

HAPPY MEMORIAL DAY! REMEMBER YOUR GOVERNMENT WILL BE TRACKING WITH WHOM YOU CELEBRATE THIS WEEKEND

As I've said repeatedly in discussions of the secret interpretations of the PATRIOT Act provisions that Ron Wyden and Mark Udall complained about, those interpretations probably claim the government can collect mass information on geolocation.

Julian Sanchez lays out why that is almost certainly the case in this worthwhile post. The three main points (there are several less crucial ones) are:

- The government has been using a hybrid approach—using a combination of pen registers and 2703(d) orders—to get geolocation data in criminal investigations with some support from courts; using pen registers with Section 215 orders could offer the same “hybrid” authorization
- The structure of Ron Wyden's legislation aiming to rein in geolocation tracking starts with restrictions on FISA, which the criminal statute incorporates, but also includes explicit

prohibitions on using pen registers and Section 215 to get geolocation information

- TruePosition's LocInt service markets the ability to determine proximity, but doing so would rely on widespread collection of geolocation information

In other words, Sanchez lays out both the legal means we know the government has used to track geolocation, maps the legal means Wyden is attempting to use to curtail those legal means, and describes the technical necessity for widespread collection.

Which is a pretty compelling argument that the big rush to extend PATRIOT is about making sure this geolocation tracking doesn't shut down over the Memorial Day weekend. So rest assured your government is tracking where you're vacationing this weekend and with whom.