



The National Forensic League Public Forum topic for November 2014 is out, and it is:

Resolved: The benefits of domestic surveillance by the NSA outweigh the harms.

To call this topic timely would be an understatement. Recently, former NSA contractor Edward Snowden revealed that the National Security Agency has engaged in broad surveillance of American citizens, a practice that stretches their stated mandate and raises questions about the rights of the domestic population to be free of unreasonable search. The revelations about the size and scope of the National Security Agency's domestic spying program continue to pile up, and it's still unclear whether the public has the full picture. Many American citizens are concerned and confused, wondering why an agency ostensibly established for their protection would need to spy on them and worrying that their privacy has been violated without cause.

Others, however, argue that the NSA *needs* to maintain broad authority to conduct surveillance of domestic targets in order to best guarantee our safety. The recent Boston bombers, they argue, planned and executed attacks within U.S. borders. Without a mechanism by which to monitor criminal and terrorist activities domestically, we would have no way of knowing about these plots until, as was the case in Boston, it's too late.

This debate touches on a classic dilemma – Liberty versus security. In this case, the NSA argues that it must infringe on a specific liberty (the right to be free of unwarranted searches) in order to guarantee security. This topic is asking you to engage this dispute, as applied to this specific controversy. Today, we're going to outline the arguments for the PRO.

We'll open with a piece of evidence from Benjamin Wittes, Senior Fellow in Governance Studies at Brookings,

Wittes, 2013 ["Five In-Your-Face Thoughts in Defense of the NSA," Benjamin, editor in chief of Lawfare, Senior Fellow in Governance Studies at the Brookings Institution and member of the Hoover Institution's Task Force on National Security and Law, September 9, Lawfare.]

It may be that the government's prior release of its white paper on Section 215—combined with a certain NSA fatigue—will inoculate it to some degree against the torrent this release would otherwise unleash, making the details of the program and its legal justification seem a bit like old hat. But I suspect not—that we are, instead, on the brink of a new onslaught. So I thought this would be a good time to make some broad high-altitude points in the defense of the NSA. These points are, I want to stress, pretty obvious—so obvious that I find it a little odd to be making them. But the truth is that they often get overlooked. So in the current environment, they bear **emphasis and reemphasis**. First, the NSA is an intelligence agency, and intelligence agencies collect intelligence. The NSA collects a huge amount of data. It spies on other countries and their leaders. It tries to make sense of the material it collects using data-analytic techniques. It breaks encryption systems that its potential targets use to protect their communications. It develops relationships with private companies that can provide it data. And it engages in activity that is illegal in the countries against which it operates. **As we used to say in grade**



school, “Duh!” That’s why we have a signals intelligence agency. Critics of the agency, at home and abroad, trot out many of these facts as damning indictments. Brazil and Mexico and our European allies are outraged—or pretend to be—that we spy on them. Our domestic conversation is laced with fear of the sheer size of NSA collection, as though data volume is what makes Big Brother big. But the criticism is silly. Of course, the agency collects a large volume of material. An intelligence agency is not a think tank or a university. It doesn’t just read newspapers, collect what’s public and analyze what such data say. “We steal secrets,” former NSA and CIA director Michael Hayden put it in the excellent movie about Wikileaks that used this arresting phrase as its title. This is what spy agencies do. The NSA is good at it—very good at it. I, for one, think that’s a great thing.

This piece of evidence is not so much a self-contained argument as it is some important framework context. The NSA is tasked with collecting intelligence in order to learn of potential threats to the U.S. Witte uses this point to decontextualize the criticism that the agency has run rampant or somehow deviated from its purpose by mentioning that their sole purpose was always to do things like surveillance. You can use this evidence (or simply make this argument) at the outset of a debate to make a framework argument that the negative needs to win that the NSA has significantly deviated from its stated purpose in conducting domestic surveillance OR win that the NSA ought not exist at all. This forces the negative team to articulate the ways in which the NSA is good and effective even without domestic surveillance. If they can’t, you have proven that domestic surveillance is the key internal link to NCA effectiveness.

Bolton continues, arguing,

Bolton, last modified 2013 [“3 views on NSA reform after Snowden leaks,” John, senior fellow at the American Enterprise Institute, Christian Science Monitor.]

We face a general debate about whether vital electronic-surveillance programs should be substantially curtailed. We must prevent hype and anger over specific abuses from harming the NSA’s actual capabilities and the secrecy needed to protect them. Intelligence exists not for its own sake but to support executive decisionmaking. Accordingly, President Obama is principally responsible for explaining and advocating clandestine activities. This, he appallingly failed to do. Mr. Obama must act like a president, leading the defense of our embattled capabilities. The inevitable congressional proceedings must not repeat the irreparable damage that the 1970s-era congressional investigative committees caused the CIA. Deficiencies there were, but our enemies were the principal beneficiaries of the committees’ destructive investigations. Most important, whatever fixes are made today must not deny America the tools to protect itself from terrorists, their state sponsors, and foreign adversaries, many of which are developing massive cyberwarfare programs. Moreover, the largely preventable or imaginary invasions of privacy pale before security breakdowns that have allowed serious intelligence leaks. The NSA’s opponents should be put on notice: If you materially restrict surveillance capabilities, you risk having American blood on your hands.

Bolton is making the straightforward liberty vs. safety argument above in the specific context of the NSA. He believes that the NSA’s current strategy represents an appropriate balance between liberty and safety. As a result, he argues, moves to decrease the NSA’s ability to infringe on our alleged liberties will come at the expense of safety. Some specific warrants:



1. **He makes an inevitability claim**—that the executive branch (specifically the president) will have to work to make decisions that keep us safe no matter how much support he has from the NSA. There is, according to Bolton, only a risk that these decisions will be qualitatively better if he has more information rather than less. Restricting the NSA means he has less, which means he is more likely to make a bad decision that risks American safety.
2. **Perception of weakness.** Bolton argues that, especially right now when countries are focused on the scandal surrounding NSA leaks, we need to maintain, not decrease, the mandate of the agency. This is because publically announcing that the NSA can no longer search domestic communications will make those communications an attractive format for individuals and groups that mean to harm Americans. Put simply, if you wanted to hurt me, and I told you that I never locked my door between the hours of 6 and 10, when would you show up? In that same way, diminishing the mandate of the NSA provides a place for terrorist groups, etc. to hide.
3. **Restricting surveillance is a zero-sum trade-off.** For Bolton, liberty and security are like a see-saw. When one of them goes “up” (increases) the other must go “down” (decrease). He argues that currently invasions of privacy may make people uncomfortable but are otherwise harmless whereas the potential for a security breach or otherwise could be catastrophic. By moving to protect more privacy to reduce discomfort, we open ourselves to the possibility of the big security breach.

Along the same lines, David Brin argues that a lack of privacy may produce discomfort but nothing more:

Brin, 2013 [David, “Snooping vs. privacy – lessons for an age of transparency,” scientist and science-fiction author, winner of the American Library Association’s Freedom of Speech award.]

“I do not want to live in a world where everything I do and say is recorded,” proclaimed Mr. Snowden, with unintended irony, as he ripped veils off those he disliked. But as I maintained in my book, “The Transparent Society,” the answer isn’t to cower or hide from Big Brother, nor to blind our watchdogs. The solution is to answer surveillance with *sousveillance*, or looking back at the mighty from below. Holding light accountable with reciprocal light. **Letting our watchdogs see but imposing choke-chain limits on what they do.** That distinction is crucial. Instead of obsessing on what the FBI and NSA may know, let’s demand fierce tools of supervision to keep the dog from becoming a wolf. Start by replacing the secret, star-chamber Foreign Intelligence Surveillance Court (FISA) with one that is confidential but adversarially contested and accountable, as any true court should be. Put a short time limit on the gag orders in national security letters, making them less terrifyingly Orwellian. Take today’s inspectors general out of bed with the agencies they oversee, and have them answer instead to an Inspector General of the United States, whose first duty is to the law, and to the people.

For example, you may not want the government to know everything you do on your computer and who you’re calling on your cell phone. That said, your potential embarrassment notwithstanding, this is as far as it goes. Brin argues that the reason civil liberties advocates are concerned about government overreach is not because of what the government might find out about us but rather what they might



do with that information. For example, you may be embarrassed that the government knows something about you that you would rather keep private (although it's doubtful that they're watching you closely enough to even notice any but the most alarming criminal behavior). You should not, however, be afraid that the government will arrest you based on this embarrassing information. Watchdog groups and red tape (including the checks and balances of the legal system) prevent the NSA from using any information gained through surveillance to detain you or deprive you of your rights without cause.

You can use this argument on the PRO to argue that, since the resolution says **surveillance** (which by definition means only watching) it's not difficult for enhanced safety to outweigh the potential disadvantages. No matter how uncomfortable you are sharing your information, there are a number of checks and balances that prevent the NSA from detaining you, questioning you, or punishing you in any way no matter what they know. Many of the negative's arguments will be about arrests, etc – not surveillance. Use this evidence to argue that more surveillance does not necessarily mean broader latitude to detain or punish. Brin undermines the notion that surveillance is the key to a police state – it's not. The important thing should be what happens as a result which, in this case, has been almost nothing.

Now, let's address some specific benefits of allowing domestic surveillance. The first is preventing terrorism. Honoroff argues:

Honoroff, '13 ["How the NSA's Spying Keeps You Safe," Marshall, Contributing Writer at Tom's Guide, September 12, <http://www.tomsguide.com/us/nsa-spying-keeps-safe,review-1899.html>]

While this anger is both understandable and justifiable, relatively few people have stopped to consider the other side of the coin. **You can have total privacy or total national security, but you cannot have both.**

A modern democratic society requires a compromise between the two extremes. The most important thing to keep in mind is that there is, at present, **absolutely no indication** that the NSA has done anything illegal or outside the parameters of its mission statement. The NSA monitors external threats to the U.S., and, in theory, does not turn its attention to American citizens without probable cause. There is no evidence to the contrary among the documents that Edward Snowden leaked.

Terrorist threats "How do we protect our nation? How do we defend it?" asked Gen. Keith Alexander, the NSA's director, at the Black Hat 2013 security conference, held in Las Vegas in July. "[This information] is not classified to keep it from you: a good person. It's classified because sitting among you are people who wish us harm." While the thought of the NSA controlling every bit of information that the average American citizen posts online is disconcerting, Alexander maintained that a terrorist attack **is even worse for a country's basic freedoms.** "What we're talking about is future terrorist attacks," Alexander said, discussing a number of planned attacks that the NSA foiled over the last 10 years. "It is worth considering what would have happened in the world if those attacks — 42 of those 54 were terrorist plots — if they were successfully executed. What would that mean to our civil liberties and privacy?" James Lewis, a researcher at the Center for Strategic and International Studies, agrees. "The NSA said there were 54 cases where they were able to detect plans and stop them, and 50 of them led to arrests," Lewis told Tom's Guide. "Fifty doesn't sound like a lot compared to the number of records [the NSA collected], but would you have preferred to have 50 more Boston bombings?"

Honoroff, also quoting CSIS researcher James Lewis, is making a few important arguments here:



1. **If you have nothing to hide, you have nothing to worry about.** This is the classic paradox – the average American may be concerned about the lack of privacy but the average American does nothing to raise the concern of the NSA. Even the average criminal – say a low-level drug dealer or a petty thief, is unlikely to gain notice via these programs (this is not to say that thieves and drug dealers are unlikely to get caught, of course – just not by the NSA). The NSA has a particular mission and is not sifting through every scrap of data to find crimes that are best handled by local authorities. They are looking for evidence of large-scale, high-profile threats to national security. The average American’s talking, texting, and internet posting won’t raise any red flags for that behavior so is likely to float by unnoticed. **In other words, the NSA is probably not spying on you – even though they can.**

They are only likely to spy on individuals that are engaged in alarming behavior – in which case, General Alexander argues, it’s good for the programs to be far-reaching and little-known. Why? In that world, we’re more likely to catch them. Use this argument to answer the claim that the majority are having their rights violated in order to catch a few terrorists.

2. **Statistics support that domestic surveillance foils terror plots.** Lewis quotes statistics made public by the NSA that domestic surveillance programs of the type that monitor internet and other communications have been important in identifying and proactively stopping terrorist plots from turning into terrorist attacks. He also makes a weighing argument that, given how completely devastating terrorist attacks may be, we don’t have to prevent very many of them with these tactics in order to make that worth it. That is, you should articulate to the judge that even one terrorist attack is likely more devastating than several instances of abuse of NSA power.
3. **Terrorism is worse for civil liberties.** This is a tricky argument – essentially, if a terrorist attack were to happen because of lack of domestic surveillance, civil liberties would suffer. Consider: flying on airplanes. Many would argue that the kind of surveillance you need to subject yourself to in order to fly on an airplane these days is much more invasive than someone monitoring your electronic communications to see who you are calling. TSA agents are allowed to confiscate your property, look through your bags, scan your body to see if you have anything beneath your clothing, and physically touch you to make sure you don’t have any weapons. Why is airline security so invasive and why do we tolerate it?

The answer is simple: terrorist attacks on the U.S. have created the political will to implement such invasive programs. People push for them because they are afraid and they are implemented to prevent things that could have easily been prevented by simply gathering data. Thus, you can argue that this is a turn: Without domestic communications surveillance, terrorist attacks are likely. In the aftermath of such attacks, we are likely to see much more serious infringements on civil liberties. In that world, we would be less safe *and* have fewer rights.

Honoroff also points out another potential danger: espionage,



Honoroff, '13 ["How the NSA's Spying Keeps You Safe," Marshall, Contributing Writer at Tom's Guide, September 12, <http://www.tomsguide.com/us/nsa-spying-keeps-safe,review-1899.html>]
Counterterrorism is not the only function of the NSA's widespread surveillance. Although it cannot report exact numbers, Lewis theorizes that the data-mining has allowed the NSA to put a stop to a number of international espionage plots. "The original intent of all these programs was to find foreign spies," he said. "They haven't talked about that, but presumably there have been some successes there, too. A lot of times when you see things and there doesn't appear to be any explanation of how we seemed to magically know about it, it might very well be espionage." As an example of how domestic surveillance can unearth international plots, Lewis pointed to the North Korean ship stopped in Panama in August 2013. The vessel turned out to be smuggling illegal arms from Cuba. "**The Panamanians just woke up one day and decided to look in their ship? I think not,**" Lewis said.

Espionage, wherein foreign operatives engage in attempts to steal U.S. secrets, smuggle weapons or other dangerous materials, etc. – within US borders, is dangerous. It exposes Americans to risks that countries that mean us harm might be able to steal information critical to our national security and sell it to those who mean us harm.

It is impossible for us to track said individuals without the ability to track confidential communications within the US. Otherwise, we would have to wait until they had already escaped with whatever contraband they've obtained to find out what they've done. At that point, it would be much more difficult for us to do anything about it because they would have left our jurisdiction.

Moreover, this answers the CON argument that the NSA's purpose should be restricted to international plots – this ignores the sheer volume of those plots which are planned or orchestrated, in whole or in part, within the United States.

Many CON authors make this restrictive interpretation of NSA jurisdiction because they assert that it is illegal for the NSA to spy on American citizens – according to the Constitution or other statutes. Wittes argues that this is not the case:

Wittes, 2013 ["Five In-Your-Face Thoughts in Defense of the NSA," Benjamin, editor in chief of Lawfare, Senior Fellow in Governance Studies at the Brookings Institution and member of the Hoover Institution's Task Force on National Security and Law, September 9, Lawfare.]

This brings me to my fourth point: the NSA's activities are legal. We are not living in the age of COINTELPRO or the Watergate-era intelligence scandals. We are living in an age in which the intelligence activities about which we harbor anxieties take place pursuant to statute and subject to judicial review. **People may object to the government's interpretation** of Section 215, about which I have my own doubts, **but nobody can argue that it is a lawless or crazy interpretation of the statute**; in fact, it's on its face quite plausible. And it's one that the courts have approved, and to which Congress has assented. Similarly, nobody can deny that Section 702 grants sweeping collection powers with regard to communications by persons reasonably believed to be overseas; that's the point of the law, and it's the reason the FISA Amendments Act was controversial as a legislative matter. Yes, there have been errors and compliance issues, as there are with any government (or private sector) program. And yes, there was a substantial dialog with the FISA Court over one component of Section 702, in which the court held



that component unconstitutional, forced changes to it, and referred to two other incidents in which the government had misrepresented aspects of 702 collection to the judges. But this sort of back-and-forth is little different from the iterative discussion that takes place between, say, the courts and a big city police department over the conduct of searches or, for that matter, the discussion between any agency and the courts that review its activities. **They are examples of the mechanisms Congress set up to keep the NSA within the law doing just that.** Many critics of the NSA elide this point by insisting that the Constitution—specifically, the Fourth Amendment—**forbids such activity, even if the statute purports to permit it.** But the constitutional law here actually doesn't get them very far. The doctrine is quite permissive with respect to data held in the hands of third parties, and it's almost-ininitely permissive with respect to collection against non-U.S. persons overseas. The result is that rote invocations of the Constitution as some kind of trump card against the big bad intelligence agency that wants to collect data generally falls flat, no matter how emotionally satisfying it may be to people who choose not to understand the law. Let me put this point as simply as I can: The NSA can collect a gargantuan quantity of telephone and internet data without violating any statutory or constitutional law. And nearly all of the current debate involves activity that either clearly or arguably falls on the legal side of the line. To the extent that people argue against the legality of what the NSA is doing, they are generally arguing that the courts should have ruled other than the way they did. But in our society, what defines an agency's legal authority is what the courts actually ruled, not what later critics think they should have ruled.

A few important points:

- 1. The government has gone out of its way to review this, and it's legal.** Although the programs at the NSA have not all been public knowledge, the statutes that allow them are. The NSA is in compliance with laws (specifically some sections of the PATRIOT Act) that were passed by Congress, signed by the president, and reviewed by the courts. Those who would argue that these programs are illegal are using the term prescriptively, not factually – that is, they think they should be illegal but, according to the system that determines what is and is not actually illegal, they're legitimate. You should have a cross-examination moment where you ask the CON how they decide whether or not something is illegal – is it by whether or not the courts uphold it? Etc. Their definition will collapse under scrutiny.
- 2. Compliance issues are normal, not a sign of dire overreach. In fact, they prove the system works.** With every law enforcement agency tasked with collecting data according to a very specific set of rules, there will be instances in which, due to human error or other extraneous factors (lack of knowledge, one individual making a bad choice) the rules aren't followed. That doesn't mean that domestic surveillance itself is illegal but rather that, on a rare occasion, some of the individuals tasked with doing that surveillance may not follow the rules. Witte points out that this does not mean the NSA is doing anything illegal other than it means your school is doing anything illegal because some students violate truancy laws.

Witte is quick to point out that, in no case when information was obtained illegally, was it used to prosecute a crime. In fact, these instances in which the NSA hasn't followed the rules, they have been disciplined by the court and their findings have been thrown out. This is not a reason



to believe that the NSA is an agency of rule-breakers but rather a reason to be encouraged that, when questionable behavior has happened, we've fixed it. This is how the system is meant to work. Thus, when the CON points to abuses, you can argue that these are inevitable (1) but prove that checks and balances are effective (2).

- 3. In most of these cases, you don't own your data.** Finally, most of the time the NSA is not hacking into your personal computer to get your data from you. Rather, the NSA is contacting your phone company, your internet provider, your e-mail provider, etc. and asking them for your data. That may seem like a meaningless distinction (they still get to read your stuff, so does it matter?) but it's really not.

Why? Well, essentially, when the NSA gets your data from a phone company, for instance, they aren't searching you. They're searching the phone company (otherwise known as a "third party"). You know all those really long terms and conditions that you click "AGREE" to and hardly ever read? You've probably been informed that this was a possibility and agreed that it was okay long ago. Your phone company is not protected under the same Constitutional provisions as you are so, while the NSA can't come into your house and retrieve your private journal with all your deepest secrets (because that's yours) they can ask your cell phone carrier who you've been calling (because that's theirs). These kinds of searches aren't unconstitutional.

Think that sounds unfair? That leads us to our next defensive argument,

Honoroff, '13 ["How the NSA's Spying Keeps You Safe," Marshall, Contributing Writer at Tom's Guide, September 12, <http://www.tomsguide.com/us/nsa-spying-keeps-safe,review-1899.html>] Lewis believes that the NSA's surveillance is much less problematic than its transparency on the issue. "[Security and privacy] have to be balanced, and the debate has largely been 'they should stop doing this,'" he said. "It's weird seeing Rand Paul and the ACLU getting together [to condemn the NSA]. If Rand Paul is for it, it's probably a bad idea." The NSA is also taking the lion's share of the blame for a problem that began at the dawn of the consumer Internet age, got worse after 9/11, and still continues to this day: Internet privacy, or more accurately, the almost total lack thereof. "There really isn't any privacy anymore, and I don't think Americans have realized that," Lewis said. Credit card companies, for example, know just about everything about you, right down to what street you've lived on every year of your life. "This was commercial ... The NSA just happens to be the poster child for this at the moment."

Third party data and Internet use means that our data is less confidential than it has ever been. In fact, even though we are generally trusting we would be naïve to believe that credit card companies, web browsers, social networking sites, etc. aren't storing, using, and selling our data. Part of the bargain of the internet age is to give up some of our privacy and anonymity in exchange for the ability to connect with others remotely and take advantages of conveniences (like online shopping). The con's argument that the NSA is the only or even the biggest privacy concern with third parties has a serious uniqueness problem. Consumer data is widely available and subject to surveillance. Banning the NSA from doing so wouldn't change that fact, so it's strange to make cost-benefit analysis that assumes lack of NSA access would mean no access.



Finally, Wittes argues that the public has a **confirmation bias** about the NSA,

Wittes, 2013 ["Five In-Your-Face Thoughts in Defense of the NSA," Benjamin, editor in chief of Lawfare, Senior Fellow in Governance Studies at the Brookings Institution and member of the Hoover Institution's Task Force on National Security and Law, September 9, Lawfare.]

Second, **what the agency is actually doing is far less threatening than what people think it is doing.** The tone of the conversation about NSA activity is so over-the-top that the agency's actual activity gets lost in the story. The intelligence community's own efforts to explain itself have been less than brilliant, but the truth is that the NSA has implemented its set of broad authorities in a tightly-controlled fashion. One can argue that the authorities in question are too broad, or one can argue that the controls should be tighter still. But it's hard to look at the details of the actual programmatic activity of the NSA and emerge as alarmed as one would reasonably be on reading the screaming headlines. The disparity, and it is a vast one, between the story in those headlines and the story in the details is partly the product of a lot of shoddy journalism. But it's partly also a product of the technical and legal density of the subject matter. The costs of entry to the conversation about how the NSA is spying on millions of Americans is low. The cost of entry to a serious conversation about what the agency is doing, how it is doing it, and how both interact with relevant statutory and constitutional law is not low. It's very high. And a great many more people—journalists, members of Congress, and members of the public—thus feel pulled to the story about an out-of-control spy agency. It's so much easier, and it maps so neatly onto all of the post-Watergate prejudices of our political culture. Third, while a lot of people aren't interested in the details, those details really matter. At the time of the last document release, Lawfare published a series of detailed posts describing what the released documents actually said (we will do the same with this week's disclosures). **Very few people read them. Taken together, they attracted a few thousand readers**, according to Google Analytics. By contrast, nearly 30,000 people read one day's worth of our coverage of a possible Syria AUMF. The contrast gives you some idea of just how few people really want to understand what did and didn't happen when the FISA Court declared part of the 702 collection process deficient on statutory and constitutional grounds. Yet the number of people who feel entitled to express an opinion—often a very strong opinion—on the same subject is much larger. The result, for the agency, is a debate that is remarkably resistant to disclosures of information *unless they come from Edward Snowden* and remarkably resistant to the sort of fine-grained details on which the actual difference between legality and lawlessness necessarily depends.

You can and should use this evidence as a tie-breaker for PRO side. Essentially, Wittes is arguing that people aren't getting the full story on the NSA's domestic surveillance programs for two reasons:

1. **Simplifying highly technical issues.** When Wittes talks about the "costs of entry" into a conversation about the NSA's programs, he's referring to the amount of specialized knowledge it takes to understand the complex web of laws and technicalities that form the basis for domestic spying. In essence, the average person doesn't pass the "cost of entry" test and so is much more likely to seize on a simpler explanation from a newspaper staff writer or politician (who also doesn't understand all the intricacies of the situation). As a result, the conversation about domestic spying is shallow and doesn't reflect the facts but rather a hyped narrative with no nuance and very little truth.



2. **Interest is greater in conspiracies than facts.** Wittes 'statistics prove that people are generally more interested in a narrative about a runaway spy agency than the (much more boring) truth. Thus, it's easier for newspapers and other news outlets to sell that angle than an angle that more accurately reflects what's going on. That gives them an incentive to publish articles that allege NSA abuse rather than those that defend the agency. Use this evidence to call into question the qualifications and data of the CON evidence – ask them to defend the methodology and sources of their claims and you should get some mileage here.

This concludes our 'PRO' analysis for the NSA topic. We'll publish our CON paper in a few days, but until then – what do you think? Are you a fan of this topic or not? What PRO arguments did we miss? Let us know in the comments and as always feel free to submit for a free case critique. Good luck this season!