



BY KENNETH A. PRICE  
BARRISTER & SOLICITOR

## EDITORIAL

Ken Price has practiced in a variety of areas for almost forty years. For thirty of those he has practiced tort law. He is a past president of this organization, and is a founding member of TLABC. He has worked for years providing counsel to several social and legal agencies, and has been a regular contributor to TLABC and CLE legal education programs. He has also worked to keep lawyers vigilant in their duty to represent citizens against oppression by the state.

The FBI was recently forced to admit that their facial recognition program has now captured 50% of all driver's licences in the United States. In other words, the FBI database now has photos of half the citizens of the country locked away in cyber files they can use anytime they want to cross-check against pictures of suspected criminals. How did they get these photos? They obtained them from state and federal police forces across the US, who had scanned them in their police cruisers and zip-drove them straight to the FBI. Every time a routine traffic stop allowed the police to examine a person's licence, that licence was scanned into as many as 40 other data bases apart from the FBI, including more than 20 different security entities, from the Tobacco and Firearms Agency all the way to the EPA.

Most cities in the US now have surveillance cameras on lamp posts throughout their neighbourhoods, ostensibly to reduce petty crimes, drunken behavior during sporting events, and terrorist activity. The latter rationale is supposed to keep the gripers quiet when they go to an NFL game and are scanned for facial recognition databanks under the guise of vetting the crowd for bad guys. Little do these sports fans realize that their pictures are not being deleted after the game. In fact, most people are oblivious to the fact that their "mug shots" are going straight to about 40 different security agencies, who will log and store the photos in "the cloud" as an adjunct to the ultimate creation of a super database in which every person alive is carded and collated, whether a criminal terrorist or not, in a super-computer collection over which there is no control whatsoever exerted by the subjects of the data gathering, who most often are oblivious to the fact that their pictures are on the virtual wall of the "most wanted" no less than if they had actually committed a Bonny and Clyde bank robbery.

Most people are total zombies in the world of information harvesting. They hear the disclosures of how Facebook and other social media giants have acquired their most personal information, yet they continue to allow those institutions to blithely mine their lives, unwitting or uncaring about the endgame they face.

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# The Verdict

SUMMER 2018  
Issue 157

[theverdictmagazine.ca](http://theverdictmagazine.ca)

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[tla-info@tlabc.org](mailto:tla-info@tlabc.org)

Letters to the Editor  
[editor@tlabc.org](mailto:editor@tlabc.org)

ADVERTISING INQUIRIES  
Julia Chalifoux  
[julia@tlabc.org](mailto:julia@tlabc.org)

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The purpose of *the Verdict* is to provide information and opinion that is timely, practical, and relevant. The editor welcomes your submissions. Statements and opinions expressed are not necessarily those of TLABC.

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PUBLISHER  
Julia Chalifoux  
[julia@tlabc.org](mailto:julia@tlabc.org)

EDITOR EMERITUS  
Kenneth A. Price

MANAGING EDITOR  
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[shawn@tlabc.org](mailto:shawn@tlabc.org)

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*the Verdict* is published quarterly by

TRIAL LAWYERS ASSOCIATION OF BRITISH COLUMBIA  
1111 – 1100 Melville Street, Vancouver BC V6E 4A6 CANADA

Tel: 604 682-5343 Toll Free: 1 888 558-5222  
Email: [tla-info@tlabc.org](mailto:tla-info@tlabc.org)  
Website: [www.tlabc.org](http://www.tlabc.org)

Estimated readership: 6000  
Registered with the National Library of Canada. ISSN No. 1185-8931

Publications Mail Agreement No. 40027828

Return undeliverable Canadian addresses to:

*the Verdict*, Circulation Department  
1111 – 1100 Melville St.  
Vancouver BC V6E 4A6  
email: [verdict@tlabc.org](mailto:verdict@tlabc.org)



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The common rationale for those pressed about why they let their intimate lives be raided and sold to the highest mercantile bidder is simply that they “have nothing to hide”, whether the mined information is collected by the police, or gathered by the Facebooks of the world. The old refrain is repeated again, “who cares?”

Truth be told, everything is fine until its not.

It used to be that the only threat to privacy on the telephone was the party line. I remember my mother’s neighbour, Mrs. Walsh, who, on lonely mornings would “listen in” to coffee klatch on the other line, trying to brush up on the latest gossip in a small town. When caught out, she would be embarrassed and abruptly hang up the phone. We are in a different world now, and every word we text or utter is disseminated to any entity willing to pay for the little tidbits of information enabling it to make a buck.

But what about the next steps?

We already know that the National Security Agency in the US has actually mined data from every phone call made in the US, (and probably in the rest of the world.) Their response to being outed on this outrageous over-stepping of their mandate has been to continue to track down the whistleblowers on the issue, as if those who exposed the truth should be tried for treason.

We also know that political parties have committed virtual Watergate sins, relying on data farming and privacy theft to modernize the arcane information theft from the three-drawer filing cabinets full of similar information.

Legislative oversight of both the government and the capitalist stampede to take absolute control over information has so far been a complete failure. Law-makers do not understand the mechanisms, the motives or the likely outcome of being blind-sided by powerful moguls, who trade in information the same way the old robber barons once traded in oil and railroads.

The internet, which was spawned as a military communication system, was taken over by the public users who saw the technology as the great equalizer in the new information age. Within a decade it was co-opted by purveyors of porn and the “real” fake news. The social media offshoots accelerated the dumbing-down of the phenomenon, turning a potential gem of world connectivity into a version of the Bachelorette. Companies like Alibaba, along with the Chinese Communist Party have created a synergy between state and commerce which has been wildly successful. Meanwhile, the Chinese dictators have unleashed more than 100,000 tech nerds to spy on every internet user and repress any genuine political or social discourse. Home shopping is good. Anything else is picked up by internet beavers and usually results in quick shutdown of the “insensitive” websites.

Despotic regimes around the world have made good use of technology designed to enable them to block or completely shut down the internet. The US has the ability to shut down the internet anywhere in the world. If things get tough and oppression rears its ugly head, we had better hope there are still a few old farts who know how to use ham radios. The Russians are already savvy. They use old, manual underwood typewriters to write messages incapable of electronic or internet interception. Why, they even started manufacturing them again! [V](#)

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