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does anyone know where this surveillance topic falls in the Constitution?

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Karen West · 44 minutes ago 🔒

<http://www.theguardian.com/world/2014/feb/03/microsoft-facebook-google-yahoo-fisa-surveillance-reque...>

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Anonymous · 38 minutes ago 🔒

The opponents to the massive collection of that data by the NSA, like yours truly, claim this to be a pure 4th amendment issue in which there is no argument: the NSA (with the agreement of the US President) has been in violation of the 4th amendment for a long time.

Those who defend the NSA make the improbable argument that based on an obscure 1979 decision, the data that the NSA is collecting is data that you "give away" so that there is no reasonable expectation of privacy once you make a phone call or send an email.

As always, it all will come down to where the supremes stand on the issues. The traditional "living constitution" vs "originalist" division is not even apt here. Who knows what they will decide if they take the case (the supreme court has discretion to take the cases it wants).

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Sonia B. · 35 minutes ago 🔒

I am no expert in this matter but it points toward the right to be free from illegal searches and seizures, self-incrimination, and due process with prosecutorial issues- which falls under the scope of the fourth, fifth, and sixth amendments, among many others.

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Joel Kovarsky · 15 minutes ago 🔒

I think you are right, regarding the multiple constitutional issues involved with use of the Patriot Act. Given the conflicted judicial opinions to date, it looks like we are in for a long and wild ride.

<http://www.theatlantic.com/national/archive/2013/12/is-the-nsas-spying-constitutional-it-depends-when-it-comes-to-the-constitution/>

<http://www.scn.org/ccapa/pa-vs-const.html> (shows multiple amendments and issues considered)

<http://www.scotusblog.com/2013/12/judge-nsa-phone-sweep-likely-invalid/>

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Anonymous · 2 minutes ago 🔒

The Atlantic article summarizes very well something that cannot be repeated enough,

"That two judges would hold such contrasting worldviews is either alarming (if you believe the law can be evenly applied) or comforting (if you believe that each individual judge ought to be free to express his conscience). In any event, taken together, the two opinions say a lot about nature of legal analysis. The judge who gets overturned on appeal here won't necessarily be wrong—he'll just not have the votes on appeal supporting his particular view of the law and the facts. In the end, you see, there is no central truth in these great constitutional cases that rest at the core of government authority; there is just the exercise of judicial power."

All of which, of course, makes a great argument for stripping federal judges of their lifetime tenures so that at least they are accountable to the voters.

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Paarth Arora · 35 minutes ago 🔒

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Good question, I hope this is covered in this course.

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