

# Homeland bill would ease laws guarding privacy

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WASHINGTON — Nothing more starkly illustrates the federal government's post-Sept. 11 desire to learn more about its citizens and to divulge less about itself than the new homeland security legislation.

Approved by the Senate this week and destined for President Bush's signature, the bill would make it easier for government agencies to gather information about individuals and groups, including their e-mail, the phone calls they place and the Web sites they view.

At the same time, it would make it harder for people to obtain information about their government and would permit greater secrecy by government advisory groups.

Advocates say the new procedures are essential to fight terrorism, and they maintain that safeguards are in place to avoid abuses. Critics, both liberal and conservative, see an authoritarian world where maintaining security justifies snooping into citizens' lives.

Adding to their fears is a Pentagon project — unrelated to the homeland security bill — to mine vast amounts of data, including credit card receipts, in search of patterns that may point to terrorist behavior.

As described by Defense Undersecretary Edward "Pete" Aldridge, the Total Information Awareness program aims to find "connections between transactions — such as passports, visas, work permits, driver's licenses, credit cards, airline tickets, rental cars, gun purchases, chemical purchases — and events such as arrests or suspicious activities."

Pentagon officials defended the \$10 million data-mining experiment this week, saying it could give law enforcement and intelligence agencies a powerful new tool to prevent terrorism.

What Defense's data-mining effort discovers could help the new Homeland Security Department. Legislation creating the department authorizes a new Directorate for Information Analysis and Infrastructure Protection to collect and integrate information from government and private-sector entities and to "establish and utilize ... data-mining and other advanced analytical tools."

The homeland security bill also makes it easier for government agencies to tap Internet communications and to require Internet service providers to turn over the contents of their customers' communications.

The bill broadens provisions in last year's USA PATRIOT Act by permitting e-mail and other electronic communications to be divulged to any government agency, including schools. Agencies would have to show "good faith" that the information is needed. That's well short of the previous requirement of a "reasonable belief" that a crime was about to occur. Under current law, authorities also must show that they are trying to thwart an "immediate danger."

The new bill simply sets the standard at "danger."

"We do not want the federal government to become the proverbial 'big brother' while every local police and sheriff's office or foreign law-enforcement agency ... become 'little brothers,'" Sen. Patrick Leahy, D-Vt., argued on the Senate floor this week.

Even as the government seeks more information from citizens, it is trying to block the release of government information to the public.

The homeland security bill would limit information about possible security weaknesses that citizens can request under the Freedom of Information Act. It would set criminal penalties for government employees who release such protected information. The new secrecy would override state "sunshine" laws and, critics charge, could be used to hide whatever authorities deem security-related. Business groups had lobbied for such protections, arguing that their corporate secrets or security weaknesses otherwise could be divulged publicly or to terrorists.

"All of this is just overwhelming," said Gary Bass of OMB Watch, an independent group that monitors government secrecy. "On the one hand they're preaching enormous secrecy and permitting corporations to have a lock box on secrecy and immunity, on the other hand you have this enormous invasion on personal privacy."

Some lawmakers defended the protections, saying they're crucial if corporations, particularly high-technology industries, are to share information with the government.

"This (Freedom of Information Act) exemption will encourage the private companies that operate over 85 percent of our critical infrastructure to share information about computer break-ins with law enforcement, so criminals and terrorists can be stopped before they strike again and severely punished," said Sen. Dianne Feinstein, D-Calif.

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