

CHALLENGES AHEAD

2017 and Beyond

LIVING IN A SURVEILLANCE SOCIETY

On May, 20, 2013, Edward Snowden, who worked as a private contractor for the National Security Agency (NSA), fled the United States, and the following month he began releasing classified information about phone and Internet intercepts through the assistance of two collaborators. Snowden's actions introduced many Americans to the National Security Agency and its role in creating a surveillance society within the United States.

Created in 1951, the NSA is estimated to be one of the largest U.S. intelligence organizations in terms of budget and personnel with somewhere between 30,000 and 40,000 employees. Headquartered at Fort Meade in Maryland, it operates under the jurisdiction of the Department of Defense and reports to the director of national intelligence. According to the documents leaked by Snowden, the NSA is involved in massive data collection and mining of information on the activities of Americans. Since 2010, the NSA has allowed the analysis of phone calls and e-mail logs of American citizens, an action formerly prohibited due to concerns about privacy infringement. This policy shift has allowed the NSA to mine its huge collection of data to create sophisticated matrices of tracked Americans' social connections that identify their traveling companions, their geographic locations at certain times, their associates, and other personal information. One NSA spokesman justifies the agency's actions saying: "All of the NSA's work has a foreign intelligence purpose. Our activities are centered on counter-terrorism, counter-proliferation, and cybersecurity."* The NSA has built a massive data collection center in Utah. It is reported that the new center will be able to hold five zettabytes of data. One zettabyte of data is the equivalent of a stack of sixty-two billion iPhone' 5s which would stretch past the moon.' A former NSA employee, Thomas Drake, told Fox News, "The only way you can have perfect security is [to] have a perfect security state. That's George Orwell. That's 1984. That's what it would look like."*

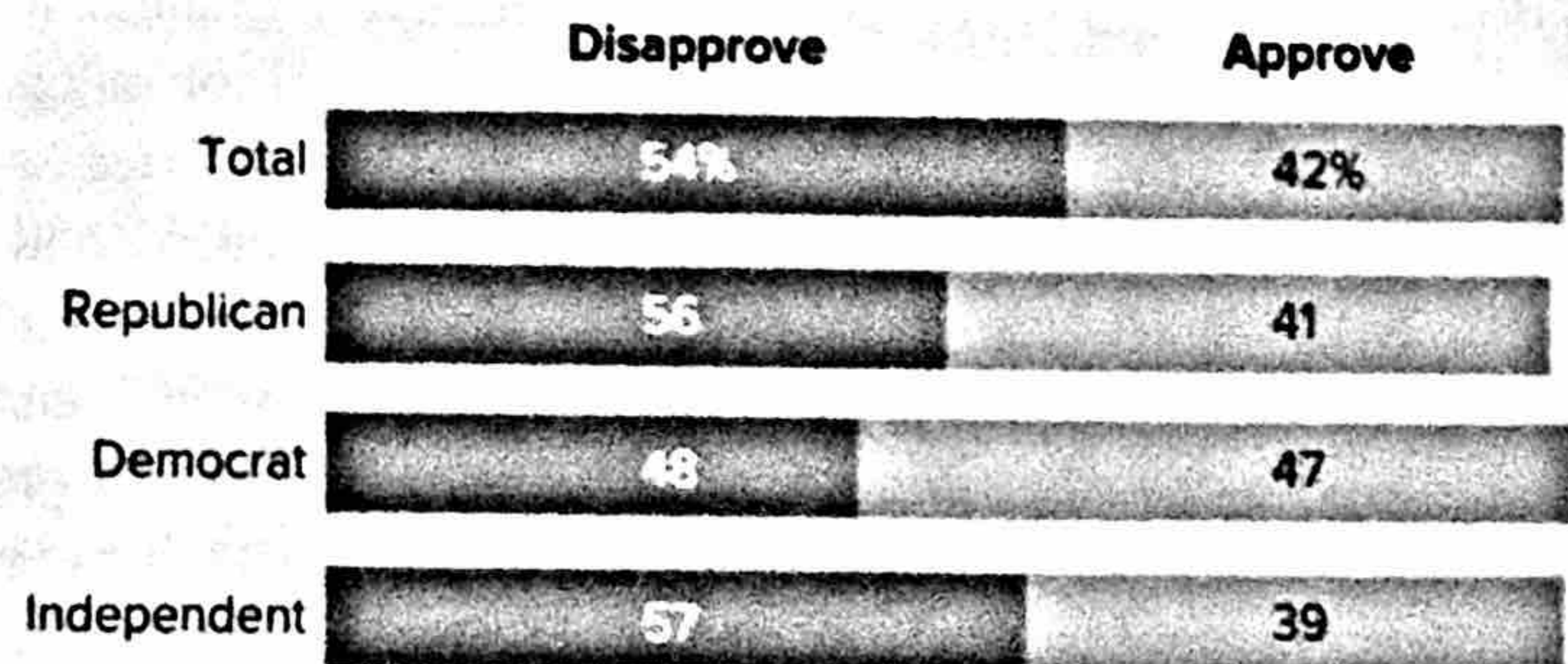
After the initial release of classified NSA information, Snowden arrived in Moscow on June 23, 2013, and was granted asylum by President Vladimir Putin. He then continued to release thousands of pages of classified material on NSA surveillance activities. While the U.S. government desires to prosecute him for violation of the Espionage Act, the American Civil Liberties Union (ACLU), which represents Snowden's legal interests, conducted an international poll



Edward Snowden, shown here in his Moscow apartment where he was granted asylum by President Vladimir Putin, leaked thousands of pages of classified documents revealing the massive surveillance program of the U.S. National Security Agency. (© Barton Gellman/Getty Images)

Americans' Views of NSA Surveillance

% who ___ of government's collection of phone and Internet data



Note: Don't know/refused responses not shown.

Americans disapprove of the NSA surveillance of Americans' Internet and phone usage.

Source: Spring 2014 Political Typology Survey.

A quite different right to counsel issue is what happens when the defendant does have counsel but that counsel provides bad advice or fails to communicate. The Court decided that issue in two cases in 2012. In *Lafler v. Cooper*, a criminal defendant rejected a favorable plea bargain based on his lawyer's advice but was later convicted and received a harsher sentence. The defendant in *Missouri v. Frye* was convicted and sentenced after his counsel failed to communicate the prosecution's plea offer. In both cases the defendants claimed that the ineffective assistance of counsel denied them their constitutional guarantee of a lawyer. The Court ruled that criminal defendants have a constitutional right to effective counsel during plea negotiations. Since approximately 95 percent of criminal convictions arise from guilty pleas, the Court's 5 to 4 decision represents a vast expansion of judicial supervision