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Trust us: A brief history of government spying

By Glenn Jacobs

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In 1975, the Church Committee revealed the extent to which the federal government's intelligence apparatuses were aimed not at foreign enemies, but at Americans. While President Obama has repeatedly told us that we should trust the government, history teaches us that the current scandal involving the National Security Agency is not an isolated incident.

Big Brother has been with us for a long time.

The Alien and Sedition Acts of 1798 were passed by a Federalist Congress during the Quasi-War with France. The Sedition Act made it illegal to criticize federal government officials, even if the criticism was true. The act was politically motivated and aimed at silencing Thomas Jefferson and his Democratic-Republican Party. In fact, while it was illegal to criticize Federalist officials, it was perfectly okay to slander Jefferson because the office of the vice president, which Jefferson held at the time, was omitted from the list of offices which were protected from criticism. Prominent Democratic-Republicans refused to use the postal service out of fear that their mail would be intercepted and they would be prosecuted for sedition. Fearing arrest themselves, Jefferson and James Madison wrote the Kentucky and Virginia Resolutions, which urged the states to nullify the Alien and Sedition Acts, in secret.

As technology advanced, so did the government's ability to keep tabs on its citizens. The 1920s saw the creation of a predecessor of the NSA — the Cipher Bureau, also known as the Black Chamber. The Black Chamber's mission was to monitor international telegraphs for threats to

national security. The Chamber approached Western Union, the nation's largest telegraph company, hoping to gain access to the messages traveling its telegraph lines. Just as Verizon is today, Western Union was more than happy to comply, giving the Chamber secret access to its customers' private communications.

During World War II, Project SHAMROCK gave the Armed Forces Security Agency — which became the NSA — daily access to the communication records of Western Union, RCA Global, and ITT. SHAMROCK was legal during WWII, but the program did not stop when the war did, continuing until 1975. At its height, the program collected and analyzed over 150,000 messages a month with no search warrants or court oversight.

Project MINARET was SHAMROCK's sister program. Under MINARET, the NSA intercepted the electronic communications of designated American citizens. These communications were passed onto various law enforcement agencies and intelligence agencies, including the FBI, CIA, Department of Defense, and the Bureau of Narcotics and Dangerous Drugs (the DEA's predecessor). The names of the targeted Americans were supplied by the executive branch, again with no judicial oversight.

Both SHAMROCK and MINARET were terminated due to the Church Committee's investigations.

The Foreign Intelligence Surveillance Act was passed in 1978 after it was learned that President Richard Nixon had used federal resources, including the FBI's COINTELPRO, to spy on his political opponents. Among those targeted by COINTELPRO was Dr. Martin Luther King, Jr.

FISA was designed to provide congressional oversight over the activities of the intelligence community while still maintaining operational security. FISA created a secret court which authorizes warrants to surveil foreign nationals inside the U.S. This FISA court has been criticized for "rubber stamping" warrant requests. For instance, in the first 26 years of the court's existence, it denied only five of the 18,000 warrant requests it received.

But that didn't stop the Bush administration from engaging in its controversial warrantless wiretapping program. Nor has it stopped the NSA, under the Obama administration, from allegedly collecting millions of Americans' phone calls and e-mails.

The pattern is clear. The government expands its surveillance powers in response to crises. At first, the limits, targets, and duration of these programs are clearly defined. However, as with all government programs, as time passes these programs expand well beyond their initial objectives. While we all agree that the government should have the tools necessary to protect Americans, we should also recognize that these tools are easily abused and require transparency and tangible safeguards, not merely the promises of politicians.

Historically, Americans have held a skeptical view of government. As James Madison said, "the essence of Government is power; and power, lodged as it must be in human hands, will ever be liable to abuse."

Obama, plagued by scandals, pleads for our trust. History, and common sense, tell us that his pleas should fall on deaf ears.