

Ike's Dystopian Dream, and How It Came True

Shahid Buttar

This January marked the fifty-fifth anniversary of a speech by the last victorious military commander to occupy the White House, President Dwight D. “Ike” Eisenhower.¹ His visionary warning holds crucial implications for the US today, and has been overlooked in debates across a range of policy areas, from mass surveillance to police accountability.

Ike was elected to the White House after playing a key role in World War II as supreme commander of the Allied forces in Europe. In his farewell address, he warned the American people of a threat that he had helped create. Even before winning office, then-General Eisenhower coordinated a world-historical industrial mobilization that enabled the US to liberate Europe and defend democracy from the global threat of fascism. But as he retired, Ike expressed concerns about its future consequences.

FORGOTTEN: A PRESIDENT'S PRESCIENT WARNING

In his departing speech to the American people before leaving the White House,² Eisenhower described the necessity of creating a defense industry intertwined with secret government agencies, while predicting—in no uncertain terms—that they would together come to present a threat to democracy in America. President Eisenhower said,

[W]e have been compelled to create a permanent armaments industry of vast proportions. . . .

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. . . . Our toil, resources, and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. *The potential for the disastrous rise of misplaced power exists and will persist.*

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.³ (emphasis added)

With the benefit of sixty-five years of hindsight, Ike appears more prescient than Nostradamus. The dangers he predicted have unfortunately grown all too visible today, reflected in several controversies—but rarely discussed in the terms he gave us to connect those issues and expose the threat that they, together, present.

NSA: BIG BROTHER IS (STILL) WATCHING YOU

Ike's warnings proved prescient in several arenas. Few issues better embody the threat to democracy posed by the military-industrial complex than domestic surveillance.

Despite a continuing international outcry prompted by revelations of facts long kept secret from the public, mass NSA surveillance continues around the world and continues to collect the communications of law-abiding Americans.⁴

Members of Congress from across the political spectrum have expressed outrage at the NSA dragnet capturing telephone and Internet communications.⁵ Part of their concern stems from their exclusion from the process: mass electronic surveillance programs

were created in secret under the George W. Bush administration without a public mandate.⁶

At the same time that Congress was prevented by executive secrecy from doing its job of imposing checks and balances, courts largely refused to examine mass domestic surveillance on its merits, leaving undefended the First and Fourth Amendment interests it offends.⁷

US history is replete with examples of government agencies and investigators misusing their powers to undermine the right to peacefully promote political perspectives.⁸ The advancing technology available to investigators has enabled an aspiration towards state omniscience, which in the wrong hands could threaten values as fundamental as freedom of thought.

Despite these concerns, and continuing controversies in all three branches of the federal government, the NSA's mass surveillance dragnet continues to operate, largely unfettered, in secret.

Advocates continue to challenge unconstitutional domestic spying in the courts.⁹ Even over a decade since organizations such as the Electronic Frontier Foundation and the American Civil Liberties Union filed their first challenges, courts have yet to rule on the merits of their concerns.¹⁰

On the one hand, several court decisions have vindicated widespread concerns about the emergence of "almost Orwellian" systems of domestic spying.¹¹ Other rulings, however, like the Supreme Court's decision in *Clapper vs. Amnesty International USA* in 2013, have unfortunately allowed those programs to continue.¹²

Clapper essentially required plaintiffs to provide evidence of government activity that only government agencies could have, allowing judges to bury their heads in the sand rather than examine allegations that may be difficult to prove. Rulings with similar effects have cited the absurd state secrets privilege, holding that, despite a long history of prolific military and executive lies to evade accountability for everything from mass murders to illegitimate and unprovoked wars (including the very same case establishing the doctrine), US national security requires judges to ignore some topics that are openly discussed in the international press.¹³

The Court thus invites agencies to evade judicial review by maintaining secrets, while also undermining judicial independence

by forcing judges to accept official secrecy. From this perspective, *Clapper* undermines the role of the courts envisioned by the founders of our republic in the Federalist Papers No. 78.¹⁴

Mass surveillance has also forced attention from the executive branch. President Obama promised surveillance reform when running for the White House, writing a campaign pledge to support “any steps needed to preserve civil liberties and to prevent executive branch abuse in the future.”¹⁵ He commissioned a review group to issue recommendations, but the administration ultimately declined to adopt most of them, falling short of the president’s 2008 campaign pledge.

Meanwhile, Congress last year imposed the first restrictions in two generations on US intelligence agencies, before hastily adopting new surveillance measures at the end of 2015.¹⁶ Even more bizarrely, it enacted both sets of laws before ever conducting an independent investigation to uncover facts as obviously relevant as, for instance, how many Americans have been monitored by the NSA, or how many times the system has been abused by people using the government’s powerful tools for their disturbing personal purposes.¹⁷

A PATTERN AND PRACTICE: ABUSING CONSTITUTIONAL RIGHTS IN SECRET

On the few occasions that it has examined the intelligence agencies, Congress has discovered recurring violations of constitutional rights, as well as limits on the agencies’ powers. Historically, the most significant investigations were in the 1970s, when ad hoc committees convened in the Senate under Senator Frank Church (D-Idaho) and in the House under Representative Otis Pike (D-New York) revealed what the US Senate in 1976 described as “a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association. . . .”¹⁸

The most prolific target of unconstitutional surveillance during this era was a figure whose memory we now celebrate with a national holiday, the Rev. Dr. Martin Luther King, Jr. His example, involving not only surveillance, but also a character assassination campaign and a coordinated attempt to drive him to suicide, should serve as

a stark reminder to anyone today who thinks that because they have nothing to hide, they have nothing to fear.¹⁹

Indeed, those who have had the most to fear from our government in the past are today celebrated as some of our greatest heroes. Since Dr. King's era, other examples abound of peaceful activists being targeted by intelligence agencies to suppress their voices.²⁰

When vulnerable community members are intimidated into silence by the knowledge that their voices and concerns will be publicized or retained, it is not merely they who suffer.²¹ The theory of democracy animating the First Amendment presupposes the importance and primacy of public debate, not only as an exercise of a speaker's rights but also to satisfy the rights of listeners to hear from all voices, grow informed by their perspectives, and make better reasoned judgments as participants in the political process.²²

In 2002 a federal judge ordered the FBI to pay a \$4 million judgment to an environmental activist in the Bay Area, Judy Bari, who was severely injured in 1990 by a car bomb that the Bureau (according to the court) falsely accused her of planting before arresting her.²³

Would US energy policy be any different today had the FBI not criminalized the radical environmental community in the 1990s, driving the supposed "eco-terrorists" of the Earth Liberation Front and Animal Liberation Front into international exile and federal prisons, rather than congressional hearings and political campaigns?²⁴

Judy Bari's case, the FBI's plot to suppress the Occupy movement twenty years later, and the Edward Snowden revelations two years after that should each—independently, let alone all together—have sparked the same outrage which, after Watergate, drove the Church and Pike Committees to investigate and reveal the FBI's Counterintelligence Program (COINTELPRO).²⁵ They still could, if Congress finally does its job and investigates the issues that Snowden and other whistleblowers have raised.²⁶

A pattern visible across these historical instances involves what University of Chicago law professor Geoffrey Stone describes as "a national perception of peril and a concerted campaign by government to promote a sense of national hysteria by exaggeration, manipulation, and distortion."²⁷ While executive secrecy enables violations of powers and rights, in the past we have been fortunate to witness

congressional and judicial oversight correct prior abuses.²⁸ In 2016, a decade and a half since the beginning of the contemporary mass surveillance regime, that accounting still has yet to happen.

While federal agencies like the NSA, CIA, and FBI may be the most prolific bodies monitoring Americans, thousands of local and state law enforcement agencies around the country also practice unconstitutional surveillance of law-abiding residents.²⁹

NEW MARKETS FOR WEAPONS: MILITARIZING LOCAL POLICE

The emergence of electronic surveillance not only by federal authorities but also by their local counterparts starkly reflects President Eisenhower's warnings. Surveillance programs, equipment, and training for local and state police serve both as a cause and effect of their militarization.

The Pentagon's 1033 program provides surplus military equipment to local police and sheriffs departments, as well as state law enforcement agencies and the public safety departments of schools and universities.³⁰ Since the 1033 program began in 1990, it has distributed military gear ranging from tactical vehicles like armored personnel carriers to weapons like assault rifles, to over 13,000 agencies across the US. Over \$5 billion worth of military equipment has been transferred to police departments since 2000.³¹

In Utah alone, police departments received over 1,200 military-grade rifles over two years, as well as other weapons like grenade launchers and .45-caliber pistols distributed to agencies across the state.³² Other gear distributed through the 1033 program ranges from blankets and cars to night vision tools, bomb disposal robots, armored vehicles, body armor, machine guns—and surveillance tools.³³

For example, International Mobile Subscriber Identity (IMSI) catchers—often known by a trade name, Stingray—mimic cell phone towers in order to monitor voice and data traffic over cell phone networks.³⁴ In the hands of sheriffs departments and local police, the devices have proliferated across the country.³⁵

Domestic surveillance by federal agencies tends to take the form of monitoring communications, or using informants to monitor orga-

nizations from within, but local police monitoring takes a variety of forms that includes communications surveillance and human intelligence, but—increasingly enabled by technology—also goes well beyond them.

For instance, police use video surveillance of public spaces enabled by closed circuit cameras mounted in fixed locations, or on aerial drones.³⁶ Proliferating police body cameras, and agreements allowing police to gain access to private video feeds, present other sources of increasingly pervasive video surveillance not by federal agencies, but by local police.³⁷

Beyond allowing authorities to capture video surveillance imagery in public, advanced technology also enables increasingly sophisticated facial recognition, which can automate the process of connecting individuals to specific locations and times.³⁸

Real-time and historical location tracking is further enabled by automatic license plate readers (ALPRs), which scan three million records in Los Angeles County alone every week.³⁹ Corporate ALPR systems have also exposed troves of data to foreign intelligence agencies, malicious hackers, and others who have taken advantage of often weak security to access video feeds without permission.⁴⁰

ALPR systems are often procured and deployed through offensive agreements. Some arrangements, for instance, enable public agencies access to surveillance equipment for free, in exchange for giving police data to private contractors for their commercial purposes, and adding surcharges on court fees payable to the contractors by individuals identified by police.⁴¹ This process essentially turns police into debt collectors.

Local police also use other forms of advanced surveillance. For instance, the ShotSpotter system aims to detect gunshots within a city with microphones so sensitive they are capable of overhearing conversations. Yet in some tests, as many as 90 percent of the warnings delivered by ShotSpotter devices have proven to be false, suggesting that their utility is limited, whatever their impact on rights and communities.⁴²

The Pentagon is not the only source of federal resources fueling local police militarization. Local agencies also gain access to military training and tactics through programs like the Urban Areas Security

Initiative (UASI) administered by the Department of Homeland Security.⁴³ Coordinated by for-profit contractors, UASI is a cross between a marketplace and a testing site, encouraging police departments to bring the military-industrial complex to a town near you.⁴⁴

UASI grants have helped support the proliferation of Special Weapons and Tactics (SWAT) divisions, which epitomize the militarization of police departments. In addition to employing military tactics, SWAT teams also reflect the tendency towards inexplicable violence and so-called “mission creep,”⁴⁵ as explained by law professor Jonathan Turley:

80 percent of SWAT raids were to serve a search warrant. That is far different from the original purpose of rescuing hostages and capturing armed escaped felons. . . . Conversely, just 7 percent of SWAT raids were “for hostage, barricade, or active shooter scenarios”—the famed purpose of the SWAT unit.⁴⁶

Despite public controversy, UASI funds have helped police departments buy sophisticated surveillance equipment like Stingrays and later versions of IMSI-catchers.⁴⁷ UASI grants have also been used to purchase less lethal munitions such as Tasers, which have been abused by police departments in multiple cities, prompting local rules in some of them to restrain their use and curtail recurring deaths.⁴⁸

Similarly, biometric data collection, retention, and dissemination has grown ubiquitous largely through the coordination of local police under an FBI program called the Next Generation Initiative (NGI).⁴⁹ While initially presented to the public as the Secure Communities program, billed as a way to streamline the deportation of undocumented migrants who had previously violated the law, NGI involved a more ambitious agenda from the beginning, entailing the creation of a federal biometric database enabling new forms of monitoring and surveillance.⁵⁰

The connection between police surveillance, on the one hand, and the militarization it enables and advances, on the other, may escape the attention of an observer unaware of Eisenhower’s parting address. But it emerges in stark relief when informed by Ike’s warning that “in

every city . . . the very structure of our society” would be influenced by corporate profit motives fueling military operations essentially seeking new targets to justify themselves.⁵¹

TRANSPARENCY: FUNDAMENTAL DEMOCRATIC VALUES AT STAKE

Not only are local police using military-grade surveillance equipment to monitor civilian populations, but local oversight of those tools has been essentially absent. It should come as no surprise that local policing and surveillance have been pervaded by the same accountability problems that have plagued federal programs supposedly justified by “national security” concerns.

In Baltimore, for instance, the use of Stingrays became so routine that police deployed the devices thousands of times before policymakers learned and started investigating.⁵² Across the country, the North Dakota State Highway Patrol—a single agency among hundreds that receive military equipment under the 1033 program, and one of dozens that have been suspended from it—somehow lost track of over 150 weapons.⁵³

The New York Police Department (NYPD) was caught infiltrating college campuses to monitor constitutionally-protected political and religious beliefs.⁵⁴ Targets included even schools far beyond New York that, upon learning what happened under the cover of secrecy, expressed outrage at the NYPD’s violations.⁵⁵

Concerns about the secret and unaccountable use of Stingray devices have prompted lawsuits in multiple cities including San Diego, policy changes by the Justice Department requiring federal agents to use Stingrays only after receiving a judicial warrant, and legislation in several states, from California to Virginia, forcing greater transparency into the procurement and deployment of IMSI catchers.⁵⁶

While they have grown increasingly controversial in recent years, Stingrays have been used since at least 2007, long preceding revelations of their use and replacement by even more powerful—and constitutionally problematic—devices nearly a decade later.⁵⁷ In some communities, that controversy has in turn prompted pointed policy

debates, pitting residents and community advocates against police departments and police unions.⁵⁸

Efforts at the state and local level to require greater transparency into the use of surveillance equipment by local and state law enforcement authorities represent some of the most encouraging signs in the movement to reclaim constitutional rights. For instance, the state of California adopted two laws in 2015 that require at least minimal transparency governing two particular kinds of surveillance equipment, while jurisdictions within the state are grappling with proposed measures that would require greater transparency not only for specific surveillance systems, but also any technology method used to monitor residents without their consent.⁵⁹

Distributing military equipment, tactics, and training to domestic local law enforcement officers in itself represents the fulfillment of Eisenhower's vision of a military-industrial complex threatening democratic processes and constitutional rights. The metastasis of domestic surveillance appears even more problematic when considered in historical context.

A VICIOUS CYCLE: IMPUNITY FOR RECURRING CIA HUMAN RIGHTS ABUSES

In the US, the militarization of domestic policing began in the 1980s, responding to paramilitary narco-trafficking syndicates killing police officers and Drug Enforcement Administration (DEA) agents in Miami and Los Angeles.⁶⁰ Official government sources confirmed—but not until the late 1990s—that the organized crime sector, then importing cocaine into US port cities, was largely armed, trained, and equipped by the CIA.⁶¹

The history of the CIA and its involvement in running drugs and weapons to fuel the Agency's own rogue foreign policy may seem surprising, but it is well established and thoroughly documented: a CIA inspector general's report in 1998 substantially admitted the findings of renowned journalist Gary Webb, who revealed the agency's role in the crack cocaine epidemic at the cost of his own career, and helped set in motion the revelation of the Reagan administration's illegal Iran-Contra affair.⁶² After being let go from the San Jose-based *Mercury*

News as a result of his reports, which the paper originally supported, Webb documented the entire story in his 1998 book, *Dark Alliance: The CIA, the Contras, and the Crack Cocaine Explosion*. Despite being vindicated in his reporting, Webb's career as a journalist was never resuscitated. Years later, police reported he died of a suicide, which entailed multiple self-inflicted gunshots to the head (an incident that some parties found mysterious).⁶³

Beyond its pervasive secrecy, or its work in escalating violence, the impact of CIA international human rights abuses on destabilizing domestic communities has never been systematically explored.

The mere fact that the CIA pursues its own foreign policy should disturb any policymaker or military leader conscious of Eisenhower's legacy. The Agency's commercial interests enable its budget to stretch well beyond its \$15 billion federal budget allocation, but there is little transparency to allow the public oversight or opportunity to influence it.⁶⁴

More recently, the CIA has pioneered a new era of human rights abuses by deploying armed drones to conduct extrajudicial assassinations, even of American citizens never accused of committing violence or subjected to a criminal trial.⁶⁵ Efforts by the Obama administration to ground drone strikes in some set of principles ultimately merely exposed how arbitrary the process remains.⁶⁶

As in Vietnam, executive officials presumptively classify dead bodies discovered after strikes as those of insurgents, categorically ignoring civilian deaths while downplaying the incalculable strategic costs of deploying unmanned weapons.⁶⁷ And what harm to human life could come from CIA drones falling into the hands of our nation's enemies is anyone's guess.⁶⁸

Some of the CIA's most prolific human rights abuses have come in the context of arbitrary detention, international human rights abuses such as torture, and digital espionage operations targeting Congress in order to hide evidence of the Agency's criminal trail.⁶⁹

A CONTINUING COVER-UP: CIA AND MILITARY TORTURE MOCKING INTERNATIONAL LAW

Under President George W. Bush's administration, the CIA held detainees in secret sites scattered around the globe, hidden from both

Congress and the governments of the countries in which they were situated.⁷⁰ The military also continues to openly hold detainees on a US naval base in Cuba.

Interrogation techniques routinely conducted at those sites—such as waterboarding, sleep deprivation, forced “rehydration” using rectal enemas administered so brutally that observers have described the sessions as “rape,” and even involuntary human experimentation—violated well-established international laws.⁷¹

These are not laws in which the US has been historically disinterested. Indeed, our nation—and particularly President Eisenhower—played a critical role in establishing the international human rights regime, by winning the Second World War at enormous cost and litigating the Nuremberg trials that followed its conclusion.⁷²

CIA human rights violations committed through the Agency’s detention program, however, were just the beginning.⁷³ Well before torture became politically controversial, Agency personnel took active efforts to obstruct justice by destroying evidence, including videotapes of interrogations confirming accusations of illegally brutal treatment.⁷⁴

Secrecy continues under the Obama administration to prevent transparency into further evidence. Administration officials sought and received authorization from Congress in 2011 to suppress evidence of torture in US military custody.⁷⁵ According to the retired US Army major general who wrote a report on detainee treatment, the body of existing evidence that remains suppressed includes thousands of photos, as well as videos, depicting offenses including “torture, abuse, rape, and every indecency.”⁷⁶

Later attempts to suppress evidence of CIA crimes reached new heights. In 2014, after concluding an investigation that spanned several years and compiled thousands of pages of documents, the Senate Select Intelligence Committee wrote a scathing report on CIA torture.⁷⁷ Committee chair Dianne Feinstein (D-California) fought for years to make even a portion of the report public, and was ultimately forced to publicly decry on the Senate floor an erosion of the separation of powers rising to the level of what the press described as “a constitutional crisis.”⁷⁸

After the Senate Select Intelligence Committee demonstrated its

independence, resisting pressure from the Obama administration to suppress the Senate's investigation into CIA torture, CIA personnel hacked into congressional computers to steal vital documents.⁷⁹ Agency personnel also spied on and even filed false charges against the committee's investigative staff.⁸⁰

An internal CIA accountability board later excused the CIA hack as a "miscommunication," just a week after the inspector general who revealed the hack—contradicting the CIA director's false claims denying it had happened—declared plans to leave the Agency.⁸¹ Less than two years later, his successors claimed to have "mistakenly" destroyed their office's only copy of the Senate's report.⁸²

Even the portion of the Senate report released in 2014 is no longer officially available.⁸³ It was largely based on an internal CIA document memorializing a review by former CIA Director Leon Panetta that has never been released to the public, which former Sen. Mark Udall (D-Utah) felt compelled to focus on in his final speech on the Senate floor.⁸⁴

"DEMOCRATIC PROCESSES": MILITARIZATION UNDERMINING DEMOCRACY

The CIA's serial assaults on transparency make a mockery of democratic transparency, public oversight of covert operations, and international human rights principles.⁸⁵ They reflect—as clearly as police militarization or the recurrence of torture itself—the prescience of Ike's warnings that secrecy, national defense, and industry would combine to form a noxious mix inimical to democracy.

When an executive intelligence agency conducts offensive data exfiltration missions targeting the US Senate specifically in order to hide evidence of human rights abuses by their own agency, there is a grave problem. Perhaps the only thing more astounding than the CIA's audacity is the failure of the political establishment and mainstream media to recognize it in the terms that Eisenhower gave us sixty-five years ago.

In that context, President Obama's willingness to "look forward, not backward" appears like a stratagem to evade the political inconvenience of his administration's responsibility under international law

to “promptly and impartially prosecute senior military and civilian officials responsible for authorizing . . . acts of torture.”⁸⁶

Torture under the Bush administration violated international law, as does the Obama administration’s failure to pursue accountability.⁸⁷ The decision to not criminally prosecute any state officials responsible for torture ultimately represents what I have described elsewhere as “an illegal capitulation to illegitimate political interests carrying profound consequences for human rights and freedom both in the US and around the world.”⁸⁸

Through another lens, impunity for CIA and military torture—like the torture itself and the continuing lack of transparency into its scope and resounding effects—reflects the subversion of democratic processes by the military-industrial complex that Eisenhower felt compelled to create and grew to fear.

“LIBERTIES”: MILITARIZATION UNDERMINING WE THE PEOPLE

Looking forward, the military-industrial complex threatens constitutional rights, and the American people, even more directly at the local level. Police militarization that may seem offensive in the abstract appears even more constitutionally subversive when it is observed suppressing dissent.

As illustrated during the uprisings in Ferguson, Missouri, and Baltimore, Maryland, military weapons, training, and surveillance tools in the hands of police have been turned increasingly towards suppressing First Amendment rights guaranteed under the speech, association, assembly, and petition clauses.⁸⁹

When the Occupy movement spread across dozens of US cities in Fall 2011, the FBI coordinated a campaign to violently suppress it.⁹⁰ The police departments of dozens of major cities participated, all of which used their intelligence and interagency powers justified on national security grounds to instead suppress constitutionally protected domestic dissent.⁹¹

Local police suppression of dissent continues unabated. A *Truth and Power* mini-documentary explores the use of IMSI-catchers specifically targeting the Black Lives Matter movement, which was

simultaneously targeted by a range of other intelligence methods by multiple agencies.⁹²

Militarized policing tactics extend beyond surveillance during periods of civil unrest. For example, the Chicago Police Department was caught housing incommunicado detainees in a domestic “black site,” Homan Square, at which thousands were routinely beaten, denied access to counsel, and pressured into signing false confessions.⁹³

Chicago police effectively denied the Fifth Amendment right against self-incrimination to residents merely suspected of a crime. In that respect, Homan Square resembles other detention centers run by the CIA, or the lawless and counterproductive US military detention facility at Guantánamo Bay in Cuba.⁹⁴

The abuses at Homan Square reflect the domestic impacts of both police militarization and suppression of dissent. Not only were military and CIA violations replicated at the local level, but Homan Square was ironically used to detain and interrogate protesters taking action to challenge US militarism.⁹⁵

Despite being illegal, torture by local police modeled on military practices is hardly unprecedented. In the very same city, a senior police commander was sentenced to prison for lying about a South Side torture ring that for decades sent innocent African American men to prison by the hundreds using torture techniques that were learned in Vietnam.⁹⁶

When Eisenhower warned the American people of the threat presented by a military-industrial complex, he was not likely thinking that law-abiding Americans would be subjected to torture techniques learned by police officers when deployed to fight wars on foreign shores.

It is one thing to relentlessly abuse vulnerable communities’ rights for decades, and even centuries.⁹⁷ It is another thing to arm and train local police with military weapons and tactics. To then deploy militarized police to suppress demonstrations by communities that have long been victimized compounds an ugly legacy of violence with continuing violations of constitutional rights guaranteed to all Americans.

The circularity—rogue CIA operations importing drugs and sparking a gang war, domestic police deploying military weapons and tactics in response, low-income communities enduring murders with

impunity for decades, activists in those communities mobilizing to seek redress for their grievances, and then police responding to their mobilizations with the armed force originally justified by the crisis sparked by the CIA thirty years earlier—offers yet another disturbing reflection of Ike’s warnings.⁹⁸

WHAT TO EXPECT: THE SCHEDULED EXPIRATION IN 2017 OF FISA, SECTION 702

Congress should not be in the business of approving government programs it does not understand. Yet in the surveillance arena, that has become the institution’s habit.⁹⁹

Responding to a perceived national security crisis, the Bush administration in secret created a surveillance apparatus in 2001 that remained secret from the American people for several years. The first revelations of the domestic dragnet in 2005 followed an internal struggle within the Bush administration so severe that it nearly led to a mass resignation of the Justice Department’s senior leadership.¹⁰⁰

Yet, three years later, intimidated by the agencies and fear-mongering, Congress changed the law to let the agencies loose from the statutory limits imposed after the Church and Pike Committee investigations thirty years before.¹⁰¹

When Congress amended the Foreign Intelligence Surveillance Act (FISA) in 2008, the public did not know how the NSA would use its new powers.¹⁰² It took five years for a whistleblower to reveal how FISA powers have been contorted to pervasively spy on the Internet, using back door searches to effectively target Americans while remaining hidden from public legislative and judicial oversight.¹⁰³

After Edward Snowden revealed the NSA dragnet in 2013, Congress set preliminary limits on domestic telephone surveillance in the USA Freedom Act, while leaving the Internet unprotected. But the key statute enabling Internet spying—FISA—is set to expire in 2017.¹⁰⁴

As the statutory basis for the PRISM program and upstream collection, FISA must be the subject of further hearings to explore its full scope and impact on the Internet, the constitutional rights of Americans, and freedom of expression around the world.¹⁰⁵

At a hearing in Spring 2016 in the Senate Select Judiciary Com-

mittee, senators explored some basic questions also posed by members of the House, to which no one has yet given an answer.¹⁰⁶ For instance, how many Americans have been subjected to Internet monitoring through programs authorized under FISA? The first senator to pose this question, Ron Wyden (D-Oregon), did so over three years ago and is still waiting for an accurate response.¹⁰⁷

At a minimum, Congress should insist upon learning how many Americans have been monitored by the NSA. Government officials have had years to produce an answer to that question. But that's just one among many questions that should be answered before Congress can legitimately extend or reauthorize the expiring FISA provisions.

How many times—and in which particular cases—has NSA data been used to circumvent the evidentiary rules of the criminal justice system?¹⁰⁸ How many times has the FBI used NSA databases to find records about US persons?¹⁰⁹ How many times has the Internet dragnet enabled surveillance of peaceful groups and individuals pursuing constitutionally protected political goals, or the former lovers of NSA personnel or government contractors?¹¹⁰

We know that Internet spying has already imposed chilling effects on Americans.¹¹¹ How many have silenced themselves, and what harm has our democracy suffered as a result?

Congress should also insist on releasing all legal opinions and executive legal analyses about the Section 702 programs, as well as declassifying all relevant documents sent to Congress when FISA was passed and reauthorized in 2008 and 2012.¹¹²

If the capacity to generate answers does not currently exist, members of Congress should defend their own prerogatives—if not the rights of their constituents and Internet users around the world—by insisting on substantial reform enabling constitutional limits and meaningful congressional and judicial oversight of any programs used to monitor Internet use, traffic, communication, or data.

With the absence of such reform, the law should be allowed to expire as scheduled. Its expiration should force an end to numerous domestic surveillance activities, including PRISM and the upstream collection process.

It would be a mistake to think the process complete once congressional authorization has been allowed to expire. Given longstanding

secret interpretations of the USA PATRIOT Act's authorities, or the secret creation of the mass surveillance program in the first instance, or the widespread violations that Congress discovered the last time it actively investigated domestic intelligence efforts, oversight committees should confirm that mass surveillance programs end after the expiration of their legal basis.¹³

We have a great deal to learn from President Eisenhower. Ike told us to “take nothing for granted,” while warning the people of the United States not to let our guardians turn their sights on us.

We would do well to remember Ike's words, particularly as policymakers consider whether to reauthorize programs that realize his fears. Connecting seemingly disconnected surveillance and policing issues can help policymakers—from the local level to their counterparts in Congress—better see their decisions through the eyes of the former president and war hero who helped create the military-industrial complex and feared that it would come to threaten our Constitution and democracy in America.

SHAHID BUTTAR is a constitutional lawyer focused on the intersection of community organizing and policy reform as a lever to shift legal norms. He led the Bill of Rights Defense Committee from 2009 to 2015 and crafted the organization's platform for advancing transpartisan resistance to domestic surveillance and executive secrecy. Since graduating from Stanford Law School in 2003, he has worked on issues ranging from campaign finance reform and marriage equality for same-sex couples to foreign policy and police accountability. Shahid contributed to this book in his personal capacity. The opinions expressed in this article are his own and do not necessarily reflect the views of his employer, the Electronic Frontier Foundation.

Special thanks to Brandy Miceli, Project Censored intern and a senior in Print and Online Journalism at San Francisco State University. Miceli is the managing editor for the Xpress Magazine, a student-run publication at the university, and president of the Project Censored chapter at SFSU. For this chapter, Miceli provided additional editing, citation assistance, and formatting.

Notes

- 1 Shahid Buttar, “Ike Had a Dream, and It Unfortunately Came True,” Electronic Frontier Foundation, January 17, 2016, <https://www.eff.org/deeplinks/2016/01/ike-had-dream-and-it-unfortunately-came-true>.
- 2 Dwight D. Eisenhower, “Farewell Radio and Television Address to the American People,” speech, Washington, DC, January 17, 1961, transcript, “Military-Industrial Complex Speech,”

- Public Papers of the Presidents of the United States, Dwight D. Eisenhower, 1960–1961* (Washington, DC: Government Printing Office, 1999), 1035–40, <http://www.presidency.ucsb.edu/ws/index.php?pid=12086&st=&sti=>.
- 3 "Eisenhower Warns Us of the Military Industrial Complex," YouTube video, posted by "The 9/11 Truth Movement," filmed January 17, 1961, posted August 4, 2006, <https://www.youtube.com/watch?v=8y06NSBBRtY>.
 - 4 The Snowden Files, *Guardian*, no date, <http://www.theguardian.com/world/series/the-snowden-files>; Shahid Buttar, "Dagnet NSA Spying Survives: 2015 in Review," Electronic Frontier Foundation, December 25, 2015, <https://www.eff.org/deeplinks/2015/12/dagnet-nsa-spying-survives-2015-review>.
 - 5 Tim Cushing, "Rep. Rush Holt Bill to Repeal PATRIOT and FISA Amendments Acts Now Live, Ambitious," *Techdirt* blog, July 26, 2013, <https://www.techdirt.com/articles/20130725/17500723952/rep-rush-holt-bill-to-repeal-patriot-fisa-amendments-acts-now-live-ambitious.shtml>; Jessica Schulberg, "Rand Paul Ends Daylong NSA 'Filibuster,'" *Huffington Post*, May 20, 2015, http://www.huffingtonpost.com/2015/05/20/rand-paul-nsa-filibuster_n_7347722.html.
 - 6 Dan Eggen and Paul Kane, "Gonzales Hospital Episode Detailed," *Washington Post*, May 16, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/05/15/AR2007051500864.html>.
 - 7 Shahid Buttar, "Dagnet NSA Spying Survives: 2015 in Review," Electronic Frontier Foundation, December 25, 2015, <https://www.eff.org/deeplinks/2015/12/dagnet-nsa-spying-survives-2015-review>; "NSA Spying on Americans," Electronic Frontier Foundation, no date, <https://www.eff.org/nsa-spying>; Mike Masnick, "How Defenders of NSA Dagnet Surveillance are Stretching a 1979 Ruling to Pretend It's Constitutional," *Techdirt*, July 12, 2013, <https://www.techdirt.com/articles/20130625/10084623612/how-defenders-nsa-dagnet-surveillance-are-stretching-1979-ruling-to-pretend-its-constitutional.shtml>.
 - 8 "COINTELPRO," Wikipedia, last modified May 28, 2016, <https://en.wikipedia.org/wiki/COINTELPRO>; Chip Berlet, "The Hunt for Red Menace: How Government Intelligence Agencies & Private Right-Wing Groups Target Dissidents & Leftists as Subversive Terrorists & Outlaws," *Political Research Associates*, 1994, <http://www.politicalresearch.org/wp-content/uploads/downloads/2013/02/huntred-1994.pdf>; Karen Eng, "Green is the New Red: Will Potter on the Problem of Treating Environmentalists Like Terrorists," *TED Blog*, January 31, 2014, <http://blog.ted.com/will-potter-on-of-treating-environmentalists-like-terrorists/>.
 - 9 "NSA Spying on Americans."
 - 10 Mark Rumold, "Wikimedia v. NSA: Another Court Blinds Itself to Mass NSA Surveillance," Electronic Frontier Foundation, October 29, 2015, <https://www.eff.org/deeplinks/2015/10/wikimedia-v-nsa-another-court-blinds-itself-mass-nsa-surveillance>.
 - 11 Dan Eggen and Dafna Linzer, "Judge Rules Against Wiretaps," *Washington Post*, August 18, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/17/AR2006081700650.html>; Andrew P. Napolitano, "Almost Orwellian—Why Judge Leon is Right about Massive NSA Spying Program," *Fox News*, December 19, 2013, <http://www.foxnews.com/opinion/2013/12/19/almost-orwellian-why-judge-leon-is-right-about-massive-nsa-spying-program.html>.
 - 12 Cindy Cohn and Trevor Timm, "Supreme Court Dismisses Challenge to FISA Amendments Act; EFF's Lawsuit over NSA Warrantless Wiretapping Remains," Electronic Frontier Foundation, February 27, 2013, <https://www.eff.org/deeplinks/2013/02/supreme-court-dismisses-challenge-fisa-warrantless-wiretapping-law-effs-lawsuit>; "Ruling Shields Surveillance Program from Judicial Review," American Civil Liberties Union press release, February 26, 2013, <https://www.aclu.org/news/supreme-court-dismisses-aclus-challenge-nsa-warrantless-wire-tapping-law>.
 - 13 Shahid Buttar, "Clapper v. Amnesty: Courts and Congress v. Our Constitution," *Before It's News*, March 7, 2013, <http://beforeitsnews.com/libertarian/2013/03/clapper-v-amnesty-courts-and-congress-v-our-constitution-2490804.html>; Nick Turse, "Was My Lai Just One of Many Massacres in Vietnam War?" *BBC News*, August 28, 2013, <http://www.bbc.com/news/world-asia-23427726>; Pat Paterson, "The Truth about Tonkin," *Naval History Magazine* 22, no. 1

- (February 2008), <http://www.usni.org/magazines/navalhistory/2008-02/truth-about-tonkin>; Ira Glass, “383: Origin Story, Act Two, The Secret Life of Secrets,” *This American Life*, audio podcast, June 19, 2009, <http://www.thisamericanlife.org/radio-archives/episode/383/origin-story?act=2>; Mike Masnick, “Court Tells US Gov’t That ‘State Secrets’ Isn’t a Magic Wand They Can Wave to Make Embarrassing Cases Go Away,” *Techdirt*, November 3, 2014, <https://www.techdirt.com/articles/20141031/15383329006/court-tells-us-govt-that-state-secrets-isnt-magic-wand-they-can-wave-to-make-embarrassing-cases-go-away.shtml>.
- 14 Alexander Hamilton, “The Federalist Papers, No. 78: The Judiciary Department,” *Independent Journal*, June 14, 1788, available via Constitution Society, last updated June 2, 2016, <http://www.constitution.org/fed/federa78.htm>.
 - 15 Shahid Buttar, “The State of the Union, Ignoring the Elephant in the Room,” Electronic Frontier Foundation, January 13, 2016, <https://www.eff.org/deeplinks/2016/01/state-union-ignoring-elephant-room>.
 - 16 Rainey Reitman, “The New USA Freedom Act: A Step in the Right Direction, but More Must be Done,” Electronic Frontier Foundation, April 30, 2015, <https://www.eff.org/deeplinks/2015/04/new-usa-freedom-act-step-right-direction-more-must-be-done>; Mark Jaycox, “EFF Disappointed as CISA Passes Senate,” Electronic Frontier Foundation, October 27, 2015, <https://www.eff.org/deeplinks/2015/10/eff-disappointed-cisa-passes-senate>.
 - 17 Mark Jaycox, “Note to Congress: The NSA Seizes More Than Just Your Conversations with Israeli Leaders,” Electronic Frontier Foundation, January 7, 2016, <https://www.eff.org/deeplinks/2016/01/note-congress-nsa-seizes-more-just-your-conversations-israeli-leaders>; Andrea Peterson, “LOVEINT: When NSA Officers Use Their Spying Power on Love Interests,” *Washington Post*, August 24, 2013, <https://www.washingtonpost.com/blogs/the-switch/wp/2013/08/24/loveint-when-nsa-officers-use-their-spying-power-on-love-interests>.
 - 18 United States Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans, Book III, Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate*, Report No. 94-755, 94th Congress, 2nd session, April 23, 1976 (Washington, DC: Government Printing Office, 1976), http://www.intelligence.senate.gov/sites/default/files/94755_III.pdf.
 - 19 Dia Kayyali, “FBI’s ‘Suicide Letter’ to Dr. Martin Luther King, Jr., and the Dangers of Unchecked Surveillance,” Electronic Frontier Foundation, November 12, 2014, <https://www.eff.org/deeplinks/2014/11/fbis-suicide-letter-dr-martin-luther-king-jr-and-dangers-unchecked-surveillance>.
 - 20 Darryl Cherney, interview by Amy Goodman, “Judi Bari Revisited: New Film Exposes FBI Coverup of 1990 Car Bombing of California Environmentalist,” *Democracy Now!*, March 27, 2012, transcript, http://www.democracynow.org/2012/3/27/judi_bari_revisited_new_film_exposes; Ed Pilkington, “Animal Rights ‘Terrorists’? Legality of Industry-Friendly Law to be Challenged,” *Guardian*, February 19, 2015, <http://www.theguardian.com/us-news/2015/feb/19/animal-rights-activists-challenge-federal-terrorism-charges>; Kris Hermes, “The NATO 5: Manufactured Crimes Used to Paint Political Dissidents as Terrorists,” *Huffington Post*, January 25, 2013, http://www.huffingtonpost.com/kris-hermes/the-nato-5-terrorism-charges_b_2552554.html.
 - 21 Leonard Levitt, “A Black Eye for Democracy,” *NYPD Confidential*, March 11, 2013, <http://nypdconfidential.com/columns/2013/130311.html#top>.
 - 22 *Lamont v. Postmaster General*, No. 491, United States Supreme Court, 381 U.S. 301, May 24, 1965, <http://caselaw.findlaw.com/us-supreme-court/381/301.html>.
 - 23 “Judge Enters Partial Verdict in Earth First! Lawsuit Victory,” Judi Bari Website, August 26, 2002, <http://www.judibari.org/partialverdict.html>.
 - 24 “History of the Food Not Bombs Movement,” Long Island Food Not Bombs, no date, http://www.lifnb.com/about/history_of_the_food_not_bombs_movement; Keith McHenry, “History of FBI Infiltrating Food Not Bombs to Entrap Volunteers as ‘Terrorists,’” *Food Not Bombs* blog, May 21, 2012, <http://blog.foodnotbombs.net/history-of-fbi-infiltrating-food-not-bombs-to-entrap-volunteers-as-terrorists/>; Andrew Stepanian, Paul Hetzner, and Will Potter, inter-

- view by Amy Goodman, "EXCLUSIVE: Animal Rights Activist Jailed at Secretive Prison Gives First Account of Life Inside a 'CMU,'" *Democracy Now!*, June 25, 2009, transcript, http://www.democracynow.org/2009/6/25/exclusive_animal_rights_activist_jailed_at.
- 25 "COINTELPRO," FBI Records: The Vault, <https://vault.fbi.gov/cointel-pro>.
- 26 David Kravets, "NSA Leak Vindicates AT&T Whistleblower," *Wired*, June 27, 2013, <https://www.wired.com/2013/06/nsa-whistleblower-klein/>; Jane Mayer, "The Secret Sharer," *New Yorker*, May 23, 2011, <http://www.newyorker.com/magazine/2011/05/23/the-secret-sharer>.
- 27 "Civil Liberties in Wartime," *ShareAmerica*, April 6, 2015, <https://share.america.gov/civil-liberties-wartime/>.
- 28 Robert Barnes, "Secrecy of Surveillance Programs Blunt Challenges About Legality," *Washington Post*, June 7, 2013, https://www.washingtonpost.com/politics/secrecy-of-surveillance-programs-blunt-challenges-about-legality/2013/06/07/81da327a-cf9d-11e2-8f6b-67f40e176f03_story.html?tid=a_inl.
- 29 Jack Gillum and Eileen Sullivan, "US Pushing Local Cops to Stay Mum on Surveillance," Associated Press, June 12, 2014, <http://finance.yahoo.com/news/us-pushing-local-cops-stay-174613067.html>.
- 30 Paulina Firozi, "Police Forces Pick Up Surplus Military Supplies," *USA Today*, June 17, 2014, <http://www.usatoday.com/story/news/nation/2014/06/15/local-law-enforcement-agencies-surplus-military-equipment/10286485/>.
- 31 "The Texas 1033 Military Surplus Property Program," Texas Department of Public Safety, <http://www.txdps.state.tx.us/LawEnforcementSupport/texas1033.htm>.
- 32 Nate Carlisle, "Graphic: Military Weapons Sent to Utah Police," *Salt Lake Tribune*, January 19, 2014, <http://www.sltrib.com/news/1542078-155/county-sheriff-param-utah-value-com>; Nate Carlisle, "Blankets to Armored Vehicles: Military Gives It, Utah Police Take It," *Salt Lake Tribune*, January 19, 2014, <http://archive.sltrib.com/story.php?ref=/sltrib/news/57358599-78/police-program-utah-1033.html.csp>.
- 33 Dan Gettinger, "How American Police Receive Robots from the U.S. Military," Center for the Study of the Drone at Bard College, August 25, 2014, <http://dronecenter.bard.edu/how-american-police-receive-robots-from-the-u-s-military/>; Nate Carlisle, "Blankets to Armored Vehicles"; Rhonda Cook, "Military Equipment Flowing to Local Law Enforcement Raises Questions," *Atlanta Journal-Constitution*, January 27, 2013, <http://www.ajc.com/news/news/military-equipment-flowing-to-local-law-enforcemen/nT7ZK/>; Hanqing Chen, "The Best Reporting on Federal Push to Militarize Local Police," ProPublica, August 19, 2014, <https://www.propublica.org/article/the-best-reporting-on-the-federal-push-to-militarize-local-police>.
- 34 "Street Level Surveillance," Electronic Frontier Foundation, <https://www.eff.org/sls/tech/cell-site-simulators>.
- 35 "Stingray Tracking Devices: Who's Got Them?" American Civil Liberties Union, <https://www.aclu.org/map/stingray-tracking-devices-whos-got-them>.
- 36 Fran Spielman, "Alderman Proposes \$200 Security Camera Rebate for Homeowners," *Chicago Sun-Times*, May 19, 2016, <http://chicago.suntimes.com/news/alderman-proposes-200-security-camera-rebate-for-homeowners/>; Peter Aldhous and Charles Seife, "Spies in the Skies," *BuzzFeed*, April 6, 2016, <https://www.buzzfeed.com/peteraldhous/spies-in-the-skies>.
- 37 Shahid Buttari, "Police Violence? Body Cams are No Solution," *Truthout*, January 6, 2015, <http://www.truth-out.org/opinion/item/28357-police-violence-body-cams-are-no-solution>; Hilton Collins, "Video Camera Networks Link Real-Time Partners in Crime-Solving," *Government Technology*, February 1, 2012, <http://www.govtech.com/public-safety/Video-Camera-Networks-Link-Real-Time-Partners-in-Crime-Solving.html>.
- 38 Jennifer Lynch, "Written Testimony of Jennifer Lynch, Staff Attorney with the Electronic Frontier Foundation (EFF), Senate Committee on the Judiciary, Subcommittee on Privacy, Technology, and the Law: What Facial Recognition Technology Means for Privacy and Civil Liberties," Electronic Frontier Foundation, July 18, 2012, <https://www.eff.org/document/testimony-jennifer-lynch-senate-committee-judiciary-subcommittee-privacy-technology-and-law>.

- 39 American Civil Liberties Union Foundation of Southern California, Electronic Frontier Foundation v. County of Los Angeles, Los Angeles Sheriff's Department, City of Los Angeles, Los Angeles Police Department, No. S227106, Supreme Court the State of California, County of Los Angeles, June 16, 2016, <https://www.eff.org/document/eff-and-aclu-reponse-amicus-brief-league-california-cities-and-california-state>.
- 40 Dave Maass and Cooper Quintin, "License Plate Readers Exposed! How Public Safety Agencies Responded to Major Vulnerabilities in Vehicle Surveillance Tech," Electronic Frontier Foundation, October 28, 2015, <https://www.eff.org/deeplinks/2015/10/license-plate-readers-exposed-how-public-safety-agencies-responded-massive>.
- 41 Dave Maass, "'No Cost' License Plate Readers are Turning Texas Police into Mobile Debt Collectors and Data Miners," Electronic Frontier Foundation, January 26, 2016, <https://www.eff.org/deeplinks/2016/01/no-cost-license-plate-readers-are-turning-texas-police-mobile-debt-collectors-and>.
- 42 Wtircblair and Beau Berman, "FOX CT Investigation: Is Costly Gunshot Detection System Worth the Cost?" *Fox 61*, June 11, 2013, <http://fox61.com/2013/05/22/fox-ct-investigation-is-costly-gun-shot-detection-system-worth-the-cost/>.
- 43 Dia Kayyali, "Militarization, Surveillance, and Profit: How Grassroots Groups are Fighting Urban Shield," Electronic Frontier Foundation, September 3, 2014, <https://www.eff.org/deeplinks/2014/09/militarization-surveillance-and-profit-how-grassroots-groups-are-fighting-urban>.
- 44 Craig Dziedzic, "Bay Area UASI: Yellow Command 2016, Sustaining Regional Catastrophic Pans [sic] and Enhancing Situations Awareness," *Urban Shield*, <http://urbanshield.org/index.php/about/bay-area-uasi>.
- 45 Radley Balko, "Detroit Girl, 7, Killed in SWAT Raid," *Hit and Run* blog, May 17, 2010, <http://reason.com/blog/2010/05/17/detroit-girl-7-killed-in-swat>.
- 46 Jonathan Turley, "ACLU: 62 Percent of SWAT Team Raids were Searches for Drugs," *Jonathan Turley* blog, June 26, 2014, <https://jonathanturley.org/2014/06/26/aclu-62-percent-of-swat-team-raids-were-searches-for-drugs/>.
- 47 "The Secret Surveillance Catalogue," *Intercept*, <https://theintercept.com/surveillance-catalogue/>.
- 48 Charles Rabin, "Taser Death in Miami Beach Leads to New Policy and Stun Guns," *Miami Herald*, September 24, 2015, <http://www.miamiherald.com/news/local/crime/article36462477.html>; Mark Puente and Doug Donovan, "Baltimore Police Use of Tasers in Poor, Black Neighborhoods Questioned," *Baltimore Sun*, April 9, 2016, <http://www.baltimoresun.com/news/maryland/investigations/bs-md-taser-project-baltimore-20160409-story.html>; Michael E. Miller, "Miami Cops Misuse Tasers, with Deadly Results," *Miami New Times*, December 30, 2014, <http://www.miaminewtimes.com/news/miami-cops-misuse-tasers-with-deadly-results-6522644>.
- 49 "Transparency Project: FBI's Next Generation Identification Biometrics Database," Electronic Frontier Foundation, <https://www.eff.org/foia/fbis-next-generation-identification-biometrics-database>.
- 50 "Secure Communities ('S-COMM')," *American Civil Liberties Union*, <https://www.aclu.org/secure-communities-s-comm>; Jennifer Lynch, "FBI Plans to Have 52 Million Photos in Its NGI Face Recognition Database by Next Year," Electronic Frontier Foundation, April 14, 2014, <https://www.eff.org/deeplinks/2014/04/fbi-plans-have-52-million-photos-its-ngi-face-recognition-database-next-year>; "Next Generation Identification (NGI) Documents," Uncover the Truth, July 6, 2011, <http://uncoverthetruth.org/foia-documents/ngi-documents/>.
- 51 Mike Masnick, "NSA, GCHQ Admit That the Public is the Enemy," *Techdirt*, September 6, 2013, <https://www.techdirt.com/articles/20130905/15531224420/nsa-gchq-admit-that-enemy-is-public.shtml>.
- 52 Adam Bates, "Baltimore Police Admit Thousands of Stingray Uses," Cato Institute, April 9, 2015, <http://www.cato.org/blog/baltimore-police-admit-thousands-stingray-uses>.
- 53 See the results of Shawn Musgrave's FOIA request for a listing of states and law enforcement agencies that have been temporarily suspended from the 1033 program during FY 2004 – FY 2014, "Redacted Responsive Suspension List," *Muckrock*, November 13, 2015, https://muckrock.s3.amazonaws.com/foia_files/2015/11/13/Redacted_Responsive_Suspension_list.pdf; Tim Cushing, "Documents Show

- 1033 Program Still Resulting in Lots of Lost Weapons and Other Abuse,” *Techdirt*, November 24, 2015, <https://www.techdirt.com/articles/20151117/16050132844/documents-show-1033-program-still-resulting-lots-lost-weapons-other-abuse.shtml>.
- 54 Chris Hawley, “NYPD Monitored Muslim Students All over Northeast,” Associated Press, February 18, 2012, <http://www.ap.org/Content/AP-In-The-News/2012/NYPD-monitored-Muslim-students-all-over-Northeast>.
- 55 Andrew Theen, “Yale Expresses Outrage at NYPD Monitoring of Muslim Students,” *Bloomberg*, February 21, 2012, <http://www.bloomberg.com/news/articles/2012-02-21/yale-expresses-outrage-at-nypd-monitoring-of-muslim-students>.
- 56 Kristan T. Harris, “Lawsuit Filed against San Diego Police Department over ‘Stingray’ Records,” *Rundown Live*, December 18, 2014, <http://therundownlive.com/lawsuit-filed-san-diego-police-department-stingray-records/>; Ellen Nakashima, “Justice Department: Agencies Need Warrants to Use Cellphone Trackers,” *Washington Post*, September 3, 2015, https://www.washingtonpost.com/world/national-security/justice-department-agencies-will-have-to-obtain-warrant-before-using-cellphone-surveillance-technology/2015/09/03/08e44b70-5255-11e5-933e-7d06c647a395_story.html; Shahid Buttar, “Victories in California and Virginia alongside a Setback in Florida: 2015 in Review,” Electronic Frontier Foundation, December 31, 2015, <https://www.eff.org/deeplinks/2015/12/victories-california-and-virginia-alongside-setback-florida-2015-review>.
- 57 Justin Fenton, “Baltimore Police Used Secret Technology to Track Cellphones in Thousands of Cases,” *Baltimore Sun*, April 9, 2015, <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-stingray-case-20150408-story.html>; “The Secret Surveillance Catalogue,” *Intercept*, <https://theintercept.com/surveillance-catalogue/>.
- 58 Shahid Buttar, “Santa Clara County Weighs Surveillance Reforms to Enhance Transparency and Oversight,” Electronic Frontier Foundation, February 18, 2016, <https://www.eff.org/deeplinks/2016/02/santa-clara-county-considers-local-reforms-increase-transparency-and-oversight>.
- 59 Buttar, “Victories in California”; Buttar, “Santa Clara County Weighs Surveillance Reforms.”
- 60 “Miami Drug Wars,” *Flashback Miami*, <http://flashbackmiami.com/2014/09/10/miami-drug-wars/>.
- 61 Ryan Grim, Matt Sledge, and Matt Ferner, “Key Figures in CIA-Crack Cocaine Scandal Begin to Come Forward,” *Huffington Post*, October 10, 2014, http://www.huffingtonpost.com/2014/10/10/gary-webb-dark-alliance_n_5961748.html.
- 62 Central Intelligence Agency, Office of Inspector General, Investigations Staff, “Overview: Report of Investigation Concerning Allegations of Connections between CIA and The Contras in Cocaine Trafficking to the United States (96-0143-1G),” Central Intelligence Agency Library, January 29, 1998, <https://www.cia.gov/library/reports/general-reports-1/cocaine/overview-of-report-of-investigation-2.html>; Ryan Grim et. al., “Key Figures in CIA-Crack Cocaine Scandal”; Alexander Cockburn, “Alexander Cockburn on the Death of Gary Webb: ‘A Very Fine Journalist Who Deserved Better Than He Got,’” *Nation*, October 14, 2014, <http://www.thenation.com/article/alexander-cockburn-death-gary-webb-very-fine-journalist-who-deserved-better-he-got/>.
- 63 Larry J. Sabato, “The Iran-Contra Affair—1986–1987,” *Washington Post*, 1998, <http://www.washingtonpost.com/wp-srv/politics/special/clinton/frenzy/iran.htm>; Amy Nicholson, “The Tragedy of Gary Webb Stings Even When *Kill the Messenger* Flags,” *Dallas Observer*, October 9, 2014, <http://www.dallasobserver.com/film/the-tragedy-of-gary-webb-stings-even-when-kill-the-messenger-flags-6433810>.
- 64 “IQT Mission,” In-Q-Tel, <https://www.iqt.org/>; Wilson Andrews and Todd Lindeman, “The Black Budget,” *Washington Post*, August 29, 2013, <http://www.washingtonpost.com/wp-srv/special/national/black-budget/>.
- 65 Michael Isikoff, “American Drone Deaths Highlight Controversy,” *NBC News*, February 5, 2013, http://usnews.nbcnews.com/_news/2013/02/05/16856963-american-drone-deaths-highlight-controversy.
- 66 Matt Sledge, “Drone Memo Justifying Anwar al-Awlaki’s Killing Released,” *Huffington Post*, June 23, 2014, <http://www.huffingtonpost.com/2014/06/23/anwar-al-awlaki-drone>

- memo_n_5522067.html; Shahid Buttar, "Constitutional Catastrophe: The National Defense Authorization Act vs. the Bill of Rights," *Public Interest Law Reporter* 17, no. 3 (2012), 242–62, <http://lawcommons.luc.edu/pilr/vol17/iss3/7/>.
- 67 Mark Benjamin, "Return of the Body Counts," *Salon*, June 11, 2005, https://www.salon.com/2005/06/11/body_counts/; Ned Resnikoff, "Collateral Damage: Brennan's Claims about Civilian Casualties," *MSNBC*, February 8, 2013, <http://www.msnbc.com/the-ed-show/collateral-damage-brennans-claims-about-civ>; Hassan Abbas, "How Drones Create More Terrorists," *Atlantic*, August 23, 2013, <http://www.theatlantic.com/international/archive/2013/08/how-drones-create-more-terrorists/278743/>.
- 68 Lee Ferran, "Iran Claims Video Shows Reverse-Engineered US Drone Can Fly," *ABC News*, November 12, 2014, <http://abcnews.go.com/International/iran-claims-video-shows-reverse-engineered-us-drone/story?id=26858830>.
- 69 Dustin Volz, "CIA Admits to Hacking Senate Computers," *National Journal*, July 31, 2014, <https://www.nationaljournal.com/s/72881/cia-admits-hacking-senate-computers>.
- 70 Ryan Tate, "Off the Grid," *Intercept*, December 9, 2014, <https://theintercept.com/2014/12/09/map-of-cia-black-sites/>.
- 71 Oliver Laughland, "How the CIA Tortured Its Detainees," *Guardian*, May 20, 2015, <http://www.theguardian.com/us-news/2014/dec/09/cia-torture-methods-waterboarding-sleep-deprivation>; Sharif Mowlabocus, "Rectal Feeding is Rape—But Don't Expect the CIA to Admit It," *Conversation*, December 12, 2014, <https://theconversation.com/rectal-feeding-is-rape-but-dont-expect-the-cia-to-admit-it-35437>; Jonathan S. Landay, "Did CIA Torture Violate Nuremberg Ban on Human Experimentation?" *McClatchy DC*, December 16, 2014, <http://www.mcclatchydc.com/news/nation-world/national/national-security/article24777526.html>.
- 72 Shahid Buttar, "Torturing the Rule of Law," *Augusta Free Press*, June 27, 2009, <http://augustafreepress.com/shahid-buttar-torturing-the-rule-of-law/>.
- 73 Erin Dooley, "CIA Torture Report: The Most Stunning Findings," *ABC News*, December 9, 2014, <http://abcnews.go.com/Politics/cia-torture-report-stunning-findings/story?id=27473273>.
- 74 Stephen Collinson and Evan Perez, "Senate Report: CIA Misled Public on Torture," *CNN*, December 9, 2014, <http://www.cnn.com/2014/12/09/politics/cia-torture-report/index.html>; Cal Colgan, "Justice Dept. Says CIA Destroyed 92 Torture Tapes," *Public Record*, March 2, 2009, <http://pubrecord.org/torture/230/justice-dept-says-cia-destroyed-92-torture-tapes/>.
- 75 Daniel Tencer, "Obama Signs Law Blocking Release of Torture Photos," *Raw Story*, October 29, 2009, <http://www.rawstory.com/2009/10/obama-law-torture-photos/>; Shahid Buttar, "The Failure of the Federalist, No. 10," *Huffington Post*, May 25, 2011, http://www.huffingtonpost.com/shahid-buttar/the-failure-of-the-federa_b_375269.html.
- 76 "Antonio Taguba," Wikipedia, last modified February 28, 2016, https://en.wikipedia.org/wiki/Antonio_Taguba; Laura Sullivan and David Greene, "Fil-Am General Praised for Report," *Baltimore Sun*, May 8, 2004, available via the Wayback Machine, <https://web.archive.org/web/20041124041741/http://www.abs-cbnnews.com/NewsStory.aspx?section=NATIONAL&oid=50564>; Zachary Roth, "Taguba: Torture Photos Show Rape," *Talking Points Memo*, May 28, 2009, <http://talkingpointsmemo.com/muckraker/taguba-torture-photos-show-rape>.
- 77 Jason Leopold, "DOJ: Feinstein's Committee Controls Torture Report; Has Final Say over Public Release," *Freedom of the Press Foundation*, January 25, 2014, <https://freedom.press/blog/2016/04/doj-feinstein%E2%80%99s-committee-controls-torture-report-has-final-say-over-public-release>.
- 78 "Dianne Feinstein and Her Decision to Release the Torture Report," *CBS News*, December 10, 2014, <http://www.cbsnews.com/news/dianne-feinstein-and-her-decision-to-release-the-torture-report/>; Dan Roberts and Spencer Ackerman, "Feinstein Accuses CIA of 'Intimidating' Senate Staff over Torture Report," *Guardian*, March 11, 2014, <http://www.theguardian.com/world/2014/mar/11/feinstein-accuses-cia-intimidation-torture-report>; Dan Froomkin, "CIA Search of Congressional Computer Sparks Constitutional Crisis," *Intercept*, March 11, 2014, <https://theintercept.com/2014/03/11/cia-search-congressional-computer-sparks-constitutional-crisis/>.
- 79 Josh Rogin, "Kerry Puts Brakes on CIA Torture Report," *Bloomberg*, December 5, 2014, <http://www.bloomberg.com/view/articles/2014-12-05/kerry-puts-brakes-on-cia-torture-report>; Pema

- Levy, "CIA Hacked Senate Computers," *Newsweek*, July 31, 2014, <http://www.newsweek.com/cia-hacked-senate-computers-262387>; Jason Leopold, "Government Opposes Preservation Order in FOIA Lawsuit for CIA's 'Panetta Review,'" Freedom of the Press Foundation, March 18, 2014, <https://freedom.press/blog/2016/04/government-opposes-preservation-order-foia-lawsuit-cia%E2%80%99s-%E2%80%9Cpanetta-review%E2%80%9D>.
- 80 Mark Rumold, "CIA Spies on Senate Staffers: A Troubling Pattern is Reinforced," Electronic Frontier Foundation, March 14, 2014, <https://www EFF.org/deeplinks/2014/03/cia-spies-senate-staffers-troubling-pattern-reinforced>; David Lightman and Anita Kumar, "CIA, Senate Democrats Feud over Torture Report for a Second Day," *McClatchy DC*, December 10, 2014, <http://www.mcclatchydc.com/news/politics-government/congress/article24777328.html>.
- 81 Dustin Volz and Lauren Fox, "CIA Review Clears Its Spies of Wrongdoing in Senate Hack," *Defense One*, January 15, 2015, <http://www.defenseone.com/threats/2015/01/cia-review-clears-its-spies-wrongdoing-senate-hack/102993/>; Dustin Volz, "CIA Watchdog Who Revealed Senate Hack is Resigning," *Nextgov*, January 5, 2015, <http://www.nextgov.com/defense/2015/01/cia-watchdog-who-revealed-senate-hack-resigning/102201/>; John O. Brennan, interview by Andrea Mitchell, "CIA Director Brennan Denies Hacking Allegations," Council on Foreign Relations, March 11, 2014, transcript, <http://www.cfr.org/intelligence/cia-director-brennan-denies-hacking-allegations/p32563>; Mark Hosenball, "Exclusive: CIA Says Its Inspector General is Resigning at End of Month," Reuters, January 5, 2015, <http://www.reuters.com/article/us-usa-cia-inspector-exclusive-idUSKBN0KE1BO20150105>.
- 82 Michael Isikoff, "Senate Report on CIA Torture is One Step Closer to Disappearing," *Yahoo News*, May 16, 2016, <https://www.yahoo.com/news/senate-report-on-cia-torture-1429636113023030.html>.
- 83 Link no longer available (furthering Buttar's statement); previously available at <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>.
- 84 Ali Watkins, "The Other Torture Report: The Secret CIA Document That Could Unravel the Case for Torture," *Huffington Post*, December 22, 2014, http://www.huffingtonpost.com/2014/12/22/panetta-review-cia_n_6334728.html; Mike Masnick, "Mark Udall Wants to Release CIA Internal Review of Torture Program," *Techdirt*, December 11, 2014, <https://www.techdirt.com/articles/20141210/14511929385/mark-udall-wants-cia-internal-review-torture-program-released.shtml>.
- 85 Charles P. Pierce, "The CIA Wants to Play American Citizens for Fools. Again." *Esquire*, May 16, 2016, <http://www.esquire.com/news-politics/politics/news/a44920/cia-destroy-torture-report/>.
- 86 David Cole, "Obama's Torture Problem," *New York Review of Books*, November 18, 2010, <http://www.nybooks.com/daily/2010/11/18/obamas-torture-problem/>; Murtaza Hussain, "Report to U.N. Calls Bullshit on Obama's 'Look Forward, Not Backwards' Approach to Torture," *Intercept*, October 30, 2014, <https://theintercept.com/2014/10/30/un-report-slams-obama-protecting-u-s-officials-torture-charges/>.
- 87 Shahid Buttar, "Unhappy Anniversary: Eight Years of Continuing Lawlessness," *Huffington Post*, August 9, 2010, http://www.huffingtonpost.com/shahid-buttar/unhappy-anniversary-eight_b_673739.html.
- 88 Shahid Buttar, "Losing Wars We Already Won (Part I): Torture vs. WWII," *Huffington Post*, September 26, 2009, http://www.huffingtonpost.com/shahid-buttar/losing-wars-we-already-wo_b_269189.html.
- 89 Paul D. Shinkman, "Ferguson and the Militarization of Police," *US News & World Report*, August 14, 2014, <http://www.usnews.com/news/articles/2014/08/14/ferguson-and-the-shocking-nature-of-us-police-militarization>; Shahid Buttar, "Don't Call It a Curfew: Martial Law in the United States," *Truthout*, May 5, 2015, <http://www.truth-out.org/opinion/item/30602-don-t-call-it-a-curfew-martial-law-in-the-united-states>; Fruzina Eördögh, "Evidence of 'Stingray' Phone Surveillance by Police Mounts in Chicago," *Christian Science Monitor*, December 22, 2014, <http://www.csmonitor.com/World/Passcode/2014/1222/Evidence-of-stingray-phone-surveillance-by-police-mounts-in-Chicago>; Josh Levs, "Ferguson Violence: Critics Rip Police Tactics, Use of

- Military Equipment," CNN, August 15, 2014, <http://www.cnn.com/2014/08/14/us/missouri-ferguson-police-tactics/index.html>.
- 90 Naomi Wolf, "Revealed: How the FBI Coordinated the Crackdown on Occupy," *Guardian*, December 29, 2012, <http://www.theguardian.com/commentisfree/2012/dec/29/fbi-coordinated-crackdown-occupy>.
- 91 Jason Cherkis and Zach Carter, "FBI Surveillance of Occupy Wall Street Detailed," *Huffington Post*, January 5, 2013, http://www.huffingtonpost.com/2013/01/05/fbi-occupy-wall-street_n_2410783.html.
- 92 Xeni Jardin, "Truth and Power: New TV Series on Ordinary People Exposing Corruption from Brian Knappenberger ('Internet's Own Boy')," *Boing Boing*, January 21, 2016, <https://boingboing.net/2016/01/21/truth-and-power-new-tv-series.html>; Mike Krauser, "Activists Say Chicago Police Used 'Stingray' Eavesdropping Technology During Protests," *CBS Chicago*, December 6, 2014, <http://chicago.cbslocal.com/2014/12/06/activists-say-chicago-police-used-stingray-eavesdropping-technology-during-protests/>; George Joseph, "Exclusive: Feds Regularly Monitored Black Lives Matter Since Ferguson," *Intercept*, July 24, 2015, <https://theintercept.com/2015/07/24/documents-show-department-homeland-security-monitoring-black-lives-matter-since-ferguson/>.
- 93 "Homan Square," *Guardian*, no date, <http://www.theguardian.com/us-news/homan-square>; Spencer Ackerman, "The Hidden: How Chicago Police Kept Thousands Isolated at Homan Square," *Guardian*, April 13, 2016, <http://www.theguardian.com/us-news/2016/apr/13/homan-square-chicago-police-records-secret-interrogation-facility-new-documents-lawsuit>; Spencer Ackerman, "I was Struck with Multiple Blows': Inside the Secret Violence of Homan Square," *Guardian*, April 11, 2016, <http://www.theguardian.com/us-news/2016/apr/11/homan-square-chicago-police-internal-documents-physical-force-prisoner-abuse>.
- 94 John Cook, "At the CIA, Accidentally Kidnapping and Torturing an Innocent Guy Earns You a Promotion," *Gawker*, February 9, 2011, <http://gawker.com/5755942/at-the-cia-accidentally-kidnapping-and-torturing-an-innocent-guy-earns-you-a-promotion>; Associated Press, "Removal of Judge, Prosecutors Sought in Guantanamo 9/11 Case," Associated Press, May 11, 2016, <https://www.yahoo.com/news/removal-judge-prosecutors-sought-guantanamo-9-11-case-185938929.html>; Morris Davis, interview by Hala Gorani, "Former Prosecutor: 'No Good Reason for Guantanamo,'" CNN, video, January 21, 2015, <http://www.cnn.com/videos/world/2015/01/21/wrn-guantanamo-bay-prosecutor-morris-davis-intv.cnn>.
- 95 Cory Doctorow, "First-hand Reports of Torture from Homan Square, Chicago PD's 'Black Site,'" *Boing Boing*, February 28, 2015, <https://boingboing.net/2015/02/28/first-hand-reports-of-torture.html>.
- 96 "Jon Burge Appeal Denied: Court Upholds Perjury Conviction in Ex-Police Commander's Torture Case," *Huffington Post*, April 1, 2013, http://www.huffingtonpost.com/2013/04/01/jon-burge-perjury-convict_n_2994844.html; Hal Dardick and John Byrne, "Mayor: 'Sorry' for Burge Torture Era," *Chicago Tribune*, September 11, 2013, <http://www.chicagotribune.com/news/chi-city-council-settles-burge-torture-cases-for-123-million-20130911-story.html>.
- 97 "The Counted: People Killed by Police in the US," *Guardian*, <http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>; E.M. Beck and Stewart E. Tolnay, "Lynching," *New Georgia Encyclopedia*, January 26, 2007, last edited June 27, 2016, <http://www.georgiaencyclopedia.org/articles/history-archaeology/lynching>.
- 98 Shahid Buttar, "December Week of Action Challenges CIA and NSA Crimes," *Popular Resistance*, December 4, 2014, <https://www.popularresistance.org/54256/>.
- 99 Pete Kasperowicz, "Obama Signs Patriot Act Extension into Law," *Hill*, February 25, 2011, <http://thehill.com/blogs/floor-action/house/146173-obama-signs-patriot-act-extension-into-law>.
- 100 James Risen and Eric Lichtblau, "Bush Lets U.S. Spy on Callers without Courts," *New York Times*, December 16, 2015, http://www.nytimes.com/2005/12/16/politics/bush-lets-us-spy-on-callers-without-courts.html?_r=2; Michael Scherer, "The Ashcroft-Gonzales Hospital Room Showdown," *Salon*, May 15, 2007, https://www.salon.com/2007/05/15/comey_testifies/.

- 101 Bill Moyers, "The Church Committee and FISA," *Bill Moyers Journal*, October 26, 2007, <http://www.pbs.org/moyers/journal/10262007/profile2.html>.
- 102 "FISA Amendments Act of 2008," SourceWatch, last modified March 13, 2010, http://www.sourcewatch.org/index.php?title=FISA_Amendments_Act_of_2008.
- 103 "NSA Slides Explain the PRISM Data-Collection Program," *Washington Post*, June 6, 2010, <http://www.washingtonpost.com/wp-srv/special/politics/prism-collection-documents/>; Mike Masnick, "Expanding Unconstitutional Backdoor Searches of Surveillance Data is Easy: Just Change What Words Mean," *Techdirt*, April 22, 2016, <https://www.techdirt.com/articles/20160422/07350334243/expanding-unconstitutional-backdoor-searches-surveillance-data-is-easy-just-change-what-words-mean.shtml>.
- 104 Cindy Cohn and Rainey Reitman, "USA Freedom Act Passes: What We Celebrate, What We Mourn, and Where We Go from Here," Electronic Frontier Foundation, June 2, 2015, <https://www.eff.org/deeplinks/2015/05/usa-freedom-act-passes-what-we-celebrate-what-we-mourn-and-where-we-go-here/>; "Domestic Internet Backbone Surveillance," Electronic Frontier Foundation, <https://www.eff.org/files/2014/07/24/backbone-3c-color.jpg>.
- 105 Dan Auerbach, Peter Eckersley, and Jonathan Mayer, "What We Need to Know about PRISM," Electronic Frontier Foundation, June 12, 2013, <https://www.eff.org/deeplinks/2013/06/what-we-need-to-know-about-prism/>; Cindy Cohn and Andrew Crocker, "Deeper Dive into EFF's Motion on Backbone Surveillance," Electronic Frontier Foundation, July 26, 2014, <https://www.eff.org/deeplinks/2014/07/deeper-dive-effs-backbone-motion>.
- 106 Rainey Reitman, "In Hearing on Internet Surveillance, Nobody Knows How Many Americans Impacted in Data Collection," Electronic Frontier Foundation, May 10, 2016, <https://www.eff.org/deeplinks/2016/05/hearing-internet-surveillance-nobody-knows-how-many-americans-impacted-data/>; "Letter to Director Clapper," Letter from the members of the United States House Committee on the Judiciary to James R. Clapper (Director of National Intelligence), April 22, 2016, Brennan Center, https://www.brennancenter.org/sites/default/files/legal-work/Letter_to_Director_Clapper_4_22.pdf.
- 107 "Discussion between US Senator Ron Wyden and Director of National Intelligence James Clapper." Wikipedia, video, December 21, 2013, https://en.wikipedia.org/wiki/File:Ron_Wyden_and_James_Clapper_-_12_March_2013.webm.
- 108 Hanni Fakhoury, "DEA and NSA Team Up to Share Intelligence, Leading to Secret Use of Surveillance in Ordinary Investigations," Electronic Frontier Foundation, August 6, 2013, <https://www.eff.org/deeplinks/2013/08/dea-and-nsa-team-intelligence-laundering>.
- 109 Letter from Advocacy for Principled Action in Government, et al. to James R. Clapper (Director of National Intelligence) requesting information on how Section 702 of FISA affects Americans and other US residents, October 29, 2015, Brennan Center, https://www.brennancenter.org/sites/default/files/analysis/Coalition_Letter_DNI_Clapper_102915.pdf.
- 110 Siobhan Gorman, "NSA Officers Spy on Love Interests," *Wall Street Journal*, August 23, 2013, <http://blogs.wsj.com/washwire/2013/08/23/nsa-officers-sometimes-spy-on-love-interests/>.
- 111 Andrea Peterson, "Why a Staggering Number of Americans Have Stopped Using the Internet the Way They Used To," *Washington Post*, May 13, 2016, <https://www.washingtonpost.com/news/the-switch/wp/2016/05/13/new-government-data-shows-a-staggering-number-of-americans-have-stopped-basic-online-activities/>.
- 112 David Forscey, "Congress Should Declassify the Legislative Negotiations over the FISA Amendments Act," *Lawfare*, October 14, 2015, <https://www.lawfareblog.com/congress-should-declassify-legislative-negotiations-over-fisa-amendments-act>.
- 113 Mike Masnick, "Court Reveals 'Secret Interpretation' of the Patriot Act, Allowing NSA to Collect All Phone Call Data," *Techdirt*, September 17, 2013, <https://www.techdirt.com/articles/20130917/13395324556/court-reveals-secret-interpretation-patriot-act-allowing-nsa-to-collect-all-phone-call-data.shtml>.

CENSORED 2017

Fortieth Anniversary Edition

Mickey Huff and **Andy Lee Roth**
with **Project Censored**

Foreword by
Mark Crispin Miller

Cartoons by
Khalil Bendib



Seven Stories Press
New York • Oakland

Copyright © 2016 by Mickey Huff and Andy Lee Roth

Foreword © 2016 by Mark Crispin Miller

A Seven Stories Press First Edition

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted in any form, by any means, including mechanical, electronic, photocopying, recording or otherwise, without the prior written permission of the publisher.

Seven Stories Press
140 Watts Street
New York, NY 10013
www.sevenstories.com

ISBN 978-1-60980-715-3 (paperback)

ISBN 978-1-60980-716-0 (electronic)

ISSN 1074-5998

9 8 7 6 5 4 3 2 1

Book design by Jon Gilbert

Printed in the USA