

Telecommunications Access and National Security

These days, we are seeing a lot of attention directed to homeland security. Much of what the news cover are directed to the war against terrorism. Many investigators are exploring every possible ways to thwart future attacks and make our country as safe as possible. TDI has been on top of those efforts to ensure that we maintain and improve our ability to access telecommunications and media despite possible disruptions.

National security laws do take precedence over most other laws, including civil rights laws. Yet, sometimes they can be misinterpreted by people, causing unnecessary panic. Two examples come to mind.

Internet Relay, a new technology, has long been the topic of certain online discussion groups. In a recent exchange, someone noted that a high number of international Internet Relay calls were going to Pakistan. Somehow, this caught the attention of the FBI and agents queried if those conversations could be monitored. Fortunately, Title IV of the Americans with Disabilities Act provides that relay calls, like traditional telephone calls, are confidential unless the government first obtains a court order against either party. Confidentiality is a sacred cornerstone, without which would drastically reduce the concept of “functional equivalency” - the ability to make phone calls just like a hearing person with a reasonable expectation of privacy. In traditional TRS and Internet Relay, calls cannot be recorded at the relay center - all conversations are deleted the minute the call is disconnected. Because Internet Relay has no effective means of verifying the calls’ origins for billing purposes, people could theoretically make anonymous calls anywhere in the country. The Federal Communications Commission (FCC) has decided not to reimburse Internet Relay service providers for international calls so that leaves only traditional relay as the only method to make calls to family or friends overseas. If the authorities have reason to suspect anyone is involved in terrorism, there are laws that allow them to obtain a court order to wiretap a telephone or monitor an Internet Service Provider (ISP). So, in most cases, there is no “Big Brother” watching our relay calls, whether we use a TTY or a computer.

The second example began with a fax from a TDI member. In that fax was a printout of a news clipping that says that due to national security, wireless communication devices cannot be used in sensitive places. The fax had a note alleging “discrimination” when deaf people who work for the military are not allowed to use pagers in the workplace. I spoke with Paul Singleton, a program analyst at the Department of Defense’s Computer Electronic Accommodations Program (CAP), which oversees all reasonable accommodation requests for federal employees with disabilities in civilian positions throughout the Pentagon and other military installations. Paul says this rule applies only to a small number of secure meeting rooms to avoid any possibility of recording sensitive conversations or revealing the locations of such meetings to hostile forces. Outside those rooms, people may use cell phones and text pagers without any problems.

Other “common sense” rules may forbid the use of wireless communications. There are signs posted in hospitals telling us to turn wireless devices off when near lifesaving machines in the intensive care unit. When traveling by air, safety messages also advise us to turn off cell phones and pagers when taking off and landing. Even at your local gas pump, there is a chance that a spark from your device could ignite the gasoline fumes.

While TDI encourages every member to try new technologies with common sense, we are mindful of the realities in today’s world. Still, those overriding concerns should not stifle the business community’s ability to be innovative and to experiment with new applications for existing and emerging technologies. **SK**



From the Desk of the GA-SK Editor

James D. House

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