

A BIBLICAL VIEW ON
**PRIVACY AND
SURVEILLANCE**



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PRIVACY AND SURVEILLANCE



The debate about surveillance of American citizens reached a new level when it was revealed how the Justice Department was able to obtain a FISA warrant on an advisor to the Trump campaign. This once again raises important question about privacy and surveillance in the United States.

History of FISA

The Foreign Intelligence Surveillance Act (FISA) governs most of the surveillance and intelligence collections on US soil. Congress created this after some of the abuses under President Richard Nixon. Today, the law is supposed to be used for counterterrorism efforts and counterespionage, but only once a FISA warrant is obtained. The government is supposed to show probable cause that a person in this country is acting as an agent of a foreign power.

For years, civil libertarians and conservatives have complained that the FISA program doesn't protect the privacy of American citizens. The revelations about how a FISA warrant was obtained for the Trump campaign once again raises some of those important questions.

Even when Congress passed FISA

back in 1978, there were questions about how it might be implemented. There was past history of abuses by the government (FBI and CIA). This abuse required a close monitoring of surveillance.

The terrorist attack in 2001 and further threats of terrorism gave Congress the justification to expand FISA. This gave law enforcement additional tools to conduct searches and conduct electronic surveillance. The problem is that FISA courts usually ruled in favor of the government and rarely in favor of an individual citizen's right to privacy. In 2016, the FISA court received 1,752 surveillance applications. It rejected just 9 of those in full, and denied parts of others.

Debate About Government Surveillance

The current debate about government surveillance goes

back more than a decade when law enforcement wanted to extend their ability to wiretap, while civil libertarians were concerned about the misuse of the new technologies.

Various forms of surveillance have been useful. For example, surveillance technology helped to catch the Boston marathon terrorists. Smartphone pictures identified them. Infrared cameras verified that the brother was in a backyard boat. In fact, the best evidence came from a Lord and Taylor department store security camera.

This isn't the first time surveillance technology has helped catch terrorists and evildoers. Cameras in London helped identify the terrorists in 2005. Surveillance video captured the Tucson shootings in 2011. No doubt Big Data and surveillance technology are potent weapons against terrorism.

What about our privacy? Representative Peter King (R-NY)

explained, "If you walk down the street, anyone can look at you, anyone can see where you are going. You have no expectation of privacy when you are out in public."

While that may be true, video surveillance is much more intrusive than that. Most of us have been in a shopping mall or a building and needed to adjust our clothing, clean our nose, or whatever. You go around the corner thinking you are in private to attend to that need. Then you look up afterward and see a video camera that has recorded everything you just did. Maybe you were doing something silly or embarrassing only to look up and see a crowd of people taking pictures or videos of you with their phones.

Each year we seem to accept more video surveillance at the expense of our civil liberties. Think about it, in airports and government buildings

you are ALWAYS on camera, except perhaps when you are in a bathroom stall. With more cameras on street corners, we are approaching a level of video surveillance that reminds us of the movie "The Truman Show."

America is divided about the role of surveillance and privacy. A while back, there were two op-ed columns that appeared on the same day with very different conclusions. Marc Thiessen's *Washington Post* op-ed was "Big Brother Isn't Watching You." The title of Senator Rand Paul's *Wall Street Journal* op-ed was "Big Brother Really Is Watching You." Obviously, they disagreed about how to react to the revelation about government surveillance.

Marc Thiessen was concerned that the latest revelations "give terrorists information they did not have about our collection activities." He also worried that the latest series of leaks

teach sources and partners “not to work with us because we cannot keep a secret.”

Only an intelligence expert can tell us whether these leaks really told terrorists anything they didn't already know. They probably guessed that phone records were being obtained in specific warrants. And even if they didn't know there was a PRISM program monitoring foreign terrorists, they could have guessed that was possible.

On the other hand, he is right to say that we will have trouble getting future intelligence from certain parties. They rightly will believe that the US government cannot keep a secret.

Senator Rand Paul believes the activities of the National Security Agency do violate the Fourth Amendment, which says that warrants must be specific. He has introduced

and will once again introduce the Fourth Amendment Restoration Act. He is also looking into a class-action lawsuit to overturn the decisions of the Foreign Intelligence Surveillance Court.

He is rightly concerned with the government “monitoring the records of as many as a billion phone calls.” Marc Thiessen may want to argue that, “Big Government Isn’t Watching You.” But when we hear that the government is collecting information on a billion phone calls, it sure seems like Big Brother is watching nearly all of us.

Biblical View on Surveillance and Privacy

How should we think about government and privacy? Romans 13:1-7 teaches that civil government is divinely ordained by God. Government bears the sword, and

that means it is responsible to protect citizens from foreign invaders and from terrorists.

On the one hand, we should support efforts by our government to make our society safer. On the other hand, we should also work to prevent unwarranted intrusions into our privacy and any violation of our constitutional liberties. In the past, drawing lines was easier when a person who came to your door to conduct an unconstitutional search. Today we live in a cyber age where our privacy can be violated by a computer keystroke and a video camera.

In the past, what used to be called public records were actually not very public because you had to get a warrant and go to the records office. Now they are all too public. And what used to be considered private records are being made public at an

alarming rate. What should we do?

We should live godly lives. Live your life above reproach. Philippians 2:14-15 says, "Do all things without grumbling or disputing, that you may prove yourselves to be blameless and innocent, children of God above reproach in the midst of a crooked and perverse generation, among whom you appear as lights in the world." 1 Timothy 3:2 says that an elder must be "above reproach" which is an attribute that should describe all of us. If you live a life of integrity, you don't have to be so concerned about what may be made public.

Practical Suggestions

More and more people are seeing their privacy violated and wonder what to do in a time of financial and personal exposure. What should we do?

First, don't give out personal

information. You should assume that any information that you do give out will end up on a database somewhere. Phone solicitors, application forms, warranty cards all ask for information you may not want to give out. Be careful how much information you disclose.

Second, exercise discretion, especially when you use e-mail. Too many people assume they have a one-on-one relationship with someone through the Internet. The message you send might be forwarded on to other people. One web site provider says that "A good rule of thumb: Don't send any e-mail that you wouldn't want your mother to read."

Finally, get involved. When you feel your privacy has been violated, take the time to complain. Let the person or organization know your concerns. Many people fail to apply the same rules of privacy and

confidentiality on a computer that they do in real life. Your complaint might change a behavior and have a positive effect.

Track congressional legislation and write letters. Numerous threats to privacy started in Congress. Citizens need to understand that many governmental policies pose a threat to our privacy. Bureaucrats and legislators are in the business of collecting information and will continue to do so unless we set appropriate limits.

Most Americans are unaware of the growing threats to their privacy posed by government and law enforcement. Eternal vigilance is the price of freedom. We need to strike a balance between fighting terrorism and protecting our constitutional rights.

Point of View

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