

My Thoughts on The Limits of Privacy Post 9/11

By Michelle Meyer

ITCD 373: Ethics and Current Issues in
Communication Science and Technology

Professor Cahill

Spring 2013

Introduction

In general, privacy is defined as the act of selectively withholding ideas, information, and beliefs. The boundaries of privacy have changed throughout time and continue to be viewed in a different way by each individual. Our views of privacy have changed because technology, religion, culture, politics and many other aspects of our lives constantly change. The knowledge and beliefs in these areas determine the level of privacy one chooses to make. One could define privacy as relating to anonymity, whereas another could define it as the capability of expressing themselves for the world to see.

A distinguished sense of privacy dates back to biblical times, but is not clearly defined in any story. Prophets maintained their privacy by withholding the complete message sent by God. The prophets sought to continue their unique relationship with God, so they announced to the public only what was necessary to be told. Nowadays, people continue to choose what is kept private and what is allowed to reveal to others, though sometimes it is not always the best choice. I wonder what the world would be like if everyone chose, and had the right to choose, to associate their everyday privacy in the way prophets handled their messages. Unfortunately our privacy rights have been significantly evoked and this has negatively affected our society.

Historical Concepts

In Roman law, the word privacy originates from the Latin word *privatus*, "set apart and belonging to oneself" (Hudson 13). The state of being private was originally defined as an action and now it is a right. According to Etzioni, "privacy is the right to be alone" (Etzioni 1). The United States Government created the Bill of Rights to help make the meaning of this word legal. The First Amendment declares, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech...peaceably to assemble" (CCAPA). The Fourth Amendment entitled Search and Seizure is defined as,

"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 personas or things to be seized" (U.S. Constitution).

The Sixth Amendment states that as Americans we have the right to a speedy and public trial, as well as the right to legal representation. These amendments allow people of the United States to have the freedom of being anonymous, keeping secrets, and remaining confidential under certain circumstances.

Unfortunately, these amendments have been hindered due to the horrible incident on September 11th and an insensible government.

The Patriot Act was made shortly after the attack in attempt to prevent future terrorist attacks, but is also contradictive to the Bill of Rights. Americans no longer have the freedom of association and speech. Due to the Patriot Act, the U.S. government can now legally monitor religious and political assemblies without the suspicion of criminal activity. This prohibits people to assemble peacefully in the freedom of association. Keepers of records may be prosecuted for telling anyone that the government requested terrorist information, which inhibits freedom of speech. Americans no longer feel secure because the government now performs unreasonable searches and seizes without probable cause to assist terrorist investigation. The government may jail Americans now without a trial, allowing Americans to have privacy in their information, but sometimes keeping private isn't the best route. Without a trial and freedom a speech, then possibly being jailed indefinitely, your privacy will be completely taken away in the jail cell. The government has taken Americans' right to legal representation away through monitoring conversations and denying lawyers to Americans accused of crimes (CCAPA) (How Patriotic is the Patriot Act, Etzioni). The Patriot Act has counteracted Amendments I, IV, and VI.

My Thoughts and Other Concepts of Privacy

I understand why the government made a change in our security after the attack, but I don't believe it needed to be so extreme that it contradicts our Constitution. The Constitution was not clear enough with privacy laws because it didn't need to be at the time. There should be a revised set of laws for privacy that are more detailed than the Constitution, but less harsh than the Patriot Act. Maybe Etzioni is correct when he says it is "treated in our society as a highly privileged value" (The Limits of Privacy 3). However, the Constitution is what makes us American. Without our Bill of Rights, how are we the land of the free anymore?

The government is allowed to search, or invade our privacy, when there is an act that reasonably appears to be a violation of the law or causing danger to others. This law has been shrewd with all over our country. Going through security at an airport is a key example of this. Have you ever noticed who security asks to step aside "randomly" for a pat down or inspect their carry on? From my experiences, they are usually dark skinned and dark haired with a "Middle Eastern" appearance. This is not abiding by the Patriot Act, or the Bill of Rights. None of the times I have seen these unlucky chosen passengers in any way trying to cause danger to the rest of us in line. The TSA is making other anti-terrorist programs that target Blacks and

Latinos for drug crimes. The Transportation Security Association is stereotyping the people in line going through security. They are obviously racial-profiling and not attentive enough with the scanning. Reagan National Airport in Washington is one of more than 100 airports that use a TSA officer to perform a security task called behavior detection (Schmidt). These officers should be inspecting the prospective passengers' behaviors, but they actually racial profile them by the way they dress, talk and skin color. Schmidt declares that the blacks wearing baseball caps backwards are more likely to be stopped and questioned than others in line (Schmidt).

The Patriot Act may have protected us from other attacks and made terrorists avoid America, but terrorists have the tools to gain access to our regulations on plane flights and disguise their weapons accordingly. Even a fake bomb got past New Jersey's Newark Liberty Airport security this year (Kerley, ABC News). An undercover agent hid a fake bomb on his body, passed through a metal detector, went through a pat down, and didn't get caught. This frightens me that they didn't catch him and makes me want to get my own pilot's license for my own safety.

I highly value my privacy and my family has influenced a majority of how I feel about privacy. My parents keep their phone calls and other technology related activities private. They keep a password on their home laptops, while their Wi-Fi

password is merely their home telephone number. I find it ridiculous that they can't trust their own daughters with their laptops, but our neighbors or anyone else that knows our home telephone number could hack into our Wi-Fi and see that data. My parents obviously don't know much about computer privacy and security. They might keep a password on their computer to log in just in case someone physically breaks into our house. However, now I feel the need to advise them in changing their Wi-Fi password.

I have talked to my mother about how the Internet can track your usage because she barely knew how to restart her computer. I felt it was important to educate her in this process. This has become a huge privacy dilemma among my generation. My parents didn't need to worry about this, but now it is a must to know about data mining. I actually just learned about data mining about a year ago. Google, Wikipedia, and other search engines online take what you type in to search after you click enter and store it in an online databank using "cookies". My mother was very confused when I brought up cookies and I felt like I had already lost her attention. So I brought up her preferences in her Internet browser and explained it visually. I showed her how Facebook tracks what you like and features ads on your page according to your "likes" and websites she had visited in the past.

Bill Tancer does a marvelous job in his novel, *Click: What Millions of People are Doing Online and Why It Matters*, describing how to understand our selves through our Internet activity and how we can enhance our lives by using the technology we know. I will probably pass this book along to my mother to read so she has a more thorough understanding of Knowledge Discovery in Data. Tancer seems to really enjoy the process of finding valuable and useful information through online databanks. I find it amazing that he is able to anonymously analyze online trends according to what people are searching, doing, from where, and when (Tancer). Many people would say this is an extreme invasion of privacy, but Tancer doesn't log any of the users' names.

In reality it is merely anonymous statistics and the data of where the user is located is simply a general area, by state or city. He believes it is difficult to dispute the data that online consumer behavior provides. For example, "By analyzing the demographics and psychographics of visitors to my client's site, we discovered that a specific group of teens, those living in upscale urban and suburban households, had a crossover behavior not exhibited by other groups" (Tancer 48). Those "upscale teens" showed interest in fashion labels that other teens were not interested in. Some people may have known this, but it shows the accuracy in datamining.

"As in politics, in fashion...pharmaceuticals, travel—a wealth of knowledge can be obtained about who consumers actually are (often different from who we think they are), which brings new light to which consumers businesses in these categories should be marketing toward" (Tancer 48). I thought this was really interesting in the fact that it has the possibility to assist businesses in knowing their customers without illegally getting information from them. I know some people may think it is an invasion of privacy, but I don't believe so. If it helps the businesses in need, then I don't see an issue. Datamining is legal, but it is retrieving data that was once private, causing this to reduce our amount of privacy without invading our privacy.

Conclusion

Etzioni's novel, *The Limits of Privacy*, addresses to those who care about the moral, legal and policy issues elevated by the tension between personal privacy and the common good, especially public health and safety (The Institute for Communitarian Policy Studies). Etzioni discusses the privacy issues of Megan's Laws, HIV Testing of infants, Biometrics, hyper-privacy and medical privacy.

In Tancer's novel, *Click*, he discusses how the Internet is transforming the way we absorb information and understanding this change should be used positively towards businesses and in

life. His book analyzes how this new digital age generation of consumerism uses the Internet and how trends can be examined for increasing capital in the business market.

These novels discuss similarities through privacy in this generation with health, business, and laws. Our range of privacy is decreasing with time and we can't do much about it with how quickly technology is growing. My concept of privacy has changed pretty dramatically from reading these novels and my other sources. I had no idea how connected technology was to health and legal issues, as well as how it is decreasing our levels of privacy.

Bibliography

1. CCAPA. "US Constitution vs. The Patriot Act." *US Constitution vs. The Patriot Act*. N.p., n.d. Web. 17 Mar. 2013.
<http://www.scn.org/ccapa/pa-vs-const.html>.
2. Etzioni, Amitai. *How Patriotic Is the Patriot Act?: Freedom versus Security in the Age of Terrorism*. New York: Routledge, 2004. Print.
3. Etzioni, Amitai. "The Communitarian Network." *The George Washington University*. N.p., n.d. Web. 13 Mar. 2013.
<http://www.gwu.edu/~ccps/lop.html>.
4. Etzioni, Amitai. *The Limits of Privacy*. New York: Basic, 1999. Print.
5. Hudson, David L. *The Right to Privacy*. New York: Chelsea House, 2009. 13. Print.
6. Kerley, David. "TSA Agent Gets Past Newark Airport Security With Hidden Fake Bomb." *ABC News (blog)*. N.p., 8 Mar. 2013. Web. 9 Mar. 2013.
<http://abcnews.go.com/blogs/headlines/2013/03/tsa-agent-gets-past-two-security-layers-with-hidden-fake-bomb/>.
7. Schmidt, Michael S. "Racial Profiling Rife at Airport, U.S. Officers Say." *U.S. The New York Times*, 11 Aug. 2012. Web. 24 Feb. 2013. http://www.nytimes.com/2012/08/12/us/racial-profiling-at-boston-airport-officials-say.html?_r=4&pagewanted=1&hp&.

8. Tancer, Bill. *Click: What Millions of People Are Doing Online and Why It Matters*. New York: Hyperion, 2008. Print.
9. U.S. Constitution. "The Constitution of the United States of America: Analysis, and Interpretation - 1992 Edition - Fourth Amendment - Search and Seizure." *The Constitution of the United States of America: Analysis, and Interpretation - 1992 Edition - Fourth Amendment - Search and Seizure*. N.p., n.d. Web. 17 Feb. 2013.