

US Court of Appeals judge: Lawmakers should give NSA carte blanche in online spying

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Last Thursday at a legal forum held by Georgetown University Law Center and the US Department of Justice, Criminal Division, influential legal scholar and 7th Circuit Court of Appeals judge Richard Posner argued that the right to be free from government and corporate surveillance provides little value to society, while supplying a refuge for individuals engaged in “bad activities.”

“I think privacy is actually overvalued,” Posner said.

Expressing the virulently anti-democratic perspective of the US ruling elite as a whole, Posner argued that the National Security Agency should be able to collect any information it can get its hands on.

“If the NSA wants to vacuum all the trillions of bits of information that are crawling through the electronic worldwide networks, I think that’s fine,” Posner said.

Posner went on to argue that “national security” considerations should override all claims to privacy. “Privacy interests should really have very little weight when you’re talking about national security. The world is in an extremely turbulent state—very dangerous,” Posner said.

“On questions of national security, American politicians should give the NSA “carte blanche,” Posner said.

“Much of what passes for the name of privacy is really just trying to conceal the disreputable parts of your conduct. Privacy is mainly about trying to improve your social and business opportunities by concealing the sorts of bad activities that would cause other people not to want to deal with you,” Posner said.

“If someone drained my cell phone, they would find a picture of my cat, some phone numbers, some email addresses, some email text. What’s the big deal?” he

said.

“Other people must have really exciting stuff. Do they narrate their adulteries, or something like that?” Posner asked.

The authoritarian conceptions showcased by Posner last week should not surprise anyone familiar with his previous work.

In oral arguments in a 2011 federal case concerning filming of police, Posner worried that, “Once all this stuff can be recorded, there’s going to be a lot more of this snooping around by reporters and bloggers.”

“I’m always suspicious when the civil liberties people start telling the police how to do their business,” Posner said.

The Georgetown forum, billed as Cybercrime 2020: The Future of Online Crime and Investigations, featured several law professors, information technology experts, and US attorneys. Promotional material for the forum on Georgetown Law Center’s website proclaimed that panels “consider how investigative techniques may be shaped in light of evolving Fourth Amendment jurisprudence.”

Also sitting on the Georgetown University panel with Posner was deputy solicitor general at the Department of Justice Michael Dreeben, who represented the Obama administration in the recent Supreme Court case *U.S. v. Wurmie*. Dreeben argued that all of the contents of a detained suspect’s cell phone or similar device should be stripped of Fourth Amendment protections, even if the suspect was only in violation of a minor traffic law.



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