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Wake-up call on wiretaps

Motivated by last week's tragedy, the state Legislature has passed what Gov. Pataki's office calls "the toughest and most comprehensive package of anti-terrorism laws in the nation." Enacted in a special session Monday, it covers not only terrorist acts, but threats. Example: Making phony bomb threats has become a felony (hard to believe it used to be a misdemeanor). Penalties also have been stiffened, and it will be easier to bring to justice anyone who aids and abets terrorists or hinders their prosecution.

Laws like this have been on the federal books for years. Albany is a bit late, but at least it has acted. Its work, however, won't even approach completion until it addresses the matter of finding terrorists before they strike. That means rewriting the laws on wiretaps and eavesdropping to cope with changes in modern technology. The state Senate is on board. The Assembly has been resisting, but must follow suit immediately.

Currently, police must obtain a new court order for wiretaps each time a suspect changes phone numbers or Internet accounts. But by the time an order is approved, the suspect may already have a new phone. Which requires a new court order, which by the time it has been approved . . . Talk about a vicious cycle.

A spokesman for state Attorney General Eliot Spitzer said, "These guys are so good at evading the authorities, they switch phones each day." In fact, there is a company marketing disposable cell phones that have 30 minutes on them for \$40. A terrorist's dream come true.

Using the lessons from the state Organized Crime Task Force, Spitzer wants to allow roving wiretaps — authorization tied to individual suspects rather than phone numbers. This notion is bound to stir the civil libertarian stew — to which we say, put a lid on it.

Police still would have to find credible evidence of wrongdoing before obtaining a court order. If you are innocent and law-abiding, you wouldn't be losing the right to privacy; you'd gain security.

Because a state law on roving wiretaps would affect only state agencies, not national, Congress must also approve roving wiretaps this week, as U.S. Attorney General John Ashcroft has urged.

The rules of engagement have changed. The weapons America uses must change. Target these fanatics, or let them target us — a city, a state, a nation of sitting ducks.

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