



**Your on the  
Street Reporter**



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**Security vs. Privacy:  
Where is the Line Drawn?**

## Where is the Line Drawn?

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Hello from Your on the Street Reporter. This report continues the series on Internet privacy and security specifically, and privacy and security in America generally.

Several comments from readers and friends up here in Idaho and the east coast have taken me to task for my approach to the issue of NSA surveillance; that I am suggesting putting handcuffs on these operations. I suspect Rush Limbaugh would characterize me as one whose ideas would lead to the deaths of Americans because a terrorist cell was not discovered.

These people are reading into my sentences what they want to read, but I did not write. Here is what I have said:

- I am a proponent of government surveillance.
- I am glad NSA is in my corner.
- I have no doubt whatsoever that the people participating in these programs have only the welfare of America at heart.
- My concern is about warrantless surveillance.
- My concern is about the opaqueness of the operations to the point where even Congress is unaware of many surveillance activities for which Congress is responsible.
- My concern is the approvals of the United States Foreign Intelligence Surveillance Court (FISC) of deep surveillance without a Fourth Amendment proponent in the courtroom.<sup>1</sup>
- My concern is that, however well-intentioned, in today's Big Data world, the potential for abuse is great. And its potential effect of the basic rights of citizens is significant. The issue goes to the soul of our republic.

If my previous reports have led anyone to think otherwise, I hope these statements clear-up matters.

It is surprising that most citizens do not seem to care about this issue. Also, I am surprised the media is taking a liberal or conservative stand on the problem. Fourth Amendment rights have nothing to do with a preference for FOX or MSNBC.

It is a clichéd truth that power with limited checks on it corrupts. (Absolute power corrupts absolutely.) The Tooth Fairy needs oversight *by* the people from whom she takes teeth. Government (not just the NSA) needs oversight *by* the people from whom it takes information.

Congress is supposed to fill this role. Yet it has been revealed that the congressional oversight committees are not doing their job. Why? I think it is because they face the same problem you and I face when asked where to draw the line on surveillance: If we draw the line to curtail,

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<sup>1</sup> The Fourth Amendment states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The courts have established this amendment also deals with the right to privacy.

snooping, and this restraint results in a terrorist attack, we are swaddled in guilt, blame, and regret.

From the standpoint of taking a moral stand on the issue, in theory, a curtailment line cannot be drawn. That is the argument taken by the anti-curtailment supporters, and they sometimes ask, “Do you want to be on the side of a decision that results in the deaths of your fellow citizens?” What is a defense against such a claim? Plus, the patriot card is placed on the table, “If you are against finding terrorists, you are un-American.”

These sorts of theoretical, inflammatory exaggerations not worthy of response. They obscure the need for a more intelligent debate on the subject.

In an earlier report posted on this blog, I made reference to someone who claimed that modern citizenry in a democratic, republican nation can have both security and privacy. To a degree, yes, but not complete security and complete privacy. In the 21<sup>st</sup> century, we must come to understand that where one gains the other loses.

But it need not be to an extreme of compromising, much less abandoning the bedrocks of America’s democratic and republican underpinnings. Else, what is the point?

The Talibans, the al Qaedas, the Kadaffis, the Husseins, even the quasi-despots from the Ukraines of this world are temporary blisters on humanity’s hide. They will go away. Their replacements may be no better. But they too will go away.

During their transitory stay, during their 15 seconds of claim-to-fame in their short-lived lairs, let’s remember: There is no way we are going to be casualty-free. We will be subject to attacks, and people will die. At the risk of coming across as cold, let’s keep in mind that America lost some 400,000 armed service members in World War II. At the Civil War battle of Gettysburg alone, both sides lost about 50,000 men. And we will continue to lose citizens to terrorist attacks.

In combating these factions, let us not accede to abandoning our constitutional rights for fear of someone being killed or harmed. *There is no way we can make America security proof and have it be America.*

A later report will offer suggestions on where to draw the line. These will not be my ideas, but recommendations from “The President’s Review Group on Intelligence and Communications Technologies,” with some of my thoughts attached.

A subsequent report will also discuss (pros and cons) of the effectiveness of the current NSA surveillance program, at least as far as we citizens can learn.