown reality.

Our web searches, who we mail, call, email and text, what we purchase at the store and online, where we travel, our financial transactions – all this and more feed the unquenchable thirst of a government that appears to have no limits.

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The NSA claims its targets are (mostly) foreign. The NSA also claims it does not, absent some murky and wholly inadequate exceptions, read the content of our communications. I think we can be forgiven, based on information readily available to the public about the NSA's activities, if we draw a different conclusion.

Among other examples, the Wall Street Journal recently reported the NSA and FBI intercepted—and read—every email and text in a six-month period in the Salt Lake City area before and after the 2002 Winter Olympics. Is there anyone left who seriously thinks this was an isolated incident? At a minimum, we know the NSA has the capability.

While the NSA is the worst it is not the sole offender or concern. In Ohio, there are zero statewide protections against law enforcement getting cell phone data without warrants, the use of automatic license plate readers, and government surveillance via drones, to name just a few.

The ACLU of Ohio has worked with some of you in this room on these issues. We want to work with more of you. Passing common sense restrictions here in Ohio that are pro-privacy but not anti-technology, anti-business or anti-law enforcement is needed now more than ever. Indeed, state legislatures play a crucial role in ensuring strong privacy protections.

Voting for HCR 31 will send an important message to the federal government and your constituents about your interest in one of the most important public policy areas today. After this, there is more to do and we look forward to Ohio becoming a leader on these issues for the rest of the country.