

“Ask Me Anything” on the Wikimedia v. NSA Lawsuit March 20, 2015 Transcript

Just Security compiled this transcript of the March 20, 2015 Ask Me Anything (AMA) conducted by Just Security Executive Editor and Deputy Legal Counsel for the [ACLU Jameel Jaffer](#), Wikipedia Founder [Jimmy Wales](#), and [Lila Tretikov](#), Executive Director of the Wikimedia Foundation. The AMA focused on Wikimedia’s lawsuit challenging the NSA’s upstream collection and analysis of vast quantities of Internet communications. Wikimedia’s [complaint is available here](#).

For the sake of brevity, only questions that received responses are included in the transcript below. Some hyperlinks have been added to the transcript, in an effort to provide relevant context and additional information. You can read the full AMA [on Reddit](#).

We are Jameel Jaffer of the ACLU, Wikipedia founder Jimmy Wales, and Lila Tretikov, executive director of the Wikimedia Foundation - and we are suing the NSA over its mass surveillance of the international communications of millions of innocent people. AUA.

Our lawsuit, filed last week, challenges the NSA's "upstream" surveillance, through which the U.S. government intercepts, copies, and searches almost all international and many domestic text-based communications. All of the plaintiffs in the lawsuit are educational, legal, human rights, and media organizations who depend on confidential communications to advocate for human and civil rights, unimpeded access to knowledge, and a free press.

We encourage you to learn more about our lawsuit [here](#). And [to learn more about why the Wikimedia Foundation is suing the NSA](#) to protect the rights of Wikimedia users around the world.

Proof that we are who we say we are:

ACLU: <https://twitter.com/ACLU/status/578948173961519104>

Jameel Jaffer: <https://twitter.com/JameelJaffer/status/578948449099505664>

Wikimedia: <https://twitter.com/Wikimedia/status/578888788526563328>

Jimmy Wales: https://twitter.com/jimmy_wales/status/578939818320748544

Wikipedia: <https://twitter.com/Wikipedia/status/578949614599938049>

Go ahead and AUA.

Beerndt: What is the minimum acceptable outcome for your lawsuit?

Lila Tretikov: The NSA will end its unconstitutional surveillance practices. Filing this suit has raised awareness and continued a conversation about mass surveillance.

Jameel Jaffer: Just to add a couple more points, I think there's broad agreement that the government has a legitimate interest in monitoring the communications of suspected terrorists. This kind of [dragnet surveillance](#), though, constitutes a gross invasion of the privacy of innocent people, and it will inevitably have a chilling effect on the freedoms of speech and inquiry. (There is some evidence that the NSA's surveillance activities are already having this effect.) We don't think the NSA should be looking over innocent people's shoulders when they're surfing the web. I should emphasize that the NSA's practice is to retain communications that include "foreign-intelligence information," a term that is [defined so broadly](#) as to include, for example, any information relating to the foreign affairs of the United States. No one should be under the misimpression that the NSA is interested in collecting information about terrorism and nothing else. Former NSA director Michael Hayden has been forthcoming about this. He said recently: "NSA doesn't just listen to bad people. NSA listens to interesting people. People who are communicating information." We would like the NSA's surveillance activities to be more narrowly focused on individuals who are actually and reasonably thought to present threats.

Jimmy Wales: That the world is made perfect for everyone for the entire future of the world. :-) Seriously, from our complaint, here is the [relief that we ask for in the lawsuit](#):

WHEREFORE Plaintiffs respectfully request that the Court: 1. Exercise jurisdiction over Plaintiffs' Complaint; 2. Declare that Upstream surveillance violates 50 U.S.C. § 1881a and 5 U.S.C. § 706; 3. Declare that Upstream surveillance is unconstitutional under the First and Fourth Amendments, and under Article III; 4. Permanently enjoin Defendants from continuing Upstream surveillance; 5. Order Defendants to purge all records of Plaintiffs' communications in their possession obtained pursuant to Upstream surveillance; 6. Award Plaintiffs fees and costs pursuant to 28 U.S.C. § 2412; 7. Grant such other and further relief as the Court deems just and proper

The minimum acceptable for me personally would be #2 - finding that their activity violates the law as passed by Congress. #3 is much better, of course, finding that it's actually unconstitutional.

Spooky: Hi everyone,

Thanks for doing this. What can we, as a community, an internet, and as non-lawyers, be doing to help raise awareness of this?

Jameel: Here's a partial answer to this question for the Americans out there: a few provisions of the USA Patriot Act are [scheduled to sunset in June](#). Congress has to consider, between now and then, whether to reauthorize the provisions, amend them, or

let them expire. You should make sure your representatives in Congress know that you want some commonsense limits to be imposed on the NSA's surveillance activities.

Jimmy: Talk about it outside our usual tech/geek circles - make sure that people who ordinarily are prone to "fall for" silly rhetoric about terrorists and pedophiles are aware of the real issues. A lot of politicians think that the general public doesn't care about this issue - we need to make sure the general public knows about and and that they do care about it - and that they make their voices heard.

Lila: As an individual, or a non-lawyer, you can help make the internet more secure by raising awareness through your personal networks, [using encryption](#) and tools like [HTTPS Everywhere](#) and supporting organizations that support your rights on the internet. Talk about why privacy matters to your local or national politics to support privacy reform.

Captain Dathon: If your lawsuit is successful, do you believe the NSA will actually comply with the verdict? Is the NSA still under the control of the US government? Also, since the NSA has potentially infected the very hardware of the internet's infrastructure, how can we verify if they are being compliant?

Jimmy: I'm an optimist. I don't think there is any actual evidence that the NSA is not under the control of the US government.

And as to compliance, I think the key point is that if we are successful, it will be clear that what they are doing is not legal. So if "infected" hardware is discovered, someone is going to be in big trouble, possibly jail.

I think it's unwise in life to become too cynical - cynicism can lead to paralysis under a theory that "well, we're all fucked anyway so why bother." I think a lawsuit victory here will make a meaningful difference, even in an imperfect world.

Jameel: I don't think the NSA would refuse to comply. I do think it would [exploit ambiguities](#) in any court order. Which is part of why we're pressing Congress to require the NSA to be more transparent about its activities and to ensure that the NSA's activities are subject to meaningful judicial review on an ongoing basis.

xampl9: I gather the public at large is vaguely upset, and don't likely realize the full implications of what's been going on. How would you explain this issue to a neighbor who isn't an internet denizen?

Lila: Would you like your phone to be tapped without a warrant? Today, your internet connection can be.

Jameel: Also, perhaps refer them to [this Human Rights Watch / ACLU report](#), which documents the way that government surveillance is already [inhibiting journalism](#) that's crucial to open societies.

Orangejulius: From your article it looks like you have to [overcome standing issues](#) in order to get to the substantive issues. What's the injury to wikimedia and how do you show it?

I'm really happy to see wikimedia standing up to various governments using legal tools. Is there anything to be done or that you plan on rolling out on the tech side to protect the identity of wikipedia editors in other countries?

Jameel: I provided a more technical answer to the "standing" question in response to another questioner. Cutting and pasting:

This is a good question. As you probably know, in *Clapper v. Amnesty*, the U.S. Supreme Court held, in a 5-4 vote, that the ACLU's plaintiffs in that case lacked standing to challenge the constitutionality of the 2008 FISA Amendments Act—the same statute the government now invokes to justify the NSA's “upstream” surveillance. The Court reasoned that the plaintiffs didn't have the right to challenge the statute because they couldn't show a sufficient likelihood that their communications were being monitored. The plaintiffs couldn't make that showing, of course, because the [government refused to disclose](#), even in the most general terms, how the statute was being used.

I think *Clapper v. Amnesty* was wrongly decided (I argued the case, so this shouldn't be surprising), but more importantly, I don't think *Clapper v. Amnesty* forecloses our new case. I say this for a few reasons. First, thanks to Snowden, [we know much more](#) about the government's surveillance practices now than we did when *Clapper v. Amnesty* was argued and decided. (It was argued in the fall of 2012 and decided in February 2013, just a few months before the first Snowden revelations began to appear in the *Guardian* and *Washington Post*.) Second, the government itself has now acknowledged and confirmed many of the key facts about the NSA's upstream surveillance. Third, the volume of Wikimedia's communications is so incredibly large that there is simply no way the government could conduct upstream surveillance without sweeping up a substantial number of those communications.

I'm sure the government will argue that *Clapper v. Amnesty* forecloses this suit, but I don't think this will be a very compelling argument.

Lila: We take privacy and its protection seriously. People today often get their first -- and sometimes only identity -- online. It is critical that our users' sensitive information is protected, secure, and under end-user control. The Wikimedia Foundation is in a unique, neutral position to support this level of privacy online. We are definitely thinking about product and technical implications of this.

Acatherder: Let's suppose this lawsuit is successful, and the NSA is legally barred from collecting upstream data. What about controlling/regulating the same sort of data collection by corporate entities, and other governments (e.g., China)? Does a successful outcome here protect privacy only with respect to the US government, or would it affect or influence privacy rights in other contexts?

Jameel: This suit is about surveillance by the US government. The ACLU is involved in other efforts relating to surveillance by other governments--see, e.g., this case against the GCHQ in the UK: <http://www.theguardian.com/uk-news/2014/dec/05/uk-mass-surveillance-laws-human-rights-tribunal-gchq>. But the truth is that a more global solution to the problem of mass surveillance will require diplomacy, not just lawsuits.

deds_the_scrub: What is different about this suit against the NSA's surveillance than the other lawsuits that have failed?

Jameel: This is a good question. As you probably know, in *Clapper v. Amnesty*, the U.S. Supreme Court held, in a 5-4 vote, that the ACLU's plaintiffs in that case lacked standing to challenge the constitutionality of the 2008 FISA Amendments Act—the same statute the government now invokes to justify the NSA's “upstream” surveillance. The Court reasoned that the plaintiffs didn't have the right to challenge the statute because they couldn't show a sufficient likelihood that their communications were being monitored. The plaintiffs couldn't make that showing, of course, because the [government refused to disclose](#), even in the most general terms, how the statute was being used.

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nickrenfo2: I've seen a lot of stuff about "talk to laymen about why internet privacy matters". While I completely agree that privacy is important, trying to explain why that is to someone can be difficult. Could you list off a few reasons/example that would be easy to rattle off to someone and make sure they get the idea?

Thanks for doing this AMA, keep up the great work, and best of luck in your lawsuit!

Jameel: It's a really important question. I find this analogy that Bruce Schneier gave at SXSW a couple of days ago useful: Would you want a cop car driving next to you, watching you, at all times even if you weren't doing anything wrong? Would you want to remove all of the curtains or shutters in your home? The persistent monitoring of our communications by the government has the same effect, even if it seems less evident. There is too much information about innocent people in government databases - about their movements, whom they choose to talk to and associate with, and where they spend

their time. This erodes the liberties we all take for granted. And I think someone already linked to [this TED talk](#) on the issue by Glenn Greenwald. I highly recommend it.

Lila: In spirit of the First Amendment, we believe that privacy makes it possible for people to speak freely, or think freely. Imagine you're in a place where you disagree with popular public opinion: perhaps there is corruption in your government, but people are too intimidated to speak up. Privacy could give you the protection to blow the whistle. Perhaps you live in a religious community, but have questions. Privacy can protect your right to explore controversial ideas or other teachings. Maybe you're a member of a minority group that is discriminated against where you live. Privacy is a right that could allow you to seek resources or support. Privacy allows people to share information freely, without the fear of being watched, censored, or persecuted. This matters everywhere in the world, even in our own country.

tehTyA: I have a question for Jimmy. Do you still play RuneScape with your daughter?

Jimmy: No we moved on to Minecraft but lately we haven't been gaming as much. :-)

Hourglasspilgrim: How the hell do you plan on winning?

Lila: This violates the First and Fourth Amendments. Also helps to have a rocking legal team.

StephenHarpersHair: As someone who likes net neutrality but is wary of government regulation, I have mixed feelings about the FCC's decision to reclassify the Internet as a public utility. Could this decision have an impact on how Internet usage data is surveilled and shared with spy agencies?

Jameel: This issue requires a longer answer than I can provide here. [But here's a recent blog post](#) from one of my colleagues on this topic.

Mcfattykins: Jimmy Wales: have you guys started banning police IPs that have been editing their own pages removing they're criticisms?

Jimmy: We treat all IPs the same - if they misbehave then yes, they will ultimately get banned. But we warn first and try to work with people to help them to understand the right way to approach Wikipedia.

I remember several years ago there was a news story when we temporarily banned the IP address of the US House of Representatives. I joked then, and it was true as well, that we would treat them the same way we would treat any high school - if they behave they can stay.

BorgBorg10: Hi guys,

Whenever I try to convince people around me that the surveillance going on is serious, a lot of responses I get are "I am okay with what the NSA does to protect us." Do you have any thought provoking responses I can parrot back?

Jameel: For more than a decade, the NSA told the Foreign Intelligence Surveillance Court that its call-records program was not just effective but "the only effective means" of monitoring the calls of suspected terrorists. After the Snowden revelations, the Privacy and Civil Liberties Oversight Board and the [President's Review Group](#) both concluded that the program had never been pivotal in any investigation. And the President himself acknowledged that the NSA could track terrorists' calls without collecting everyone's call records. [More here](#).

xoxax: Why haven't you made any claim that non-Americans have privacy rights? Do you think Verdugo-Urquidez is incontestable, and a binding precedent for the rest of the world's privacy rights on the Internet? If you win, and establish stronger but unequal rights only for Americans, that will further damage international human rights law based on equality without regard to national origin.

Jameel: We're deeply concerned about the government's indiscriminate surveillance of non-U.S. persons' communications, and we've pressed this issue in other forums, including the Privacy & Civil Liberties Oversight Board, the Inter-American Commission, and the U.N. Human Rights Committee. Wikimedia and many of the other plaintiffs in this lawsuit share our concerns. We've [focused on Americans' international communications](#) in this suit only because American law limits (unreasonably and unjustly, in our view) the kinds of claims we can bring on behalf of non-U.S. persons outside the United States. But we're hopeful that any new safeguards that the government is forced to adopt (or adopts of its own accord) as a result of this suit will have the effect of protecting everyone, not just Americans.

Jimmy: Probably best for Jameel to answer this more formally, but I can speak to this in a general way. Legal cases tend to focus quite narrowly on particular issues that are winnable in a particular context. Not arguing for it doesn't mean that we don't agree with it, nor does it prejudice any future cases which may argue that. We aren't going to get everything done in this case, which is a shame of course, but that's the way courts work.

Lila: True -- jurisdiction means that we're litigating based on American law. But we believe this lawsuit will help protect the privacy of non-Americans too. Because the traffic is going over the backbone of the internet, all traffic is vulnerable and affected. Since the policies around in-country networks belong to local governments, we have to challenge legislation in its own jurisdiction. Governments can and do share intelligence with each other. Ensuring privacy protection in one country is a step towards [helping the rest of the world](#).

xoxax: But what actually prevents you from challenging under American law that only Americans have privacy rights ? That seems an unexamined assumption ?

Jameel: Definitely not unexamined, believe me. But just to clarify one thing: I don't think there's any doubt that non-Americans inside the U.S. have constitutionally protected privacy rights. The harder question is what [constitutional rights non-Americans outside the U.S. enjoy](#). That's what the Guantanamo cases were about--and what Verdugo-Urquidez was about.

ben1204: Another question: In an ideal ruling, other than remedying wikipedia's problem, what binding precedent do you hope to set?

Jimmy: That this type of behavior is not just illegal under current law, but actually unconstitutional.

ben1204: As an ACLU member passionate about privacy I thank you for fighting the good fight.

My question: Do you have additional evidence outside of the PowerPoint slide to establish standing or do you believe this alone is sufficient?

Jameel: Someone else asked a very similar question, and I just answered it above. (And thanks for your support!)

Tananar:

1. Why aren't Mozilla and the EFF involved in this? Were they not interested, or were they not even approached? It seems like something Mozilla and EFF would jump on.
2. How does this relate to the Wikimedia Foundation? I don't see anything at all relating to privacy in the WMF mission, so I'm confused why they're pursuing this lawsuit.

Jameel: EFF has been very supportive (and in fact EFF has filed its own challenge to upstream surveillance out in California). I hope and expect that EFF will eventually appear as an amicus in our case. And we will certainly reach out to tech companies, too, for amicus support.

matdossantos: If the lawsuit fails--which it won't, of course--what are the next steps? Also, slightly off topic, but u/JimmyWales do you see end-user encryption of emails (and all traffic really) as a practical solution here? Blackphone? Or, maybe even, encrypted gMail?

Jimmy: I think the end-to-end encryption of all communication is a very worthy goal. We are seeing a strong trend towards it that is very exciting to me. And politicians are [predictably whining](#) about it. The PM of the United Kingdom recently suggested that it should be outlawed - and he was quite rightly universally laughed at for such a stupid idea.

Lila: As Jameel said, we're doing everything possible to win. But we are taking and will continue to take steps to protect our users' privacy. We are constantly working on these issues from a technical and policy standpoint. This is just one of them.

Bradpatrick: Hello y'all! Fantastic strategic move to sue. How do you see the standing argument shaping up? Will it matter from an organizational versus individual basis? How do you keep Jewell from happening again?

Lila: We believe that Wikimedia's case is factually different from the Jewell decision (Jameel can speak more). One thing to note is that it is a question of scale. We have tens of billions of user requests every month that we are aiming to protect.

thewildbrunch: How do we, as privacy advocates, convince our fellow Americans that we should care about and protect the privacy of normal citizens in other countries?

Lila: In the age of the internet, we are all interconnected. If you don't have privacy in Brazil, you don't have privacy in the U.S. Our internet traffic doesn't respect national borders -- it crosses them millions of times a day. An email that starts in New York and is intended for someone in Miami may end up in Amsterdam along the way.

It's simple: we believe that universal human rights are universal. But our lawsuit isn't just about the privacy of normal citizens in other countries. It's also about the communications of American citizens. On the internet, we are all truly connected. These surveillance efforts exploit those connections, to collect communications from everywhere. In this instance, it's clear that the interests of Americans and non-Americans are aligned.

beachzoomer: So why should Wikipedia editors feel confident that company brass is doing whatever it can to avoid snooping?

Lila: Privacy is a core value for Wikimedia. This lawsuit is just one of many things the Foundation does to preserve the privacy of its users. Our transparency report, published bi-annually, details requests we receive for user data and content takedowns. We adhere to detailed, transparent guidelines for responding to user data requests and scrutinize each request carefully: the Wikimedia Foundation has fulfilled just 14% of requests for user data (lower than most sites of our size, see <https://transparency.wikimedia.org>) in the past two years. We believe that privacy goes hand-in-hand with transparency, and you can read about our privacy policy in full detail [here](#).

sourcex: You said that you don't like Quora Credits. But what about Reddit Karma?

Jimmy: I basically don't pay attention to "gamification" mechanisms pretty much ever.

jojobebeo: How likely is this to succeed, and on a note I think is highly related, how much are you doing to grow press attention for this?

Jameel: It's a hard case. But we wouldn't have brought it if we didn't think we had a real chance of convincing the courts to rule our way. I think the Snowden revelations have led many people--including many judges--to realize for the first time that government surveillance has become a [real threat not just to individual privacy](#) but to the freedoms of speech, association, and inquiry as well.

pseudosine: I think this issue is one of the most important modern day issues that we face. My question is, how do we convince our friends, family, and neighbors of the importance?

If I even bring up the ACLU doing something in my family they automatically support the opposite of it "because those commie ACLU bastards."

Jimmy: Then bring up Wikipedia. :-) Almost no one hates Wikipedia. And most people use it, and most people can understand why surveilling what billions of people are reading on Wikipedia is pretty outrageous behavior.

Jameel: Wait, there are people who don't like the ACLU?

Jameel: Two more serious points. First, the ACLU is a nonpartisan organization. We defend the Bill of Rights and the Constitution. In the fight against mass surveillance of innocent Americans, many of our most committed allies are conservative or libertarian. Second, privacy is something everyone should care about. Doesn't matter what your politics are. If you want a society in which dissent is possible, you need to defend privacy.

lorenzoffb: VICE Motherboard journalist here. Is Wikipedia ever going to implement HTTPS encryption by default on all its language versions? In particular, what about the Farsi and Chinese versions?

And also, why is it still not implemented on those two versions? Considering how much the Chinese and Iranian government censor?

Lila: We would like to see all internet traffic encrypted. On Wikipedia, logged-in users get HTTPS by default. All Wikimedia users can enable HTTPS. HTTPS has performance implications for users especially in low bandwidth or poor connections areas. Our Engineering team calibrates forcing HTTPS configuration on a case-by-case basis to minimize negative impacts for these readers.

StarGalaxy: How long do you think the law suit will take until we will see some results? Are we talking month, years?

Jameel: I expect we'll be filing legal briefs over the next few months and that the district court in Maryland will hear oral argument in the fall.

Kayvanian: How long has this lawsuit been in the works? Has it been thought about ever since the leaks, or has it only recently been thought of and worked on?

That being said, just wanted to say, thank you for standing up and doing this. When I woke up that morning and saw the announcement, I was surprised to say the least - it's a bold move. It's exciting and interesting to see Wikimedia stand up this way for itself, its readers and editors, and the right to privacy.

Lila: We have cared for privacy for a long time. With recent revelations we decided to take a more active role (since last summer).

Universu: How would you make the Internet more Secure Free and Safe?

Jimmy: I'd like to see much more widespread use of encryption. I would like to have a web browser that doesn't even support 'http' as a protocol, using only 'https'. A few years ago that was thought to be impractical because of the cost of encryption. That cost has fallen dramatically, though, so I think now it's possible to get there.

And it is the direction we are headed, I believe, as more and more people understand that it's silly to go around spewing data when we don't have to.

uberlad:

- What do you guys make of the reported apathy of the public re: surveillance?
- For anyone/everyone: What's your very best life advice?

Lila: People are trading privacy for convenience. All of our lives are now digital. More of our data online == more incentive to break into it == more end users care.

Jimmy: I'm not so sure that the public is all that apathetic. I think and hope that it is a [mistake for politicians to think that way](#), and that ending mass surveillance is a vote-getter.

My best life advice is this: wake up every day and do the most interesting thing that you can.

h3ckyeahtom: Jimmy Wales - Hi! What were your main intentions when you first created Wikipedia? Are you happy with how it is currently? Where do you wish for it to be in the future?

Thanks for helping all is students everyday of our lives! We'd be screwed without Wikipedia :-)

Jimmy: Well, a free encyclopedia for everyone on the planet in their own language was the intention, and still is. I'm happy with how it is currently... at least in terms of "progress so far". There is still a huge amount of work to do, especially in the languages of the developing world.

I want to see 250,000 articles in every language that has at least 1,000,000 native speakers... which is approximately 330 languages I believe. We aren't there yet.

Legoodlookingfellow: What does the perfect internet look like for you?

Jimmy: [Here's a quick diagram.](#)

Ha. Seriously though, a secure Internet (encryption everywhere) would be a good start.

Accurate_Prediction: Hello, thank you for conducting this AMA on such an important and timely topic.

My question is how are you asserting that you have standing to challenge the surveillance given the precedent set by *Clapper v. Amnesty International* ?

Jameel: Someone else asked the same question, and I said:

As you probably know, in *Clapper v. Amnesty*, the U.S. Supreme Court held, in a 5-4 vote, that the ACLU's plaintiffs in that case lacked standing to challenge the constitutionality of the 2008 FISA Amendments Act—the same statute the government now invokes to justify the NSA's "upstream" surveillance. The Court reasoned that the plaintiffs didn't have the right to challenge the statute because they couldn't show a sufficient likelihood that their communications were being monitored. The plaintiffs couldn't make that showing, of course, because the [government refused to disclose](#), even in the most general terms, how the statute was being used.

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TheWookieeMonster: It is very encouraging for me to see an organization that means so much to me (Wikipedia) stand up to the government on such a clear case of overreach.

My question is: as voters, what can we do to make this issue of paramount importance in the next presidential election?

Jimmy: On a personal level, I think it's important to raise the awareness of other voters, particularly the kinds of voters who ordinarily wouldn't understand or pay much attention to it.

ImagineAllTheKarma: How can I as an ACLU member further help you in this cause?

Jameel: There are a lot of things you can do. For starters, we're planning a big fight against the reauthorization of Section 215 of the Patriot Act, which the government uses to conduct bulk surveillance of Americans' phone records. You can make clear to your representatives that you expect them to oppose reauthorization. [Here's a petition you can sign](#). Thanks for your support!

just_a_teacup: If you were to win the case, what would it mean in terms of more cyber privacy?

Lila: It would be one step to protecting our personal liberties. There is much more work needed beyond that.

ben1204: I'm sure you guys have heard of the troubling new CISA bill that passed in the senate intelligence committee. It's extremely troubling to see that the bill has not been made public, along with the TPP. What can we do to get some transparency so we can actually discuss these bills?

Jimmy: [Actually the full text has been released](#).

RedditorOfTheAges: Hi,

What do you think of the idea of a UN treaty for [ensuring privacy and freedom](#) in modern communications?

Thank you.

Jameel: We've drafted a proposed "General Comment" to the International Covenant on Civil and Political Rights that would flesh out the right to privacy for the digital age. [Our proposal is here](#).

Sandnn: I would like to know why the ACLU is not partnering with the Electronic Frontier Foundation (EFF) for this lawsuit?

Has the ACLU reached out to the EFF at all? Has the EFF reached out to the ACLU? I do not understand why there is no partnership between the ACLU and EFF. You would think ACLU and EFF combining resources and experiences would be necessary for such an unprecedented lawsuit.

-Long Time EFF Supporter

Jameel: EFF is a super organization and we work together all the time. For example, we're working together on Smith v. Obama, a challenge to the NSA's dragnet call-records program (see <https://www.aclu.org/national-security/smith-v-obama-challenge-nsa-mass-call-tracking-program>). We're also working together in Klayman v. Obama (see <https://www.eff.org/document/eff-and-aclu-amicus-brief-klayman>).

Sandnn: Jameel, you did not answer any of my questions. Why is the ACLU and EFF not partnering on this specific case?

I understand that the ACLU and EFF jointly file public opinions amicus briefs. This is a much larger lawsuit. I'll ask again, has the ACLU reached out to the EFF? Has the EFF reached out to the ACLU? Jameel, help me understand why you are not working together with the EFF for this specific case.

Jameel: I expect EFF will eventually be involved as an amicus. They've filed amicus briefs in our cases before, as we have in theirs.

ddwag1: Thank you all for doing this, what do you believe will be the biggest barrier in suing the government? What do you believe is the most corrosive element that exists within politics today, and how do we root it out?

Jameel: Standing and [state secrets have been hurdles](#) in many other surveillance suits. As I explained in response to other questions, though, we are optimistic that we will be able to overcome those hurdles here. There is a lot more information in the public domain now than there was when those other surveillance cases were litigated.

Jimmy: Well, we are suing them, so the barriers have already been overcome. :-)

As to the second question, I can answer in my personal capacity. The most corrosive element in politics is a media more interested in click-bait (or viewer-bait) mock conflict about trivialities rather than serious journalism.

I_Rep_Naija: If asked, how would you suggest NSA conducts surveillance/acquires information in a better, non-invasive way, considering that they probably have good intentions but are going about it the wrong way?

Jimmy: I can give an approximate answer...

Probable cause, search warrants, subpoenas - basically - talk to a judge and do the right thing, don't treat everyone a priori as if they are terrorists deserving surveillance.

Remember, this fight is a new one only in terms of technology: the underlying human rights are the same.

Jameel: Yes, essentially we want the NSA's surveillance to be targeted, not indiscriminate. The NSA has a legitimate interest in monitoring the communications of people who're reasonably thought to present threats. It doesn't have a legitimate interest in monitoring everyone's communications, which is what it's doing through "upstream" surveillance.

Universu: What are your favorite books?

Lila: there are hundreds, but here are that come to mind this second
https://en.wikipedia.org/wiki/G%C3%B6del,_Escher,_Bach anything by
https://en.wikipedia.org/wiki/Kurt_Vonnegut russian/soviet literature:
https://en.wikipedia.org/wiki/The_Master_and_Margarita

devastator888: Hi everyone, thanks for doing this AMA. I'd like to know what you believe will happen if you fail in your cause?

Jameel: Well, let me start by saying that we're going to do everything we can to win the case. But we are pressing for reform on other fronts as well--including in Congress, before the U.N. Human Rights Committee, and before the U.N. Human Rights Council. We are also urging technology companies to do more to protect their users' privacy--and some technology companies have started to respond to that call.

jasonsss: Are you going to sue the Chinese and Russian too?

Jimmy: If the legal conditions ever prove to be right, and there was a winnable case, I'd be all for it. There are several obstacles to that, obviously.

jck30: Why should I be worried about the data the NSA is collecting on me if I'm not doing anything that would harm the general public when I'm online or on the phone?

Lila: This is not about having [something to hide](#). You wouldn't want the government to come into your house just to check through your belonging, even if you had nothing to hide there either, or would you? [It's about protecting our rights](#). Moreover -- would you care if what they found was shared with others without your knowledge?

Jimmy: You should worry about the potential whistleblower who decides it is unsafe to move forward due to the NSA spying on everyone, for example. The [chilling effects](#) on freedom of speech really do matter to each of us, even if we are not the ones doing the speaking

Janube: Do you think it's genuinely possible for anyone to be punished for this, or is it more about sending a message and getting people rallied?

What's the next step if this turn out like Edward Snowden, where the party in the obvious right sees no justice and gets a cold shoulder (or worse) from the administration?

Lila: This is not about punishing, but about protecting our freedoms for ourselves and the next generation that is "born digital".

The_Old_Knight: Why is this lawsuit only being presented now? What was the change that made it so you just took up the case? Why not earlier, especially when there was a higher public outcry against it back in 2013?

Lila: This was an important decision for us. After the mass surveillance revelations, everyone became aware of the vastness of these programs. We began to think carefully about what this meant for the Wikimedia mission and community. We started conversations with the ACLU in May 2014 about the possibility of filing this suit against the NSA and other defendants.

MadTux: Has anyone got the feeling there's some odd voting going on here? I'm seeing a lot of valid questions being downvoted and off-topic comments being upvoted.

Jimmy: Can you give an example?

All of us answering are reading in reverse chronological order, rather than 'best' - so whatever is going on with voting seems unlikely to affect whether someone gets an answer or not!

megankgraham: What do you think a win on the [Article III argument](#) would look like for the FISC? How would it change the day-to-day operations of the court?

Jameel: This is a great question, but it's not one I can answer quickly. The very short version of the answer is that the [FISC](#) would go back to doing what it was doing until 2008--that is, considering individualized surveillance applications and issuing individualized surveillance orders. It would no longer approve broad programs of surveillance.

part-time-genius: How do you feel about the popularity of the Pirate Party in Iceland? Are you considering strengthening ties with the Iceland (e.g. regional HQ, or data center, etc) and with the Icelandic government if/when this popularity translates into an electoral win for the Pirate party?

Jimmy: I can only speak in a personal capacity on this one.

I'm happy to see the popularity of the Pirate Party in Iceland and I hope that many jurisdictions elect governments with better understanding of the importance of Internet freedoms. But I also think that "Pirate Party" is a bad name that does a great deal of harm. I prefer dot-com's "Internet party" as a name. This isn't the time or place to argue about the name of the party, though, so I just throw that out there to be informative.

Finally, I think I can say that although the decision would be up to the staff, there are many competing considerations about where data centers and offices should be put, and the legal risks of different venues is one of the considerations that we should take into account. But there's also more mundane stuff about cost, capacity, location (for offices), etc. So it's hard to say.

benner4545: What are your thoughts on Wikipedia pages regarding 'sensitive' content that has been purported to have been doctored by U.S. Gov't departments, and to this day continues?

Jimmy: The community tends to be very vigilant about such things and there's a great deal of transparency around who is doing what at Wikipedia.

Our policies on sourcing help a lot, too. You can't really "doctor" Wikipedia in the way that most people think, because we require high quality third party sourcing.

Lila: The policies of Wikipedia apply to everyone, including the US Government.

KevinThePirate: What is it like knowing you are like the God of information?

Lila: Wikipedia is more of a republic. Everyone can edit.

PirateStef: Wouldn't it be better for Wikipedia to not be under a country's law like the USA but instead under the law of a UN or EU? (or even a small independent island?)

aka moving datacenters and legal stuff to another country so it wouldn't be legal for the NSA to spy on you.

Jimmy: Actually, the NSA is more restricted when working inside the United States, with US citizens and organizations. If we were in the EU, they would likely find it legally easier to continue.

SpunkyMonkeyEUW: How strong do you think your case is in the corrupt justice system? It's pretty blatant that they are violating the constitution but that doesn't stop the NSA from constantly violating it. Are there any worries that the trial might be unfair?

Jimmy: I do have concerns in general about the justice system, I don't think that Federal courts can be rightly characterized as generally corrupt. There are problems everywhere, but the US federal judiciary is quite independent. People do routinely win cases against the government.

Pimping_NZ: When you first started your websites did you ever expect to get so big that you would challenge an entire government program?

Jimmy: I'm a pathological optimist so I always think everything is going to be amazing. But even so, no, it never occurred to me that we'd end up suing the NSA.

Rommel79: This is only partially related to privacy, but you said AMA, so here we go. What is your opinion on the IRS targeting conservative, mostly TEA Party, groups? Have you been contacted to help represent any of them? Would you consider representing them?

Jameel: We issued a strong statement when that story broke, because we thought the targeting of tea party groups was clearly unconstitutional. [Here's an oped](#) we published about it.

I_Rep_Naija: Does having servers outside the United States solve the problem? Temporarily at least?

Jimmy: No, and I actually think it would make the problem much worse. Why? Because foreign communications are currently considered absolutely fair game. The NSA has plenty of budget to do their spying anywhere in the world.

Lila: Government surveillance is pervasive in all the world. By remaining in the United States, we retain the protections and freedoms of the United States Constitution, including the freedom to challenge government actions that violate those protections. The fact that we can bring up this law suite is a testimony to that.

urajjaganathan: Did you see the Edward Snowden documentary? What do you think of it. Is it true?

Jameel: It's great. Everyone should see it.

cutza: Is Wikipedia under any risk of disappearing due to the result of this lawsuit?

Lila: No. We will be here for you and users everywhere, now and in the future.

Jimmy: No, I don't think so.

MadTux: Anything us Europeans can do?

Lila: Definitely. First, support your local digital rights groups. There are groups in many European countries. The European Digital Rights network (EDRI.org) is a good place to start. There are other groups challenging mass surveillance, too. Privacy International in the UK just successfully sued the UK government for sharing intelligence between the GCHQ and the NSA (<https://www.privacyinternational.org/?q=node/485>)

Second, help secure the internet. Use encryption. HTTPS Everywhere (<https://www.eff.org/Https-Everywhere>) is a great tool offered by the Electronic Frontier Foundation (EFF) that encrypts the sites you visit. We believe that all web traffic should move towards encryption. It's a good way for everyone to do their part.

Third, share why privacy matters. You can talk about your personal experiences of why privacy matters to you, or ask your network about times they've needed privacy in their personal lives. Make it more real.

Jimmy: Awareness raising among US voters can be conducted from just about anywhere.

But also it would be good to see activism and lawsuits and so forth in many many countries. Here in the UK (where I live) GCHQ is trying to get even more powers to expand their surveillance.

There's a lot to fight everywhere. :)

Davidjhyatt: Is the US unique in this type of surveillance? What about the US gives it the unique opportunity to perpetrate this behavior? Is the US possible only unique in that it's program has been exposed? What should the line be with data collection in regards to law enforcement? What data should just disappear (other then Snapchat's) ☺

Jimmy: I think it is highly unlikely that the US is unique. I'm sure that Russia, China, and others are doing much the same. Indeed, it is one of the excuses that the politicians give - that our spy services need to "keep up" with the others.

For me, in terms of data collection, it's all about due process: probable cause, warrants, subpoenas, etc. Mass surveillance of everyone is outrageous overkill.

Frankieba: As a kid growing up in the technological era, what can I do now that will make a brighter future for me and my generation?

Lila: Stay curious. Investigate deeply.

Mospeda: /u/jimmywales this lawsuit, Wikipedia, Quora and TPO, how do you get anything done?

Anyway, my question is slightly off topic, but why do you think Snowden chose Russia instead of France, Switzerland or even the Vatican as sanctuary?

Jimmy: Well I'm obviously not writing the legal complaint myself. :-) The lawyers do all the real work. And of course, the story of my success is that other people do all the real work, including writing Wikipedia. My role is mostly to coach and cheer people on. :-)

AmericanDerp: Would you be willing to alter all Wikipedia and Wikimedia systems to NOT keep records of users in ANY capacity and to ENCRYPT out of your reach EVERYTHING users do beyond general public records of who edits what?

Essentially, make it beyond the capability of even the Wikimedia Foundation to know who is truly who -- so that the governments of the world have no capability of ever gaining that information either?

Jimmy: We have a long tradition of very very quickly deleting access logs, and we won't change that.

But note that as useful as it is for us to follow best practices on such matters, it means nothing as long as there is illegal and unconstitutional upstream surveillance of the kind that we are fighting in this lawsuit.