Writing Assignment

Congress is considering an amendment to the Surveillance Act to require that surveillance orders be made public. This would dissolve the secret Foreign Intelligence Surveillance Court, creating the potential for drastic changes to the public’s privacy and security.

The downside to making surveillance orders public would be the costs to security. Since surveillance orders are public, they are open to anyone. With knowledge of surveillance being widespread, it is only natural that people will react to the news. For example, a criminal would benefit by knowing that surveillance is present, thus, encouraging he or she to steer clear of that particular area. In addition, if surveillance notices had to be public, this would allow those with criminal intents foreknowledge of places not being actively watched. Furthermore, if everything has to go through a public court, decision-making would be slower due to the inevitability of having to navigate outside pressures. In these cases, a suspect may have more time to escape their troubles in the case that a decision to intervene is not reached swiftly.

The upside to making surveillance orders public would be benefits to people’s privacy. Big corporations such as Google would not be as likely to disclose private information if the public knew they were doing it, due to public perception. If these corporations do not release people’s private information, then people’s privacy would be protected. In cases where it is deemed surveillance is necessary, the public would know what surveillance is going on around them. There would be a much clearer sense of what the government is doing, and when they are watching. Those people who wish to act in full privacy could determine where and when this could be accomplished.

Although publicizing surveillance orders protects privacy, the costs to security would outweigh the benefits. Secret courts allow judges to make a clear and level decision that is most beneficial to the safety of the general public. Their goal is to keep an edge on their targets and keep people safe. The idea of protecting privacy is well intentioned, however, this is flawed in that people suspected of dangerous activities would benefit from the same protections as the people they are targeting. With this new method, suspects will know they are being targeted, resulting in the exact opposite of the stealth monitoring that defense agencies seek. Secret courts allow one to discretely decide, track, and contain a suspect. Public decisions increase the chance that a criminal remains on the loose, inflicting harm upon others due to more available time and knowledge of where to avoid.

The Surveillance Act is in line with Amendment IV of the Bill of Rights, defending the right to feel secure from searches and seizure of property. However, that same amendment leaves room for a fair-minded body to determine when there is probable cause to temporarily infringe upon these rights. It is a necessary intrusion to protect the right to life, allowing for continued freedom and the pursuit of happiness.