

Supreme Court Rejects Wikipedia's Attempt to Challenge NSA Surveillance



The U.S. Supreme Court has declined to hear the appeal by the Wikimedia Foundation, the operator of the popular internet encyclopedia Wikipedia, in its lawsuit against the National Security Agency (NSA) challenging mass online surveillance. A lower court dismissed the lawsuit based on the government's asserting the state secrets privilege. This legal doctrine can shut down litigation if disclosure of certain information would damage U.S. national security.

The Wikimedia Foundation, represented by the American Civil Liberties Union (ACLU), filed the lawsuit in 2015, challenging the legality of the NSA's "Upstream" surveillance program, which collects and searches internet traffic on data transmission lines flowing into and out of the United States. The lawsuit argued that the program violated the U.S. Constitution's First and Fourth Amendments by invading Americans' privacy and conducting unreasonable searches and seizures.

The NSA, part of the Department of Defense, is responsible for U.S. cryptographic and communications intelligence and security. The U.S. government has defended the program, stating that it is authorized by a 2008 Foreign Intelligence Surveillance Act amendment.

The Upstream program was revealed in 2013 by Edward Snowden, a former NSA contractor who fled to Russia and was granted Russian citizenship by President Vladimir Putin.

The Wikimedia Foundation's lawsuit compared the NSA's interception of its communications to "seizing and searching the patron records of the largest library in the world." A federal judge initially dismissed the lawsuit, and the Richmond, Virginia-based 4th U.S. Circuit Court of Appeals upheld the decision in 2021.

The 4th Circuit Court of Appeals concluded that the NSA properly invoked the state secrets privilege, which means the lawsuit cannot proceed, as disclosing details about the surveillance could harm U.S. intelligence operations. The ACLU's lawyers had urged the justices to hear the case, arguing that "Although this mass surveillance of Americans' private communications raises grave constitutional questions, its lawfulness has yet to be considered by any ordinary court, civil or criminal, in the more than 20 years of its operation."

The Supreme Court's decision not to hear the case means the lower Court's dismissal of the lawsuit stands. The ruling has significant implications for internet privacy and government surveillance, as it allows the government to continue to invoke the state secrets privilege to avoid disclosing information related to surveillance programs.

The decision by the Supreme Court underscores the challenges facing those who seek to challenge government surveillance programs. The government has long used the state secrets privilege to shield information related to national security from public disclosure. This ruling reinforces its use in the context of surveillance programs.

REFERENCES:

U.S. Supreme Court snubs Wikipedia bid to challenge NSA surveillance