



Written by [C. Mitchell Shaw](#) on May 5, 2016

“Spying Billboards” and the Surveillance State

Senator Charles Schumer (D-N.Y.) is asking the Federal Trade Commission (FTC) to investigate billboards that are being used to spy on people. The “spying billboards” use cellular, WiFi, and location information from mobile phones to track passers-by without their knowledge or consent, according to the senator.



The old paradigm that Democrats are heavy-handed at home and light-handed abroad while Republicans are light-handed at home and heavy-handed abroad simply no longer works. In the age of the “war on terror” there appear to be no clear lines of where members of either party will stand on a variety of issues. It is a strange turn of events when Schumer — a Democrat’s Democrat — is decrying the surveillance of citizens, especially considering that he criticized Senator Rand Paul (R-Ky.) in 2014 for Paul’s lawsuit against the NSA over the agency’s practice of conducting mass surveillance on those same citizens.

Schumer told Fusion’s Jorge Ramos that he is “to the right” of Paul on matters of national security, adding, “Since our Constitution was founded, the founding fathers have had a great debate between liberty and security, and you have to have both.” He admitted that the NSA’s surveillance is a threat to liberty and said, “we have to move a little bit on the liberty side” but that “the wholesale elimination of the [NSA surveillance] program, I think, leaves us too naked in terms of security, and you’ve got to have security as well as liberty.”

Now, the left-leaning senator is singing a different tune. In a public address in Times Square, Schumer said, “New spying billboards are being installed across the country, including right here in New York City, and they are being used to collect your mobile-phone data.” Then, the irony apparently lost on him, he said, “Your personal cellphone should not become a James Bond-like gadget that is used against you by some company. It’s your phone, your privacy. You should have to give them permission to follow you when you drive by or walk by their billboard.”

No doubt Schumer has a point there. It would just be nice to hear him apply that same principle to government surveillance.

The issue at stake here is whether [Clear Channel Outdoor Americas](#) — the media company which owns and operates the billboards — is engaged in unfair trade practices. The billboards use a variety of technologies, including cellular, WiFi, and location information to track people who drive or walk by the billboards to determine whether the billboard influenced their decision to buy the advertised product or



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service.

Clear Chanel Outdoor explains how its billboard technologies work in a slick [video](#) aimed at prospective advertisers. The video says:

From traditional and digital roadside displays to commuter and airport hubs and the towering screens of Times Square, out-of-home advertising is unskippable, captivating hundreds of millions of consumers every month. Now, with its RADAR analytic suite, Clear Chanel Outdoor brings digital audience insights and targeting to out-of-home's physical world.

Here's how it works: Using anonymous aggregated data from consumer cellular and mobile devices, RADAR measures consumers' real world travel patterns and behaviors as they move through their day.

The video goes on to explain that by capturing and "analyzing data on direction of travel, billboard viewability, and visits to specific destinations," the company is able to sell advertising to companies, based not just on *where* consumers live, but on *how* they live and *where they go*. Because RADAR builds a profile on each person (which Clear Chanel Outdoor claims is anonymous), it can "help advertisers measure consumer behavior following exposure to an out-of-home ad."

Schumer correctly pointed out that the promises of anonymity are meaningless. "We all know that it's a short step away from tracking this data and holding it to attaching your name to it," he said, adding, "They have huge amounts of information on you. Who knows what they could use it for? It's something straight out of a scary movie. The scariest part is that the average cellphone user has no say in whether this happens."

Because of the power of aggregated data, Clear Chanel Outdoor's digital profile could easily be used to identify an individual. After all, once RADAR tracks a person to the same address night after night, it's a simple matter to figure out they live there. Moreover, if person "A" is traveling with person "B" and they both have mobile devices (which almost all do), it is a simple matter to add two plus two and figure out they know each other and were together at a *specific* location at a *specific* time on a *specific* day. In what universe is that not intrusive?

Clear Chanel Outdoor's website says the company has "more than 675,000 displays reaching more than half a billion people in more than 40 countries on five continents each month." Big Brother is watching with both eyes wide open.

The American people are caught between government agencies spying on them for political reasons on one hand and nosy corporations spying on them for profits on the other. It is no wonder that privacy and liberty are eroding.

While he largely ignores the unconstitutional (and likely illegal) surveillance conducted by the NSA and other three-letter-agencies, Schumer has sent a letter to the FTC to ask the agency to investigate the billboards. So far, there has been no response. This writer would like to suggest that the good senator write a similar letter to his colleagues in both houses of Congress in the form of a bill to put an end to the surveillance being conducted on American citizens by their own government.



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