

Surveillance programs hit closer to home than portrayed

BY BECKY STRAUS
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At a recent discussion about government surveillance hosted by the City Club of Portland, Senator Ron Wyden and U.S. Representative Earl Blumenauer were asked what role states must play in protecting Americans from the ever-increasing domestic spying activities by



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government authorities. While Wyden and Blumenauer deserve praise for their work to bring greater transparency to the NSA surveillance programs, I am disappointed that Blumenauer's response to this question was essentially that this is a federal issue and there is nothing that states can do. Quite the opposite, now is a critical time for states to take leadership to advance and protect the privacy rights of their citizens.

Brought about primarily by disclosures from now-exiled Edward Snowden, recent revelations about massive surveillance operations show how the U.S. Government has been collecting and storing bulk phone and email records of innocent Americans for years, primarily under secret interpretations of the PATRIOT Act that was passed in the wake of 9/11. This collection has been happening without our knowledge and without any information shared with the public about the legal authority that the government is operating

under to do so.

We also know that here in Oregon, our government operates with this same "collect it all" approach. At least a handful of law enforcement agencies have begun using Automated License Plate Readers (ALPRs) that scan as many as thousands of plates per minute to find out if drivers on the road are driving a stolen car or eluding an outstanding warrant. The Portland Police Bureau reports that they keep this license plate data, which includes location and time of collection, for up to four years.

Beginning in 2011, the Oregon Health Authority began tracking through the Prescription Drug Monitoring Program prescription drug records of Oregonians taking any Schedule II, III, or IV drug. These private medical records are continually reported to the agency and are accessible by doctors and pharmacists who certify that they are serving a patient whose records are in the PDMP.

Anyone looking for a job with certain public employers or needing a professional license for their job must submit their fingerprints to the state, which passes on prints to the FBI, for a criminal background check.

It would be a mistake to ignore these activities – just a few examples of many in Oregon – or to believe that there is a not a connection to larger-scale spying programs on the federal level. Purchase of ALPRs by local law enforcement agencies is frequently supported by grants from the Department of Homeland Security, raising concerns about what access the federal government is granted to tracking records of the comings and goings of innocent Oregonians. The federal Drug Enforcement Agency is currently engaged in a battle in federal court against the State of Oregon and the ACLU to defend the DEA practice of

accessing PDMP prescription records without a search warrant.

Fighting regular efforts by state legislators to send job seekers' fingerprint data to the FBI's growing biometric data collection programs (for example, Next Generation Intelligence), the ACLU is working hard to preserve current state laws that prohibit retention of innocent Oregonians' fingerprint records.

Oregon has long been unique in its commitment to protecting privacy above and beyond the bounds of the U.S. Constitution or examples from laws in other states. States are not hamstrung by the federal government's ownership over national security, as Congressman Blumenauer's answer might suggest. Rather, state legislatures can and should exercise meaningful control over the private information they collect, the parties with whom they share it and the degree of disclosure to the public of their activities. And Oregon should continue to lead the way.

Just this past session, legislators in Salem set forth restrictions on the use of unmanned aerial vehicles (aka, "drones") by law enforcement to prohibit mass or suspicionless aerial surveillance with drones. The ACLU will be looking to Oregon legislators in the coming sessions to mandate strict guidelines on the use of ALPRs and to better prevent fishing expeditions by law enforcement into private online communication records including in email and social media accounts.

The entanglement between federal and state surveillance operations is more significant than the Congressman Blumenauer's suggests. Not only is there a role for states to play in the national conversation, it is incumbent upon us to urge our legislators to participate.

PUZZLES

By Kara Dimitruk

Answers on page 6

Crossword

- Across
1. Lickety-split
6. ___ de Triomphe
9. Catchall abbr.
13. Pago Pago's place
14. Waikiki wear
15. Control ___
16. Prepared to be dubbed
17. 30-day mo.
18. Unconventional
19. GOP
21. Cancel
23. Pool tool
24. Vigorous
25. Away from the bow
28. Hunted
30. Trendy
35. Thumbs-down votes
37. Earned
39. It's graphed horizontally
40. People first settled in the Amazon
41. PDX second-hand craft store
43. Polynesian for 'power'
44. Completely
46. Corned beef side
47. Mark left by Zorro?
48. Green
50. Timbers, Blazers, or Hops
52. "___ the season to be jolly"
53. "The ___ of the Ancient Mariner"
55. Half a dozen
57. Shorten
61. Neighbors of Ugandans
65. Go ga-ga
66. Chain letters?
68. Hipbone-related
69. Simple song
70. Unagi, at a sushi bar
71. Press
72. Pool site, maybe

1	2	3	4	5		6	7	8		9	10	11	12	
13						14				15				
16						17				18				
19						20			21	22				
			23					24						
25	26	27		28		29			30		31	32	33	34
35			36			37			38		39			
40						41				42		43		
44				45		46					47			
48						49		50			51		52	
				53		54			55		56			
57	58	59	60					61				62	63	64
65						66	67			68				
69						70				71				
72						73				74				

73. Took the cake, say
74. Troutlike fish

Down

1. Is nosy
2. French door part
3. N.Y.S.E. competitor
4. Infant's woe
5. Really enjoys
6. "'Tis a pity"
7. Gym unit
8. Approximately
9. Bear's move
10. Captivated by
11. Lord's worker

12. Musical staff symbol
15. Medieval weapon
20. "___ and Services"
22. 100%
24. Drink water
25. Shenanigan
26. Flora go-with
27. Arche- ender
29. A head
31. Woolen caps
32. Precise
33. Biblical mount
34. Ivan and Nicholas
36. Window ledge
38. Dexterity

42. New moon, e.g.
45. Haughty
49. Top secret?
51. Apothecary unit
54. Euripides drama
56. Partner of phloem
57. Algebraic operation
58. Fedora feature
59. University mil. group
60. Infinitesimal amount
61. Cabbagelike vegetable
62. Campaign worker
63. Hammer's target
64. Ella Fitzgerald specialty
67. Brooklyn player

Sudoku

6				3				4
			8				1	
	8		6					5
			2		9		4	
	2				1			9
4					5	3		1
	4						8	
1	3	2						
		7				1		2



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