

Spying on Americans and the Fourth Amendment. An Open Letter to Dianne Feinstein, Chair of the Senate Intelligence Committee

By [Norman Solomon](#)

Global Research, June 07, 2013

Region: [USA](#)

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

Dear Senator Feinstein:

On Thursday, when you responded to news about massive ongoing surveillance of phone records of people in the United States, you slipped past the meaning of the Fourth Amendment. As the chair of the Senate Intelligence Committee, you seem to be in the habit of treating the Bill of Rights as merely advisory.

The Constitution doesn't get any better than this: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The greatness of the Fourth Amendment explains why so many Americans took it to heart in civics class, and why so many of us treasure it today. But along with other high-ranking members of Congress and the president of the United States, you have continued to chip away at this sacred bedrock of civil liberties.

As The Guardian [reported](#) the night before your sudden [news conference](#), the leaked secret court order "shows for the first time that under the Obama administration the communication records of millions of U.S. citizens are being collected indiscriminately and in bulk — regardless of whether they are suspected of any wrongdoing."

One of the most chilling parts of that just-revealed [Surveillance Court order](#) can be found at the bottom of the first page, where it says "Declassify on: 12 April 2038."

Apparently you thought — or at least hoped — that we, the people of the United States, wouldn't find out for 25 years. And the fact that we learned about this extreme violation of our rights in 2013 instead of 2038 seems to bother you a lot.

Rather than call for protection of the Fourth Amendment, you want authorities to catch and punish whoever leaked this secret order. You seem to fear that people can actually discover what their own government is doing to them with vast surveillance.

Meanwhile, the Executive Branch is being run by kindred spirits, as hostile to the First Amendment as to the Fourth. On Thursday night, Director of National Intelligence James Clapper issued a statement saying the "unauthorized disclosure of a top secret U.S. court

document threatens potentially long-lasting and irreversible harm to our ability to identify and respond to the many threats facing our nation.”

That statement from Clapper is utter and complete hogwash. Whoever leaked the four-page Surveillance Court document to Glenn Greenwald at The Guardian deserves a medal and an honorary parade down Pennsylvania Avenue in the Nation’s Capital. The only “threats” assisted by disclosure of that document are the possibilities of meaningful public discourse and informed consent of the governed.

Let’s be candid about the most clear and present danger to our country’s democratic values. The poisonous danger is spewing from arrogance of power in the highest places. The antidotes depend on transparency of sunlight that only whistleblowers, a free press and an engaged citizenry can bring.

As Greenwald tweeted after your news conference: “The reason there are leakers is precisely because the govt is filled with people like Dianne Feinstein who do horrendous things in secret.” And, he pointed out, “The real story isn’t just the spying itself: it’s that we have this massive, ubiquitous Surveillance State, operating in total secrecy.”

Obviously, you like it that way, and so do most other members of the Senate and House. And so does the president. You’re all playing abhorrent roles, maintaining a destructive siege of precious civil liberties. While building a surveillance state, you are patting citizens on the head and telling them not to worry.

Perhaps you should have a conversation with Al Gore and ask about his statement: “Is it just me, or is secret blanket surveillance obscenely outrageous?” Actually, many millions of Americans understand that the blanket surveillance is obscenely outrageous.

As a constituent, I would like to offer an invitation. A short drive from your mansion overlooking San Francisco Bay, hundreds of us will be meeting June 11 at a [public forum](#) on “Disappearing Civil Liberties in the United States.” (You’d be welcome to my time on the panel.) One of the speakers, Pentagon Papers whistleblower Daniel Ellsberg, could explain to you how the assaults on civil liberties and the wars you keep supporting go hand in hand, undermining the Constitution and causing untold misery.

Senator Feinstein, your energetic contempt for the Bill of Rights is serving a bipartisan power structure that threatens to crush our democratic possibilities.

A huge number of people in California and around the country will oppose your efforts for the surveillance state at every turn.

Sincerely,

Norman Solomon

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