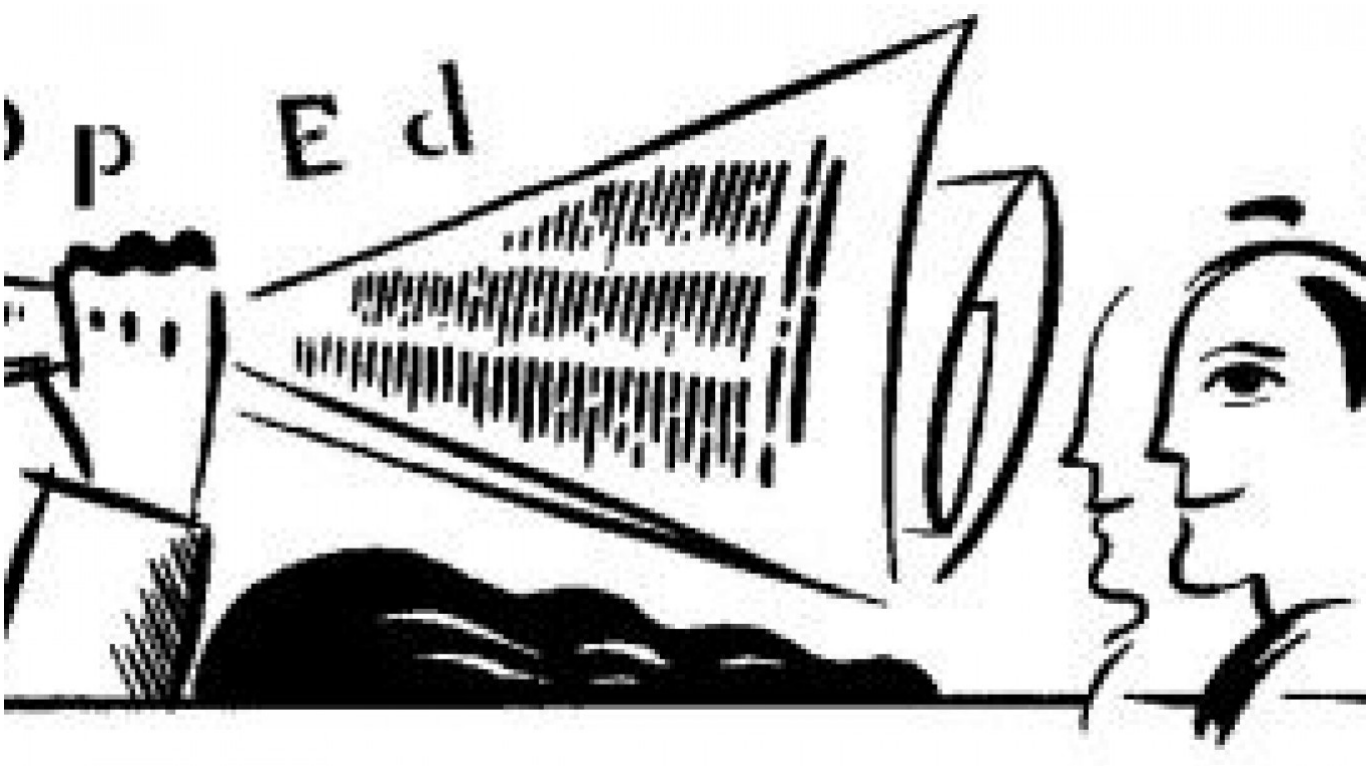
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How to Provide Both Security and Transparency

By Esther Dyson

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So now Americans know. They know that their government is spying not just on foreigners but on them as well.

Of course, most of what the government "knows" about Americans is "known" only in the sense that someone could get at it if they wanted to find out more about you — or if your data matched some pattern that they were investigating. So, in a sense, the data that the government collects is harmless — that is, until such information is used for a real-world purpose, such as putting people on a no-fly list or forcing into an institution someone whose online posts are "troubling." And that is only the beginning.

Personally, I am reluctantly willing to accept the U.S. government spying on people, especially foreigners, as long as it is constrained by rules that are public and enforced. The argument that "the other guys do it" is lame, but it is also true. The absence of a world government deters abusive power — however imperfectly, it forces governments to compete, even though they often collude. And in an imperfect world, part of each government's job is to protect its

citizens from enemies.

Regardless of what I think, Americans live in a democracy, and overall, the public seems to support government surveillance. The question is how to keep surveillance off the slippery slope to unaccountable snooping. The most important principle is transparency. It is wrong to lie and pretend that we are not doing it.

Some Americans are horrified that their government is doing it at all. Others think that it mostly depends on what the government is looking for — terrorists, yes; political opponents, no. What about troubled teenagers? Bullies? Potential criminals?

There is a lot of judgment involved. In practice, resolving such questions must be a matter of continuous public scrutiny and negotiation.

But what of the assumptions that we rarely question? Yes, our government's primary job is to protect us. But people die all the time, often unfairly, and there are limits on how much protection we seek or even allow. We permit deadly cars on the highway. We let people die because of inadequate medical care. We tolerate bridges that collapse.

When it comes to terrorism, however, we have created an atmosphere of fear that is wildly disproportionate to the actual risk, handing power to terrorists unnecessarily and harming ourselves pre-emptively. In many cases, the treatment — or the immune response — is worse than the disease.

Do we want to call in the government over every possible irregularity? Do we want a world that is safe from criminals, but where most people are treated like criminals, with their every move monitored?

Maybe we are attacking the wrong target — people — in our quest for safety. Perhaps it would be better to control the weapons. Every time someone goes on a shooting rampage, we ask why this particular person was not detected and stopped. But we should have stopped him, and many others, from getting a gun in the first place. In the U.S,. however, one often needs more ID to get on an airplane than to buy a gun.

That is crazy. The danger of terrorist attacks on aircraft is highly exaggerated. Then again, if voters want the government to continue to search travelers, I do not object, especially if I can pay a little money and sacrifice a little privacy to go through an expedited preferred-traveler lane.

The things that trouble me are different. Power — especially destructive power — implies the need for transparency. That is, we should know more about our government than it knows about us. When citizens acquire power — through, say, an elected position, a job that lets them decide who gets a liquor license or who gets arrested with a gun — the public has a right to know more about them.

That is why I am more concerned with what the government does with its data concerning us. Will it circumscribe my freedom or prohibit me from taking certain jobs? Will it curb my right to speak freely or punish me by throwing me in jail? Will it scrutinize my tax returns extra carefully?

Carelessness about the truth leads to lack of accountability. But just having the truth does not create accountability by itself. Too many people who applaud, as do I, the leaks by the former U.S. intelligence leaker Edward Snowden think that the job is done.

It is not. The reason for transparency is that we cannot resolve all questions in advance. There is no sensible way to regulate all government behavior, but we do want — for ourselves and for whistleblowers — the right to legal recourse and to speak out if we or someone else may have been wronged.

Finally, in a transparent world, culture, as opposed to laws, becomes more important than ever as a guide to behavior. Two trends deserve attention and mitigation but not regulation or secrecy. First, the media cover human tragedy and terrorism to such an extent that most parents are more scared of kidnappers than of careless drivers, and most of us fear terrorists more than careless homebuilders, despite statistics to the contrary. In the U.S., people are twice as likely to die from suicide as from homicide. But the correct response is more transparency and some statistical sophistication about the mundane fact that Americans are mostly safe.

Second, with transparency we tend to see more of humans at their worst. Badly behaved movie stars and politicians skew ideas of the norm — or of what should be acceptable. Obviously, not all types of bad behavior should be criminalized, but voters and customers should still shun them.

In an environment of transparency, accountability becomes all the more important. Many Americans — to their great good fortune — do not have the experience to understand how much the misdeeds of powerful people and institutions are known while nothing is done. There is a naive sense in the U.S. that if bad things are known, they will be stopped. But transparency can only increase awareness of problems. It is up to us to take action.

Esther Dyson, principal of EDventure Holdings, is an entrepreneur and investor concentrating on emerging markets and technologies. Her interests include information technology, health care, private aviation and space travel. © Project Syndicate

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