

Private Lives

Laws governing surveillance must keep pace with technology.

Some know it as the Terrorist Surveillance Program. Others call it domestic spying. Whatever the name, regardless of the politics, privacy in communications has landed center stage. And the tech community has a lot at stake in how the curtain falls on the issue.

Even the idea that our intimate conversations between family and friends are fodder for a stranger's ears or eyes is disconcerting. Some folks expect privacy to be an inherent component of communicating. But we've already given up some privacy for the benefit of convenient communication. Ride any train or walk down any city sidewalk and you can't help but be bombarded by cell phone gabbers barking out personal information into their handsets, their voices stinging our ears. Personally, I'm still a little caught off guard when I call someone and they answer greeting me by name. Good old caller ID has taken the surprise out of incom-

ing calls, and screening phone calls has never been more convenient. The solution? Dial *67 or pay your service provider to block caller ID.

You've got to go that extra

inch for that strand of anonymity.

But late last year, the conversations surrounding a person's right to privacy during communication shifted from annoyance—how did that telemarketer get my phone number anyway? And why were my cell phone records purchased by a third party?—to one of Constitutional Law. The *New York Times* broke the story that President Bush had

authorized surveillance without going through the normal procedures of getting court approval. The National Security Agency (NSA) had been authorized to collect international phone calls or email communication made within the U.S. without a warrant, if the person was believed to have a link to Al Qaeda or terrorism.

Critics declared that such action—the spying on U.S. citizens without going through the proper legal channels—was in violation of the 1978 Foreign Intelligence Surveillance Act (FISA). FISA spelled out that “probable cause” had to be proven that a person had links to terrorism before government could conduct surveillance. The Terrorist Surveillance Program takes that threshold down a notch, by allowing NSA officials to snoop as long as there is a “reason to believe” Al Qaeda or terrorist activity is part of a phone call.

Supporters pointed out that it

