

Someone is Watching You: Should We Worry about the NSA Program?

*Rabbi Stuart Weinblatt
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Barely a day goes by without a new revelation coming out about the National Security Agency program to collect data on American citizens. We now know that our government has been collecting records on almost every phone call made in the United States, as well as monitoring e-mail messages and Internet chats. It was revealed that Verizon phone logs, as well as the encrypted records of other companies, have been regularly reviewed by the NSA.

In fact, the program is so pervasive and successful Verizon is looking to capitalize on it. I understand their new advertising slogan is going to be "Now we can hear you." Conan O'Brien suggested their new calling plan is going to be called, "Friends and Family and Obama." I heard about one couple who became suspicious when a guy speaking to his girlfriend on his cell phone said, "You hang up first honey," and the girl said, "No, you hang up first!" And then a voice on the line said, "How about you both just hang up at the same time?"

Many see the unauthorized surveillance and gathering of intelligence as a violation of our civil liberties. Others are concerned because they see it as a violation of trust since the program was clandestine and unknown until Edward Snowden, who had been a contractor working at the NSA, leaked documents to the Washington Post and other news outlets. Some view Snowden as a criminal who served the interests of our enemies by publicizing secret information and believe he should be prosecuted, while others say he should be viewed as a hero. Snowden, by the way, is currently hiding in Russia, where he can feel safe for, as we all know, Russia would never undertake secret surveillance of its citizens.

Concern about the actions of the US government has created strange bedfellows and has managed to do what no one has succeeded in doing or imagined possible. It has united our country. Individuals and factions on opposite ends of the political spectrum have found common cause. Libertarians on the right, who by their very nature are suspicious of the government's activities, find justification for their fears, while liberals on the left are concerned by the invasion of privacy and violation of constitutional rights.

I find it interesting that although the American public has such a limited attention span this issue has dominated the headlines for months and evoked a stronger and more prolonged response than most news stories. The last time a story kept the public's attention for this long was when Kim Kardashian announced she was breaking up with one of her former boyfriends.

Perhaps the issue has captured our attention and sustained our interest because it evokes our worst fears of George Orwell's novel, "1984," and concerns about the role of Big Brother. It may be because it goes against the grain of the principles of our understanding of constitutional freedom. The question I wish to pose tonight is: Is this something we Americans should be worried about?

I cannot help but note the irony of the reaction to the invasion of privacy and collection of intelligence in this day and age when we willingly reveal so much private and personal information about ourselves on Facebook and other social media. More than you would ever need or want to know about a person's daily activities can be ascertained just by reading their Facebook page. People let others know what they ate for lunch, what they did in the morning, are going to do in the afternoon, what they like and

don't like. Grocery stores track what we buy and what products we use. Based on our shopping patterns they anticipate our needs and potential future purchases. Smartphones track and detect our every move. Those smartphones can act as recorders and cameras as well. Moments that once would have been private and gone unnoticed are now captured, posted to YouTube and shared with the world. Our clicks on a computer can be retrieved and are used by businesses and private enterprises for commercial purposes.

I recently went online to check out some options for new trash cans we were looking to purchase to facilitate recycling at the synagogue. I subsequently noticed that whenever I went to read something online for the next week or two unsolicited ads for trashcans appeared on the side margin of whatever article I was reading. It was kind of spooky.

The truth is we lost our privacy a long time ago.

Everything is seen and known in real time. I heard about a woman who was worried about her husband because she knew he was driving on I-95 and wasn't the best driver. She called him on his cell phone and told him to be careful. She just heard a report that a car that sounds like his was going the wrong direction on I-95. Her husband frantically shouted into the phone, "One car? Are you kidding? There are hundreds of cars going the wrong way."

Our sages had a deep respect for a person's right to privacy and a complicated, but sophisticated view of government. The High Priests in the time of the Temple wore bells on the bottom of their garments. The bells would make a sound whenever they would enter the Holy of Holies, the Ark, where the Holy One dwelled. Incidentally, I think they were fashion trend-setters, because it is the first known instance of bell bottom clothes. A fascinating midrash tells us that the reason they had bells was so that they would not startle the *Shehina*, the Divine Presence, when they entered. Even God, they said, needed and deserved His privacy. Based on this premise, commentators explained that not just God, but every single person is entitled to privacy, and no one should unexpectedly enter a person's abode or room unannounced.

Perhaps Americans are upset because it is the government that is collecting the information. Since the time of the American Revolution and the founding of our republic, we have as a nation had an instinctive aversion to government intervention in our private affairs.

Pirke Avot, the Sayings of the Sages, offers two conflicting opinions about how we should regard government. On the one hand Shemayah said, "Seek no intimacy with the ruling power." (1:10) His perspective was supported by Rabban Gamliel who added, "*Hevu zehirin bahrahshut*: Be cautious of the ruling power". He goes on to say, "for they bring no one near to them except for their own need." (2:3)

However, these contemptuous comments cannot be taken as absolute and viewed in a vacuum, for they must be understood in the context of when they were uttered. Shemayah and Gamliel were referring to the Roman authorities who were an oppressive enemy regime that regularly employed double agents to spy on Jews and others it considered to be rabble-rousers and potential troublemakers.

Elsewhere in the same masechet, Pirke Avot we read, that Rabbi Hanina, the deputy High Priest and a contemporary of Rabban Gamliel offered a contrasting view and had a much more benign attitude. He said, "Pray for the welfare of the ruling power, since but for the fear of it, men would have swallowed up each other alive." (3:2) He saw government as protecting the social order of society and protecting

individual freedoms. His attitude recognizes the constructive and critical role government can play guaranteeing public safety.

In our own day, surveillance can be a mixed blessing. Anyone drive a car in the District of Columbia lately?! Just the other day they announced that even more speed cameras are about to be installed throughout the city. Yet we must also acknowledge without sophisticated cameras, the Boston bombers would not have been tracked down and apprehended so quickly. The truth is the tension between civil liberties and keeping us safe, between intruding on our privacy and protecting us is a difficult one to balance.

The government claims that their surveillance has been an effective tool against the threat of potential terrorist acts. While it seems to be true, we may never know how many potential attacks have been thwarted, as it is difficult to ascertain statistics about acts not committed.

It is like the joke about the guy who was standing in the middle of Manhattan hitting the street with a stick. A policeman came over and asked what he was doing since he was disrupting the flow of traffic. The guy told the policeman he was hitting the street to keep elephants away. The police officer told him he was crazy. There were no elephants within thousands of miles of Manhattan. And the guy looked at the cop and said, "See, its working!"

All this information gathering is bound to have an impact on individuals and our society. In light of all the technology which observes and records all we do, one cannot help but wonder what the politicians who were rejected earlier this week by the voters of New York, Anthony Weiner and Elliot Spitzer, were thinking when they committed their indiscretions. Did they really think such high profile individuals could get away undetected with their illicit acts in this day and age?

Social scientists who study human behavior and the decisions people make ask what is it that causes people to do things they know they shouldn't do, and conversely, what leads others to do good?

Ordinary people can become heroes in an instant. Wesley Autrey risked his life and jumped onto the subway tracks in New York to save a man from an oncoming train. Earlier this summer Antoinette Tuff courageously used empathy and talked a would-be killer into putting down his rifle so students could get out alive. Charles Ramsey did not hesitate to run in and free Amanda Berry from the home of her kidnapper in Cleveland when he realized she was being held captive. Yet Ramsey and others who do heroic things do not consider themselves heroes and are not perfect people. We are all only human. None of us is flawless. But that may be the most hopeful thing and best news of all. Our inadequacies and imperfections do not hold us back from doing good and even great things. More importantly, we are all capable of doing the right thing.

Elizabeth Svoboda, author of "What makes a Hero? The Surprising Science of Selflessness," contends that heroes aren't born, they are made. She writes they are often "a natural result of lives that have primed people for selflessness."

Dan Arieli, a behavioral economist at Duke University, performed an interesting experiment to understand cheating and moral decisions. Before taking an exam, half the participants were asked to list 10 random books that they had read in high school and the other half was asked to recall the Ten Commandments to see if it would have an impact on cheating. His study revealed that the group who recalled 10 books had no difference in the rate of moderate cheating between them and people who did

not perform any exercise before taking the test. But interestingly, the group that was asked to recall the Ten Commandments had no cheating whatsoever.

He concluded that the experiment has significant implications for the real world. “While ethics lectures and training seem to have little to no effect on people, reminders of morality—right at the point where people are making a decision—appear to have an outsize effect on behavior.”

Svodba notes that working at a company with a written code of ethics affects employees’ decision making. Other factors that appear to motivate people positively are examples set by parental role models and personal experiences that encourage empathy and understanding, meaning altruistic behavior can be taught, learned and encouraged.

This research and its conclusions obviously are of interest to me, for they reflect the basic message that is at the heart of this holiday. Because, in case you have not figured it out yet, the reason why I am speaking about the NSA surveillance scandal on Yom Kippur is because that is not really the topic of my sermon. Rather it is a different kind of surveillance that we should pay more attention to. Long ago the Talmud taught “*hakol tzafui*: Everything is seen.”

The point I wish to convey is that the message of the Aseret Ymei Teshuvah which begins on Rosh Hashanah and culminate in Yom Kippur is that our actions are recorded and remembered. Pope Francis, who, for what it’s worth, gets my vote as being a terrific pope, recently responded when asked a question about homosexuals, “Who am I to judge?” Who would have ever imagined that the person who is considered by members of the Catholic Church to be God’s representative on earth would respond to a question with the words, “Who am I to judge?” If he, for whom the doctrine known as papal infallibility applies is not one to judge, then who are we to judge, and who is in a position to judge?

As the prayers we express throughout the Yom Kippur holiday remind us, and what Pope Francis may have meant was, it is God, the One who sees all who is in the position to be the ultimate judge. Listen carefully to the prayers we recite and reflect upon what we proclaim and profess. The Yom Kippur liturgy uses verses and passages from the Bible to impress upon us and stress that God remembers and records our deeds. As comedian Bill Maher said, men all over the country breathed a collective sigh of relief when they heard who was listening in on their conversations. “The government? Thank God. I thought you were going to say it was my wife.”

The notion that God records and remembers all can be even more intimidating and daunting. I know there may be some among us who reject a concept of an all-knowing God. Others make the mistake of getting hung up on taking the words literally, while some reject the notion altogether because they see injustice rewarded in the world.

I think this all misses the point and is irrelevant.

Remember the Arieli experiment about how the Ten Commandments influence how people act? What I found especially fascinating is that he writes, “We even ran the experiment on a group of self-declared atheists, asking them to swear on a Bible, and got the same no-cheating results yet again.” The conclusion is obvious: Act as if there is an all-knowing God who has given us a moral code to live by and who cares about the decisions we make, even if you don’t believe He exists. It will help to improve our actions, ourselves and the world.

So even if you find yourself questioning the theology, I urge you to accept the underlying premise because the prayers we recite throughout these 24 hours saying that God judges us can have a profound impact on how you live your life. This is why Yom Kippur is so powerful and why the ancient ritual has such a strong hold on us even after thousands of years.

The Talmud and our prayers we constantly repeat remind us that God watches and records our deeds, and judges us accordingly, but significantly that message is coupled with the expression of the divine attribute of mercy. When I reviewed and reread the Mahzor as I was preparing for the holiday, I was struck by seeing that every time it talks about God as an all-knowing judge, it immediately adds that God is merciful. We should not approach God with fear or trepidation, nor should we be scared that God will punish us. All of this is meant to guide us to be better people, for we believe in a loving God.

We are reminded He does not wish the death of the sinner, but merely that the wrongdoer should abandon his ways. It goes so far as to tell us that a person who expresses sincere regret, does true teshuvah, even on his death bed, is forgiven by God.

The Talmud tells a story about the Roman who was the executioner of Rabbi Hanina ben Teradion. When he saw the rabbi consumed by flames, and saw the depth of his faith and belief, he decided he could no longer live with himself and what he had done. He decided to take his own life rather than take the lives of any more innocent rabbis. About him the Talmud says that in that instant he acquired eternal life. How can eternity be gained in a moment? Because the Pope was right -- Only God can judge because only God sees all. While humans have a tendency to judge each other based on single impressions, God has the capacity to see the bigger picture.

Some Jews are surprised to learn that Judaism teaches we should fear God, forgetting that one of the names of this season is Yamim HaNoraim, the Days of Awe. Others are surprised to hear that Judaism posits that God loves us. They think it sounds Christian. The truth is we should both love and fear God, and approach God with a sense of awe, but resting assured that God's love is accessible to us.

Rabbi Donniel Hartman points out that by acknowledging that God remembers all our deeds we are challenged to pause so we can remember and think about what we have done. This gives us the chance to reflect on who we are. An honest assessment of one's actions and life, of our shortcomings and faults allows us to make a break with our past and not be enslaved by it. This time of year is meant to be a catalyst for teshuvah. The new year is about allowing us to chart a different path so we can make appropriate changes and move in a different direction. Coming to terms with what we have done and become allows us to be able to approach it unencumbered by the mistakes of the previous year. In this way the new year holds the promise of a new beginning, of embarking upon a future not yet written.

Our morning daily prayer contains a passage that comes from the 10th century midrash, "*Tanna DeVei Eliyahu*, "*L'olam yehay adam yereh shamayim basater u'vagaluy*, A person should always revere God in private as in public. We should acknowledge the truth of this and practice it in thought and deed."

So on this Yom Kippur we should be less concerned with our government's surveillance of our private lives. Instead of worrying that what we do is watched at all times by the NSA, Google, Yahoo or Giant, we should be more concerned with a different kind of surveillance. Many synagogues have over their ark the words, "*Da lifnei mee atah omed*: Know before whom you stand." The Talmud tells us that all is seen, referring to God. It then continues, "But free will is given." Whether we believe in God or not, on

this Yom Kippur let us keep this in mind and take it to heart so that we will make the proper choices and be able to be proud of the record we are making of the days of our lives.

Rabbi Stuart Weinblatt
Congregation B'nai Tzedek
Potomac, MD
Kol Nidre
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potomacrebbe@bnaitzedek.org