

## The Institution

We Americans are the mental patients of a great institution, a drug suppressed people. Our veins are saturated with our drugs of choice. These drugs are not just Prozac, Xanax or Ritalin; they are mesmerizing electronic devices, media, technology, and stimulation. Daily and hourly, Big Brother opens the door to our little room and checks in with his gray eyes staring at us, scribbling down things we can never, and will never, know onto his pad. He calls in hushed tones to the orderly and prescribes us with deceitful words and false promises. And we, locked up in this institution, have no access to the truth; we have ceased to see. Most of all, we have lost our freedom. The orderlies might tell us we still possess it, but we do not. Made drowsy and lethargic by our drugs, by our ignorance, we traipse the corridors of the institution hoping to find a corner in which to hide our face.

However, the orderlies, and Big Brother, know our name and our social security number and know best how to kill us. They do not do it right away, but slowly so that we do not see it happening. For now, there is no place to run from the man in the doorway, in his suit and shiny shoes. Was America always a gray, decrepit asylum? For in this place, we have no privacy, whether we know it or not. Why have we signed our free will away? The continuous invasion of our personal lives should not be considered 'business-as-usual', because privacy is our right.

In the late 18th century, from chaos rose a somewhat skewed collection of colonies in America, all of whom desired one thing: freedom. A group of the most brilliant and dauntless rebels, also known as the Founding Fathers, created a letter of complaint called the Declaration of Independence. Soon after, a group so-named the Framers designed a supreme law, the Constitution, for the United States. The basis of this supreme law was freedom from government, as the

people would be the government; by the people and for the people. Framers, such as James Madison and others, might have foreseen governmental invasion of privacy, most likely because of the behavior of the British crown and parliament. Thus, they created a Bill of Rights as a revision to the Constitution. A tyrannical sort of hold by surveillance for commercial and security reasons indeed challenges this democracy. Only to an extent is a government supposed to offer protection to its citizens before it becomes an all-powerful and commanding force. This idea is a philosophical one, which can be further explored by reading the same classics which the Framers and Founders read and produced, such as: *The Republic*, *Common Sense*, *Civil Disobedience* or the *Leviathan*.

Now, our right to privacy may not be written explicitly, “The congress shall respect our privacy, thank-you-very-much”, but it exists. It exists, literally, in the Bill of Rights, which emphasizes aspects of privacy. It should be noted that of the 27 Amendments of the Constitution, aspects of privacy were outlined within the first 10. The Constitution was established by the greatest criminals of all time to protect us against our government. It was created to end the King of England’s hold, and to rid us of unnecessary taxes and governmental demands. So logically, the creators of this nation would have made provision for a right to privacy- a *right*, not an *option*.

Only a small amount of effort is required to search deeper into the law and find that, as free people, we do have a right to a private life. For example, the 4th Amendment clearly states that we are protected from unreasonable searches. We are allowed the privacy of our beliefs, our homes, our bodies and possessions, and our privilege against self-incrimination. In other words, our personal information *should* be protected. But is it? No. In addition, see the Liberty Clause of the Fourteenth Amendment, which says, “Nor shall any state...deprive any person of life, liberty,

or property, without due process of law.” This idea that we are allowed the pursuit of life with liberty must entail the right to be let alone to do as we please, as long as we are not hurting anyone else in the process. If we are hurting others, the government cannot incriminate us without due process or reason. Therefore, our personal information is not to be seized without our consent- ever.

Last year, in 2013, Apple Company revealed that the government demanded details from over 2,000 Apple accounts in the first half of the year (Williams, IDG News Service). Such details included personal information, emails, and even photos from Apple online storage servers such as iCloud. Honorably, Apple has claimed no interest in collecting and compiling personal information from its users. Thus, the company has become another technological company to reveal the behaviors of modern law enforcement (Williams, IDG News Service). This seems a deprivation of liberty and of life, without due process; photographs and personal emails are a prime example of personal property.

In the past, this right to be let alone has been the topic of much debate. The case of *Stanley vs Georgia* in 1969 was the case of a convicted man whose personal possessions were seized by law enforcement and declared obscene (Oyez). Justice Thurgood Marshall pinned the issue magnificently by declaring, “...a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds”. This case was thought to establish a basis for a right to privacy. In other words, the case implied the ‘right to be let alone’, which allows freedom to think, read, and observe ones’ own interests (Weaver, Lively 2012).

There are limits to how much privacy we have a right to, and how much privacy can be taken from us. I personally felt quite violated upon visiting the airport when a TSA officer patted me down because I was wearing a faux belt- in other words it was a decorative part of my skirt, so it did not come off. Apparently, I was some sort of terrorist for it and I received a full-body pat down. To others, it might have seemed routine or trivial. To me, my rights were stolen right in front of me and an unbridled rage rose up in my throat. I admit to taking my prescribed drugs, but I am skeptical about it. I would like to think that my body is private property, not to be felt by some gruesome TSA officer.

As mentioned before, there is a fine line between a safe democracy and a tyranny. Are we the ones being protected or are we being protected from ourselves? An article from the Washington Post written in 2013 brings to light what the National Security Agency (NSA) has been doing with its newfound authority. An internal NSA audit found roughly 2,776 violations of privacy, involving unauthorized surveillance of Americans (Gellman 2013). Whether by so-called mistake or not, the incidents still occurred; these incidents included intercepting American telephone calls and emails. At one point, the NSA violated a court order by the, “unauthorized use of data about more than 3,000 Americans and green-card holders”. In reference to the NSA’s constant surveillance of all of our communications, angry US district court Judge Richard Leon claimed, “I cannot imagine a more ‘indiscriminate’ and ‘arbitrary’ invasion than this systematic and high-tech collection and retention of personal data on virtually every single citizen for purposes of querying it and analyzing it without judicial approval”. Leon claimed it to be in violation of the fourth amendment, which states our right to be secure in our persons, houses, papers... and against unreasonable searches and seizures... shall not be violated (Cornell University Law School).

To any right-minded person, collecting our personal information on the basis of ‘it *might* be dangerous’ is quite unreasonable. A search also requires probable cause. Probable cause is not ‘Oh, this American’s data ran across my computer screen, so I should search and seize it’. See here, Congress: You are not exempt from this amendment simply because our papers and effects now take on a digital form. We must also have a reasonable expectation of privacy; our own telephone calls made on our own devices and our own messages sent from our own computers surely warrant reasonability.

Let us examine the idea of privacy in terms of commercial advantage. The collection of information is probably most relevant on the basis of commerce. The establishment of credit can be traced back to the first national credit reporting service, The Mercantile Agency, owned by Arthur and Lewis Tappan. The merchant brothers conducted trade on credit and their store of detailed ledgers of personal information began to accumulate and eventually they discovered they could share this information for profit (Parenti 92-93). As America’s beginnings were mostly part of a capitalist venture, naturally, any means of making money would seem to be acceptable. Today, forms of commercial surveillance include our credit cards, bar codes and even online data mining- all in the name of profit and good investment. Often, it can become quite financially inconvenient for an individual to have any sort of life because of bad credit and personal history, both of which are required to procure a job or make important purchases. Of course, sometimes control is very appropriate when it comes to commerce because not everyone is honest with finances; however, that is a risk that we should be willing to take in order to retain personal freedom when making financial decisions.

There was a time when things such as our criminal record, financial history or medical history were all different entities. Today, they have been gathered together in a database that is

easily accessible to people with power and money (Parenti 7). The author of *The Right to Privacy*, Justice Louis Brandeis, mentioned in one case, “The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness... sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations... conferred... the right to be let alone- the most comprehensive of rights, and the right most valued by civilized men. Every unjustifiable intrusion by the Government... must be deemed a violation of the Fourth Amendment” (Parenti 8). Through declarations such as that made by Justice Brandeis, we can begin to understand that privacy on the individual level is not the only issue; it is so much greater than that. It is very much a grander social and political struggle of civilization. Surveillance forces cause us to be submissive and be in constant “self-regulation” (Parenti 9). Citizens are placed in the wrong by social construct, much like the alleged mental patients of an asylum.

I do not pretend to comprehend the full extent of the law, or the intentions of our government. However, when it comes to believing in the discretion and solitude of an American life, and despising the government’s latest behaviors, I plead guilty. Within this great institution, this question of our own privacy is a dynamic issue. We still slide our ID’s and give our social security number to anyone who demands it. Yet the question is not if privacy is our right, but if we will endeavor to understand it and claim it again. Shall we yet slumber in our chambers, and be declared the ill, or shall we stand and confront the man in the doorway?

## References

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