

Issue 20 from taking
sides clashing views
on political issues
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Public Decisions, Private Matters There are a great many diverse issues that are tackled in the book "Taking Sides: Clashing Views on Political Issues."

The book discusses everything from Americas "unique" mission to save the world from itself, to democracy and its ability to stop global terrorism, to issues surrounding wiretapping and national security. Issue 20: Is Warrantless Wiretapping in Some Cases Justified to Protect National Security?

The keyword in Issue 20 is "warrantless." What is warrantless to some may be highly warranted and justifiable to others. Do we need warrantless wiretapping to protect us from mostly unseen enemies, or is it a brazen violation of the Constitutional right to privacy? How much privacy can we maintain without actually jeopardizing national security?

My position stands on the answer to what is warrantless and what is not. Our history shows that innocent people have experienced an invasion of their privacy because of human error regarding whether or not their behavior, contacts, and connections can be considered "terrorist activity." Nowadays, it seems like everyone and everything is potentially terroristic and a threat to national security. Extremist opinion and attitude, one way or the other, exist even amongst those who are nothing close to what can be deemed a terrorist.

Legally, what is warranted is underlined by the words "probable cause." Probable cause is a sticky matter that can come under the consent of a judge, and in cases of emergency, can be exercised in the absence of that permission. Wiretapping, as legalized eavesdropping, is badly in need of judicial oversight. Without the legally necessary protections in place,

wiretapping is wide open to abuse and leaves open the possibility of misinformation and unnecessary interrogation. It also effectively closes the door to those doing investigative work, because those who may be caught disclosing information will withdraw, retract, and retreat from all contact when they know the door is open for them to be exposed and possibly killed, even when they are inside informants helping the innate cause.

In the topic book, Al Gores states, “ Republican as well as Democratic members of Congress should support the bipartisan call of the Liberty Coalition for the appointment of a special counsel to pursue the criminal issues raised by warrantless wiretapping of Americans by the President.” Since then, the battle has been over the Patriot Act and whether its broad-sweeping secret legal interpretation differs so much in the public interpretation that they have been reinterpreted in a manner that is inconsistent with the way the public understands them. In a nutshell, that means that the way the public perceives the Patriot Act is not the way that government intelligence looks at it.

Generally speaking, warrantless wiretapping is justifiable in certain circumstances; but as a blanket act, it will not lead to protection from terrorists. They will just find more and more creative ways to outpace the competition and the only real “ victims” will be those whose privacy is willfully exposed for no justifiable reason.

“ J. Michael McConnell, then director of national intelligence, told Congress in September 2007 that there has been no recent electronic surveillance without court-approved warrants. Nevertheless, McConnell echoed President Bushs objective to make permanent the law allowing warrantless

wiretapping.” How true that is is anyones guess. Many believe warrantless wiretapping has become a fact of life, at least in America.

America may do well to get completely on board with the European Union Safe Harbor Act, which provides for more protections for individuals than does the Patriot Act. The limitations are on the legal entity rather than the individual who is experiencing invasion of privacy. Adequately enough, the SHA maintains that the individual has the right to any information that is gathered about them and has the right to say whether or not that information is processed. But there are exceptions that put the onus on the investigating agency to do the right thing by its citizens, rather than on the individual.