Surveillance & Privacy: Technology & the Law Ladue Chapel Presbyterian Church R. Scott Granneman Denise Lieberman County County R. Scott County and Lieber Liebe

www.granneman.com/ladue
All slides
Suggested readings

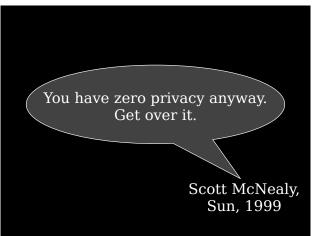
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Technology
never gets worse.
It only gets better.

Bruce Schneier

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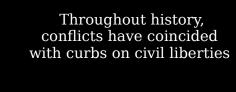




Law is like cement

5

Civil Liberties & Crisis



1861 President Lincoln suspends Habeas Corpus



8

World War I Espionage Act Restrictions on German & Russian immigrants



WWII Internment of Japanese Americans Military Tribunals



10

Cold War
Surveillance & investigation
of political groups
House Un-American
Activities Committee



11

Vietnam War & Civil Rights Movements Targeting of protesters Expansion of FBI powers



9/11



13

How is 9/11 different?

14

Technology...
changes how threats operate
changes how governments respond

Nature of threats different Non-state-sponsored Less hierarchical Dispersed Anonymous

16

Our response is different Near-constant surveillance

17

US Government's Response

PATRIOT Act

Expanded government access without probable cause of a crime

- ✓ Business documents
- ✓ 3rd party documents
- ✓ Electronic communications

19

FBI given greater latitude to go on "fishing expeditions"

Monitor groups, communications, & data

mine

20

21

NSA wiretapping of all international phone calls

No,
all domestic phones calls
& emails!



Better & Better





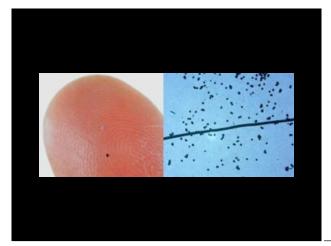




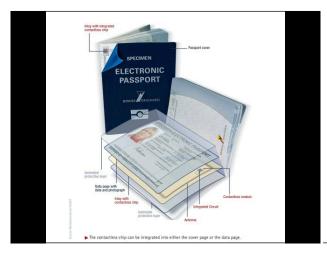


VeriChip

25



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3 million RFID passports issued in UK - cracked in a few days

Can suck the data off the passport in 4 seconds

Easy to clone passport or detect user

Virtual strip searches? 13 - Section Proprietory 13 - Section Proprietory 13 - Section Proprietory

28



28

Virtual strip searches?

TSA claims
"scanned images
cannot be stored or recorded."

Source: McCullagh, Declan. "Feds admit storing checkpoint body scan images". CNET News.com (4 August 2010). http://news.cnet.com/8301-31921_3-20012583-281.html.
Accessed 07 November 2010.

29

2010

US Marshals saved 10s of 1000s of images

TSA requires all scanners to be able to store & transmit images Source: McCullagh, Declan. "Feds admit storing checkpoint body scan images". CNET News.com (4 August 2010). http://news.cnet.com/8301-31921_3-20012583-281.html.
Accessed 07 November 2010.

30

Heathrow Airport, March 2010

Airport worker photographs woman's image as she goes through a scanner Source: Tran, Mark. "Airport worker given police warning for 'misusing' body scanner".

The Guardian (24 March 2010). http://www.guardian.co.uk/uk/2010/mar/24/airport-worker-warned-body-scanner.

Accessed 07 November 2010.

The Miami Herald 7 May 2010

"Miami airport screener accused of attack after jeers at genitals"

Source: Ovalle, David. "Miami airport screener accused of attack after jeers at genitals". The Miami Herald (7 May 2010). http:// www.miamiherald.com/ 2010/05/06/1617423/miami-airportscreener-beats-co.html. Accessed 07

32 November 2010

The Daily Mail October 18, 2009

"Child porn fears scupper airport 'nude X-ray' scans" Source: Lewis, Jason. "Child porn fears scupper airport 'nude X-ray' scans". The Daily Mail (18 October 2009). http:// www.dailymail.co.uk/news/article-1221111/ Nude-X-ray-scans-scuppered-child-pornfears.html. Accessed 7 November 2010.

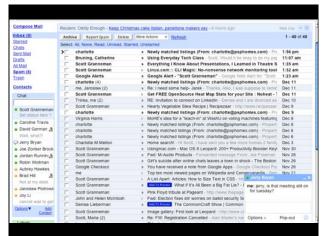
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A Day in the Life











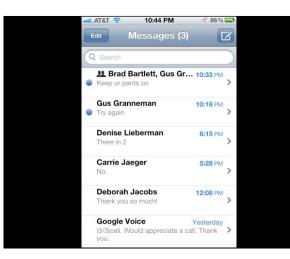


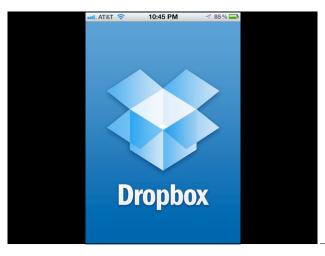


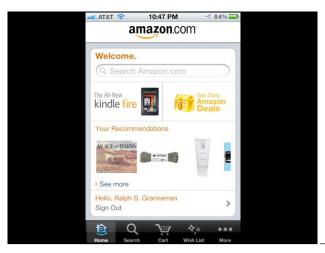
































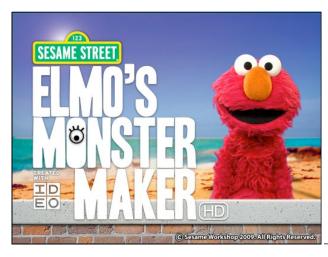


















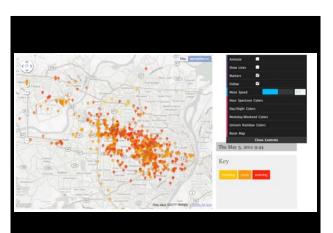








Cell Phone Tracking





U.S. v. Jones (2012)

44

(Slip Opinion)

OCTOBER TERM, 2011

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See United States v. Datroit Timber & Lumber Co., 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

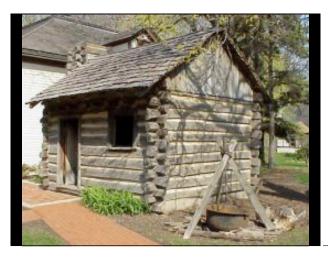
UNITED STATES v. JONES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10–1259. Argued November 8, 2011—Decided January 23, 2012

The Government obtained a search warrant permitting it to install a Global-Positioning-System (GPS) tracking device on a vehicle registered to respondent Jones's wife. The warrant authorized installation in the District of Columbia and within 10 days, but agents installed the device on the 11th day and in Maryland. The Government then tracked the vehicle's movements for 28 days. It subsequently secured an indictment of Jones and others on drug trafficking conspiracy charges. The District Court suppressed the GPS data obtained while the vehicle was parked at Jones's residence, but held the remaining data admissible because Jones had no reasonable expecta-

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21	~
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Objections

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Will bad guys "take down the Internet"?

Terrorists use the Net too!

Governments & military want to spy on enemies - only take down in extraordinary circumstances

50

"If you're not doing anything wrong, then you won't object if the government watches you."

2 maxims about power	
	52
2 maxims about power	
a	
Power corrupts,	
& absolute power corrupts absolutely	
The second second	
	52
2	
2 maxims about power	
Power corrupts,	
& absolute power corrupts absolutely	
corrupts absolutely	
Quis custodiet custodes ipsos?	
(Who will watch the watchers?)	
	52
	-

Cardinal Richelieu:	
"If one would give me six lines written by the hand	
written by the hand of the most honest man, I would find something in them	
I would find something in them to have him hanged."	
	53
Malo periculosam libertatem quam quietum servitium	
(I prefer liberty with danger to peace with servitude.)	
	54
timini anonnomon com llo divo	
www.granneman.com/ladue All slides	
Suggested readings	



Thank you!

Email: scott@granneman.com
Web: www.granneman.com
Publications: www.granneman.com/pubs
Blog: blog.granneman.com
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Surveillance & Privacy:
Technology & the Law

Ladue Chapel Presbyterian Church
R. Scott Granneman

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Denise Lieberman

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Questions? Email scott@granneman.com