



Nothing to Hide

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Chapter 1: Introduction

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Setting the premise

- Debate of the balance of Privacy and Security
- "We must be willing to give up some privacy if it makes us more secure"
- "In national emergencies, rights must be cut back, but they'll be restored later on."
- "We shouldn't second-guess security officials."
- "If you've got nothing to hide, you shouldn't worry about government surveillance."
- The underlying question: Why should Security and Privacy be mutually exclusive?



Following argument

- If there must be all-or-nothing tradeoff between Privacy and Security
 - Debate is flawed from beginning
- History of the debate goes all the way to times of antiquity
- All were entitled to privacy and protection from baseless searches and seizures
 - Written in the Fourth Amendment in the U.S. Constitution, but even Constitution fell short over and over again with time and new technology

History of information gathering



- FBI emerged under Attorney General Charles Bonaparte in the early years of the twentieth century
 - Forming of FBI was denied twice by the Congress, under worries of privacy
 - 1908 President Theodore Roosevelt made executive order giving authorization for the Bureau of Investigation, despite the Congress
 - 1935 J. Edgar Hoover took lead of the organization and it was named FBI
 - Tools: Wiretapping, video surveillance, data mining, location tracking, etc.
- FBI has grown hundredfold since 1933, going from few hundred of agents and supportive staff, to over ten thousand agents and closer to 20 thousand supportive staff in 2008



The inherent flaw of the debate

- During the World War II and following Cold wars privacy has been broken with the basis of old laws and Constitution, because they did not directly prohibit new form of information gathering, nor the justification
- FBI constantly abused it's right of information gathering by twisting existing, or none thereof, words of law and Constitution to allow breaching of privacy
- Because security is seen as one side of the same coin with privacy, it often tends to scale above privacy when a threat looms over future prospects
- Laws cannot keep up with the changing circumstances → There cannot be proper debate of balance, because the balance is already flawed

The real questions for the debate



- Law has responded in many ways to issue of privacy and security
 - “The law establishes privacy protections” to avoid abuse of power
 - The Fourth Amendment is the primary form of regulation of information gathering in U.S.
- Problem with laws regarding protection of privacy
 - Cannot limit FBI agents or any federal law-enforcement officials
 - Only limited by U.S. Constitution and federal statutes
- Questions that are sought in the book: How law regulating privacy and security works and what is the inherent flaw in the debate? How can the situation be improved?
- Additionally: How should value of privacy and security be assessed?



Thank you for listening