

## BALANCING CIVIL LIBERTIES WITH THE NEED FOR EFFECTIVE INVESTIGATION

"The balance between individuals' civil liberties and the need for effective investigation is





These criticisms can easily be countered as follows: 1) criminal subpoenas and court orders for business records and things held by third parties have never required any showing of probable cause or even reasonable suspicion because they are not "searches." They are not considered "searches" because, in the legal sense, one does not have a reasonable expectation of privacy in things one has openly entrusted to someone else. For example, bank records of someone suspected of committing bank fraud



data are the numbers dialed into or from a target number; no search warrant establishing probable

choice. Because of terrorism falling somewhere between straight foreign intelligence and criminal, it gave the FBI options but it also caused problems because there was supposed to be a “wall” between the criminal and the intelligence investigation of any given terrorist(s). In many cases both criminal and intelligence cases would be opened, but the FBI intelligence agent could not share any information with the FBI criminal agent working on the same matter for fear that it



Other Government Initiatives- Could We All End Up Being Under Surveillance?

In addition to the Patriot Act provisions discussed above, Department of Justice (DOJ) initiatives aimed at "interrogating" large numbers of young Arab men fitting certain criteria have

that Minneapolis police plan to install 20 to 30 “crime-fighting surveillance cameras” downtown next month with \$250,000 of the cost being paid for by the Target Corporation. The fear, of course, exists that such cameras, if misused by public officials, could chill public protest activity protected by the first amendment or otherwise invade persons’ privacy. But the key to

car that she had unwisely lent to a boyfriend who had failed to return it. She told the FBI that she had overheard a man (the errant boyfriend) plotting a terrorist act at the Mall of America. After several hours of diverting precious law enforcement resources to this seemingly urgent but false tip, the FBI did locate the boyfriend and the tipster's car. But it turned out not to be the best idea for the trickster

something to the effect of, “I don’t want you to think I’m prejudiced because I’m not, but I just have to report this because one never knows and I’m worried and I thought the FBI should check it out.” This precedes a piece of general information about an “Arab” or “Middle-Eastern” man who the tipster lives by or works with that





Admittedly, the Freedom Of Information Act (FOIA)

prior

criminal investigation and preserving the rights of innocent citizens. The trick is to be as surgical as possible in identifying the criminals and those dangerous to our country's security without needlessly interfering with everyone else's rights. From what I've seen in the last 21 1/2 years, I can

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confined in relocation camps. In 1944, the Supreme Court in the Korematsu case, as we all know, ruled that all members of a

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These are issues that we wrestle with every day in the FBI,