

# West Hawaii — Today —

## **Constitution Corner: Right to be secure in our persons, houses, papers, effects**

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Sept. 11, 2001, was definitely a watershed moment in our history and in the loss of many of our constitutional rights. We have accepted too much restriction in exchange for what government tells us is for our own good, if they tell us at all. The right to be free is at risk in America today.

The 4th Amendment was a result of King George's excessive invasions of privacy in colonial America. In Mike Lee's book, *Our Lost Constitution*, Lee posits that the government today is breaching the bounds of the 4th Amendment's restriction on power. The data collection which the government is involved in today runs counter to "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures" with no warrants issued except on probable cause as enshrined in the 4th Amendment.

We now know that the FISA warrant which was responsible for kickstarting the Trump/Russia collusion investigation grossly ignored America's 4th Amendment protections. Innocent Americans were dragged into suspicion as their names were improperly exposed in intelligence reports even though The FISA court (Foreign Intelligence Surveillance Act) requires NSA to conceal the identity of Americans since their lawful targets must be foreign actors.

Additionally, the FBI failed to notify the FISA Court that it did not verify, test or corroborate sources used to justify the initial warrant or further extensions. In the nearly 40 years of the court's existence, it has only rejected about 0.03 percent of total requests, giving credence to the idea that it's a rubber-stamp operation to suit the government's need and sometimes at the peril of innocent Americans.

Many of us first became aware of the abuses of our rights and particularly our right to privacy in the revelations of Edward Snowden when he leaked numerous documents that illustrated the NSA's massive surveillance of Americans including most calls made in the U.S., emails, Facebook posts and instant messages, all routine and without probable cause or warrants. And despite James Clapper's denial, the NSA very wittingly sweeps up electronic communications from hundreds of millions of us daily.

To its credit, the Supreme Court ruled last year that cellphone location information is protected by the 4th Amendment and as a result, police must now get a warrant before obtaining this data.

This ruling created for people an expectation of privacy in information that they provide to third parties whether it be Verizon, Sprint or any of the other cellphone carriers.

On a more local level the hairs on the back of my neck prickled when I first heard that the Department of Motor Vehicles in conjunction with issuing safety checks would soon include photographing our cars. According to the Cato Institute, more and more states are deploying facial recognition and license plate tracking that can observe and record the locations and movements of distinctly identified people, collecting and storing information about their comings and goings.

SmartGridNews, a website supported by the high-tech meter industry, acknowledged that smart meters are gathering private information on homeowners. Utility companies have the ability to analyze the data collected from smart meters to build a profile for every utility customer. Smart meters are used to infer when you sleep, and when you are home or not at home and whether you are using your refrigerator or your dryer. It's expected that about 80 percent of U.S. homes will have a smart meter installed by 2020. For a fee you may be able to opt out. How nice.

As technology advances, such as with drones, microscopic cameras, and other eavesdropping devices, it seems more and more likely that government entities will take advantage of them with or without our permission.