

9/11 Commission Chairs: NSA Spying Is “Out of Control”

By [Washington's Blog](#)

Global Research, August 10, 2013

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Theme: [Intelligence](#), [Police State & Civil Rights](#), [Terrorism](#)

The Real Experts Agree: Spying Is Out of Control

The co-chairs of the 9/11 commission – Thomas Keane and Lee Hamilton – [wrote](#) recently:

The NSA’s metadata program was put into place with virtually no public debate, a worrisome precedent made worse by erecting unnecessary barriers to public understanding via denials and misleading statements from senior administration officials.

When the Congress and the courts work in secret; when massive amounts of data are collected from Americans and enterprises; when government’s power of intrusion into the lives of ordinary citizens, augmented by the awesome power of advanced technologies, is hugely expanded without public debate or discussion over seven years, then our sense of constitutional process and accountability is deeply offended.

Officials insist that the right balance has been struck between security and privacy. But how would we know, when all the decisions have been made in secret, with almost no oversight?

Much of this surveillance activity raises sharp questions: Is it necessary to collect and preserve this vast amount of data rather than pursue targeted individuals? Is the government using the least intrusive means to protect us? What are the rules for using metadata collected ostensibly for counterterrorism purposes in other contexts? Could more information about the program’s reach have been made available earlier? These and other vital questions must be debated in the open.

It is the sheer magnitude of the program and the lack of debate that worry us. In the aftermath of the Sept. 11, 2001, terrorist attacks, security officials were galvanized by the fear of another mass casualty attack. The pendulum swung in the direction of security over privacy, giving rise to the NSA surveillance program. The terror threat has evolved over the years. We need to examine these programs and determine whether their scope is necessary today.

Government, once granted authority, rarely relinquishes it and often expands it. Even if its actions are well intentioned, we must consider the precedent of expansive government power to be used 10, 20 or 50 years hence, when the justification may be less compelling than safeguarding lives.

The administration says the program is tightly controlled, but unilateral executive branch action and assurances are not sufficient; we need constitutional checks and balances. The extremely low rate of denial of warrant requests and the fact that in the hearings only the government's side is presented are troubling. The public would benefit from a better, more detailed understanding of the judiciary process.

The 9/11 chairs join many of the nation's other top counter-terrorism and security experts who warn:

- Government spying has [*gone too far*](#)
- Mass surveillance is [*not needed to keep us safe*](#)
- There is [*no real oversight of the spying program*](#)
- Revealing the spying programs does [*not harm national security*](#)
- Even if a mass surveillance program is *started* for good purposes, it will [*inevitably end up being used for entirely different purposes*](#)

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