

The history of United States government domestic surveillance and spying is long. Over the years, the US government has launched covert and illegal projects whose purpose among other is to "expose, disrupt, misdirect, discredit, or otherwise neutralize" movements for justice and freedom.

Launched in March 2008, the LAPD Suspicious Activity Reporting (SAR) – Special Order 1 and iWATCH “See Something, Say Something” Program is one such open assault on people’s privacy and freedom, done under the pretext of “national security and the war on terror”.

1798: Congress passes four laws which come to be known collectively as the **Alien and Sedition Acts**:

- **June 17, 1798:** The **Naturalization Act** increases the amount of time necessary for immigrants to become naturalized citizens in the United States from five to fourteen years;¹
- **June 24, 1798:** The **Alien Friends Act** authorizes the president to deport any resident alien considered "dangerous to the peace and safety of the United States;"²
- **July 5, 1798:** The **Alien Enemies Act** authorizes the president to apprehend and deport resident aliens if their home countries are at war with the United States of America. This includes aliens who are not chargeable with actual hostility or other crime against the public safety;³
- **July 13, 1798:** The **Sedition Act** makes it a crime to "oppose any measure or measures of the government" as well as to publish "false, scandalous, and malicious writing" against the government or its officials. The Act is intended to stifle dissent.⁴

April 12, 1917: President Wilson persuades Congress to declare war on Germany and enter World War 1, but the American public is wary of the financial and military cost. Wilson creates the **Committee on Public Information (CPI)** through Executive Order 2594 to generate public support for increased federal spending and sending Americans to fight overseas by using propaganda. Some of CPI's tactics amount to the outright harassment and persecution of dissenters.⁵

¹ An Act supplementary to, and to amend the act to establish a uniform rule of naturalization; and to repeal the act heretofore passed on that subject; ch. 54, 1 Stat. 566 (5th Congress, 2nd Session), available at http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/5th_Congress/2nd_Session/Chapter_54

² An Act Concerning Aliens; ch. 58, 1 Stat. 570(5th Congress, 2nd Session) available at http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/5th_Congress/2nd_Session/Chapter_58

³ An Act Respecting Alien Enemies; ch. 66, 1 Stat. 577 (5th Congress, 2nd Session) available at http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/5th_Congress/2nd_Session/Chapter_66

⁴ An Act for the Punishment of Certain Crimes against the United States; ch. 74, 1 Stat. 596 (5th Congress, 2nd Session) available at http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/5th_Congress/2nd_Session/Chapter_74

⁵ Records of the Committee on Public Information, National Archives, available at <http://www.archives.gov/research/guide-fed-records/groups/063.html>

April 14, 1917: The **Bureau of Intelligence (which evolved into the FBI)** develops a liaison with the conservative businessmen's organization, the American Protective League, to monitor trade unions and anti-war dissent throughout the United States.⁶

June 14, 1917: The **Espionage Act** prohibits any attempt to interfere with the war effort, to promote insubordination in the military, or to interfere with military recruitment. The law criminalizes taking pictures and making copies of plans and blueprints of infrastructural and military installments for the protection of “national defense”.⁷

May 6, 1918: The **Sedition Act** extends the **Espionage Act** to cover a broader range of offenses, notably speech and the expression of opinion that casts the government or the war effort in a negative light or interferes with the sale of government bonds. **It makes it a crime to "utter, print, write or publish any disloyal, profane, scurrilous, or abusive language” about the United States' form of government.** The laws are intended to stifle dissent and anti-war protests from both citizens and non-citizens. The Act is used to prosecute and convict socialists, communists and labor reform advocates. More than 4,000 people are arrested and 2,000 are convicted.⁸

March 9, 1919: The Supreme Court upholds the conviction of prominent labor organizer and the Socialist Party presidential candidate, Eugene Debs. Debs is sentenced to ten years for delivering an anti-war speech.⁹

June 1, 1919: Bombs go off in eight cities, including Washington DC, where the home of A. Mitchell Palmer, Wilson's Attorney General is partially destroyed. It is unclear who set the bombs. Although there are only about 70,000 self-professed Communists in the U.S., Palmer views them as responsible for a wide range of social ills, including the bombings. Encouraged by Congress, Palmer begins a series of showy and well publicized raids against radicals and leftists, which have come to be known as the **Palmer Raids. Striking without warning and without warrants, Palmer's men smash union offices** and the headquarters' of Communist and Socialist organizations. They concentrate whenever possible on aliens rather than citizens, because aliens have fewer rights. In December, in their most famous act, Palmer's agents seize 249 resident aliens. Those seized are placed on board a ship, the *Buford*, bound for the Soviet Union. **Deportees include Emma Goldman, the feminist, anarchist and writer who later recalled the deportation in her autobiography.**¹⁰

November 10, 1919: **Congress refuses to seat Victor Berger**, the duly elected socialist from Wisconsin. Berger, a founding member of the Socialist Party, was sentenced to twenty years under the Espionage Act for opposing WW1, but his conviction was overturned two years later by the Supreme Court. In spite of his being under indictment, the voters of Milwaukee elect Berger to the House of Representatives. When he arrives in Washington to claim his seat,

⁶ “Civil Liberties: What's Wrong with the TIPS Program? A WW I Horror Story Ripped from the History Books”, Joan Jensen, September 9, 2002, George Mason University's History News Network, available at <http://hnn.us/articles/960.html>

⁷ The Espionage Act of 1917, 18 U.S.C. §792; Pub.L. 65-24, 40 Stat. 217 available at <http://www.firstworldwar.com/source/espionageact.htm>

⁸ The Sedition Act of 1918, Pub.L. 65-150, 40 Stat. 553 available at <http://www.firstworldwar.com/source/espionageact1918.htm>

⁹ Debs v. United States 249 U.S. 211 (39 S.Ct. 252, 63 L.Ed. 566); available at <http://www.law.cornell.edu/supremecourt/text/249/211>

¹⁰ Center for History and New Media; <http://chnm.gmu.edu/courses/hist409/red.html>

Congress forms a special committee to determine whether a convicted felon and war opponent should be seated as a member of Congress. They concluded that he should not, and declared the seat vacant. Wisconsin promptly holds a special election to fill the vacant seat, and on December 19, 1919, elect Berger a second time. On January 10, 1920, the House again refuses to seat him, and the seat remains vacant until 1921.¹¹

May 26, 1938: Congress forms the **House Committee on Un-American Activities (Dies Committee)**, a special House committee to investigate "subversive activities," focusing on labor unions, federal employees, and youth organizations.¹²

June 27, 1940: The **Alien Registration Act (or Smith Act)**, makes it illegal to advocate, aid, or teach the desirability of overthrowing the government and requires all non-citizens residents over the age of 14 to register with the government. Within four months, 4,741,971 aliens register. The law is used against political organizations and figures, with approximately 215 Americans indicted under the legislation. Prosecutions continue until a series of United States Supreme Court decisions in 1957 reversed a number of convictions as unconstitutional. However, the statute has not been repealed.¹³

October 31, 1940: The **FBI continues its practice of allying with citizen groups that can operate outside official sanction by allying itself with the American Legion.** The American Legion Contact Program uses local American Legion post members as potential "confidential sources" in their communities. The sources are used to provide information without payment on domestic security matters. The program was terminated on August 17, 1954, but FBI Field Offices were instructed to maintain contact with American Legion officials in their areas.¹⁴

February 14, 1942: President Roosevelt signs Executive Order 9066, which authorizes the internment of 110,000 U.S. residents of Japanese descent. The executive order also authorizes a smaller internment program for German and Italian nationals in the country. Thousands of Latin American residents of Japanese and German descent were forcibly sent to internment camps in the United States¹⁵. The Japanese and German internees are allowed to return home in 1944. In December 1982, the Commission on Wartime Relocation and Internment of Civilians issues its findings, concluding that the incarceration of Japanese Americans had not been justified by military necessity. The report determines that **the decision to incarcerate was based on "race prejudice, war hysteria, and a failure of political leadership."**

January 2, 1945: The **House Un-American Activities Committee (HUAC)** is created, succeeding the **Special Committee on Un-American Activities (Dies Committee)**, which had existed since 1938. **HUAC** is charged with uncovering and identifying "anti-American" or "pro-communist" activities. The **HUAC** initially investigates both left-wing and right wing political groups. Some call for the leaders of the Ku Klux Klan to be interrogated by the **HUAC**.

¹¹ Wisconsin Historical Society; <http://www.wisconsinhistory.org/topics/vberger/>

¹² "National Affairs: No Dies", Time Magazine, October 23, 1939, available at <http://www.time.com/time/magazine/article/0,9171,772232,00.html>

¹³ The Alien Registration Act or Smith Act 18 U.S.C. § 2385, available at http://www.law.cornell.edu/uscode/html/uscode18/uscode18 USC sec 18_00002385----000-.html

¹⁴ "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate" (the Church Committee), Book III, April 23, 1976, available at <http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIII.htm>

¹⁵ Executive Order 9066, available at <http://www.ourdocuments.gov/doc.php?flash=false&doc=74&page=transcript>

However, the **chairman of Committee, Martin Dies, is a supporter of the Klan and speaks at several of its rallies.** Other members of the HUAC such as John Rankin and John S. Wood are also Klan sympathizers. Wood **defends the Klan by arguing that: "The threats and intimidations of the Klan are an old American custom, like illegal whisky-making."**¹⁶

July, 1945: The National Security Agency formalizes Project Shamrock illegally monitoring overseas communications through the accumulation of all telegraphic data entering into or exiting from the United States. The NSA receives copies of millions of telegrams and makes them available for analysis and dissemination according to NSA's selection criteria, which includes watch lists. Information is provided by telegraph companies despite advice from attorneys that the activity is illegal. The NSA routinely intercepts international communications of Americans as part of its foreign intelligence collection activity. **The operation's main purpose is to link the civil rights movement and anti-war protests to international communism. Project Shamrock** continued till 1975 when it was exposed by the **Church Committee.**¹⁷

February 26, 1946: FBI Director J. Edgar Hoover authorizes a secret "education campaign" to "influence public opinion" about the "seriousness of the Communist threat and their liberal elements." The FBI influences public opinion by disseminating material to domestic media outlets and educational institutions. The campaign creates nearly four-hundred media-directed items, including films, radio and television programs, books, as well as articles in law reviews, news magazines, pop-cultural magazines, and newspapers. The FBI leaks derogatory information regarding leftist organizations to the media and Congress.¹⁸

March 21, 1947: Truman issues Executive Order 9835, initiating a program to search out any "infiltration of disloyal persons" in the U.S. government. **A federal employee loyalty program is instituted to preclude the employment of "disloyal Americans."** Local governments, public institutions, and private companies, as well as universities and labor unions, quickly fall in line by instituting their own loyalty programs and dismissing employees suspected of having ties to communism.¹⁹

March 26, 1947: FBI Director J. Edgar Hoover assists HUAC's efforts to publicize the 'communist influence' in Hollywood. The FBI provides HUAC with lists of suspects and names of cooperative witnesses. The pattern of FBI and HUAC cooperation lasted for three decades.²⁰

March, 1947: HUAC begins investigating the entertainment Industry, citing the danger of communist infiltration.²¹

¹⁶ The permanent standing House Committee on Un-American Activities, Office of the Clerk, U.S. House of Representatives, available at <http://artandhistory.house.gov/highlights.aspx?action=view&intID=198>

¹⁷ "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate" (the Church Committee), Book III, April 23, 1976, available at <http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIIj.htm>

¹⁸ "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate" (the Church Committee), Book II, April 26, 1976, available at http://www.aarelibrary.org/publib/church/reports/book2/html/ChurchB2_0041b.htm

¹⁹ Executive Order 9835, PRESCRIBING PROCEDURES FOR THE ADMINISTRATION OF AN EMPLOYEES LOYALTY PROGRAM IN THE EXECUTIVE BRANCH OF THE GOVERNMENT, available at <http://teachingamericanhistory.org/library/index.asp?document=930>

²⁰ "Communism – House Un-American Activities Committee" Law Library- American Law and Legal Information, available at <http://law.jrank.org/pages/5459/Communism-HOUSE-UN-AMERICAN-ACTIVITIES-COMMITTEE.html>

²¹ <http://www.spartacus.schoolnet.co.uk/USAhuac.htm>

April 10, 1947: Ronald Reagan and wife Jane Wyman provide to the FBI names of Screen Actors Guild (SAG) members believed to be communist sympathizers.²²

September 1947: HUAC interviews 41 people who are working in Hollywood. These people attend voluntarily and become known as "friendly witnesses". During their interviews they name several people who they accuse of holding left-wing views.²³

November 24, 1947: Ten writers and directors are cited for contempt of Congress for refusing to give testimony to **HUAC** (although they invoke their Fifth Amendment right). They are jailed for between six months and one year. A group of studio executives announce the firing of the artists (who come to be known as the Hollywood Ten).²⁴

November 25, 1947: The **HUAC** investigations have a tremendous effect. Hollywood executives, fearing the loss of profits, create a blacklist containing the names of hundreds of actors, directors, and screenwriters who are shut out of employment, thus ending their careers. In a short time, television and radio do the same.²⁵ Over 320 people are placed on a 'black list' that stops them from working in the entertainment industry.²⁶

February 9, 1950: Sen. Joseph McCarthy (R-Wis.) makes a speech in Wheeling, W.Va., falsely claiming that the State Department employs 205 known communists.²⁷

September 23, 1950: Congress passes the **Internal Security Act (the McCarran Act)**, requiring communists and members of various other political organizations to register with the Subversive Activities Control Board and authorizing the detention of suspected subversives. Truman vetoes the bill, calling it the greatest danger to freedom of speech, press, and assembly since the **Alien and Sedition Acts of 1798**. Congress overrides the veto by large margins.²⁸

June 7, 1951: The **California Senate Subcommittee on Un-American Activities** accuses University of California officials of aiding subversive campus groups.²⁹

June, 19 1953: Julius and Ethel Rosenberg, convicted under the **Espionage Act**, are executed.³⁰

December 2, 1954: The Senate issues a condemnation of McCarthy for two counts of conduct unbecoming a U.S. senator.³¹

²² "The Campus Files Timeline, Part One / 1945-1960", San Francisco Chronicle, Seth Rosenfeld, available at http://articles.sfgate.com/2002-06-09/bay-area/17549013_1_loyalty-oath-communist-party-communist-infiltration

²³ <http://www.spartacus.schoolnet.co.uk/USAhuac.htm>

²⁴ "Un-American Activities Committee", Spartacus Educational, <http://www.spartacus.schoolnet.co.uk/USAhuac.htm>

²⁵ "Communism - House Un-American Activities Committee" Law Library- American Law and Legal Information, available at

<http://law.jrank.org/pages/5459/Communism-HOUSE-UN-AMERICAN-ACTIVITIES-COMMITTEE.html>

²⁶ "Un-American Activities Committee", Spartacus Educational, <http://www.spartacus.schoolnet.co.uk/USAhuac.htm>

²⁷ "Enemies from Within": Senator Joseph R. McCarthy's Accusations of Disloyalty, available at <http://historymatters.gmu.edu/d/6456>

²⁸ The Internal Security Act of 1950, 64 Stat. 993, available at http://tucnak.fsv.cuni.cz/~calda/Documents/1950s/Inter_Security_50.html

²⁹ "The Campus Files Timeline, Part One / 1945-1960", San Francisco Chronicle, Seth Rosenfeld, available at http://articles.sfgate.com/2002-06-09/bay-area/17549013_1_loyalty-oath-communist-party-communist-infiltration

³⁰ The Rosenberg Trial, Faculty Project, University of Missouri-Kansas City, available at <http://law2.umkc.edu/faculty/projects/frtrial/rosenb/ROSENB.HTM>

³¹ <http://www.history.com/this-day-in-history/mccarthy-condemned-by-senate>

1955: The American Communist Party's advocacy of full equality for African-Americans makes civil rights activists a target of FBI anti-communist investigations.

August 1956: FBI Director J. Edgar Hoover authorizes **COINTEL PRO**, a secret FBI program designed to neutralize political dissidents by sowing seeds of dissention within organizations and leaking derogatory information to the media and law enforcement. The American Communist Party, other left-wing organizations, and minority groups - including African-Americans, Native Americans, and various immigrant groups - become targets of suspicion, surveillance, and infiltration. **COINTELPRO** continued till 1975 when it was exposed by the **Church Committee**, which revealed that **FBI tactics during the 15 year secret program had included discrediting targets through psychological warfare, planting false reports in the media, smearing through forged letters, harassment, wrongful imprisonment, extralegal violence and assassination.**³²

August, 15 1967: Operation CHAOS first uses CIA stations abroad to report on antiwar activities of United States citizens traveling abroad, employing methods such as physical surveillance and electronic eavesdropping, utilizing "liaison services" in maintaining such surveillance. The operation expands and builds a network of informants for the purposes of infiltrating various foreign antiwar groups located in foreign countries that might have ties to domestic groups. Later CIA officers expand the program to include other leftist or counter-cultural groups, such as groups operating within the women's liberation movement. **Operation CHAOS** continued till 1975 when it was exposed by the Church Committee which found "Operation CHAOS was not an intelligence mission sought by the CIA. Presidents Johnson and Nixon pressed the Director of CIA, Richard Helms, to determine the extent of hostile foreign influence on domestic unrest among students, opponents of the Vietnam war, minorities and the "New Left." By all the testimony and available evidence, it was this pressure which led to the creation and expansion of a special office in the CIA to coordinate the efforts to respond."³³

July 1, 1969: The National Security Agency formalizes **Project Minaret**, which involves intercepting electronic communications that contained the names of US citizens and passing them to other government law enforcement and intelligence organizations. Intercepted messages are disseminated to the FBI, CIA, Secret Service, Bureau of Narcotics and Dangerous Drugs, and the Department of Defense. The names are on "watch lists" of American citizens, generated by Executive Branch law enforcement and intelligence agencies, to detect communications involving the listed individuals. There is no judicial oversight, and the project has no warrants for interception. The project's main purpose is to link the civil rights movement and anti-war protests to international communism. **Project Minaret** continued till 1975 when it was exposed by the Church Committee.³⁴

³² "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate" (the Church Committee), Book III, April 23, 1976, available at <http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIIId.htm>

³³ "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate" (the Church Committee), Book III, April 23, 1976, available at <http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIIi.htm>

³⁴ "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate" (the Church Committee), Book III, April 23, 1976, available at <http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIIj.htm>

December 4, 1969: Black Panther Party leader Fred Hampton is killed in a raid by Chicago police. In 1976, as a result of the **Church Committee** hearings, Americans learnt that **Hampton's bodyguard was an FBI agent provocateur.**³⁵

May 4, 1970: The Ohio National Guard opens fire on Kent State University students protesting the Vietnam War, killing four students and wounding nine others. College campuses across the United States erupt in protest, leading to early termination of the school semester.³⁶

1971: A **Senate subcommittee** chaired by Sam Ervin Jr (Dem.) reveals that the **U.S. Army has been secretly and illegally monitoring protests and anti-war groups.**³⁷

1975-76: The **Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee)** reports to Congress that "domestic intelligence activity has threatened and undermined the constitutional rights of Americans to free speech, association and privacy. It has done so primarily because the constitutional system for checking abuse of power has not been applied."³⁸

October 25, 1978: Congress passed the **Foreign Intelligence Surveillance Act (FISA)**, which prescribes procedures for the physical and electronic surveillance and collection of "foreign intelligence information" between "foreign powers" and "agents of foreign powers" (which may include American citizens and permanent residents). The Act was amended in 2001 by the **USA PATRIOT Act**, primarily to include terrorism on behalf of groups that are not specifically backed by a foreign government.³⁹

May 1, 1981: The American public becomes aware of U.S. support for the military governments in El Salvador and Guatemala through a congressional lawsuit filed against the Reagan administration for violating the War Powers Resolution.⁴⁰

March 24, 1982: The Southside Presbyterian Church in Tucson, Arizona, begins sheltering refugees who have become victims of violent struggles between guerillas and the U.S. backed governments of Guatemala and El Salvador. The refugees are considered illegal immigrants by the government and deported home, where they face persecution. The Sanctuary Movement grows out of the American public's increasing anger over U.S. support for the fighting.⁴¹

March 7, 1983: Reagan's attorney general, William French Smith, lifts restrictions (imposed by Attorney General Edward Levi in 1976) on the FBI's domestic surveillance activities.⁴²

³⁵ Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate" (the Church Committee), Book III, April 23, 1976, available at <http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIIc.htm>

³⁶ "4 Kent State Students Killed by Troops", John Kifner, New York Times, available at <http://www.nytimes.com/learning/general/onthisday/big/0504.html>

³⁷ Internet Archive, <http://ia600303.us.archive.org/4/items/militarysurveil100unit/militarysurveil100unit.pdf>

³⁸ Church Committee Reports, available at http://www.aarclibrary.org/publib/contents/church/contents_church_reports.htm

³⁹ Foreign Intelligence Surveillance Act of 1978, Pub.L. 95-511, 92 Stat. 1783, 50 U.S.C. ch.36, S. 1566, available at http://www.law.cornell.edu/uscode/50/usc_sup_01_50_10_36.html

⁴⁰ *Crockett v. Reagan*, 558 F. Supp. 893 (D.D.C. 1982), available at <http://openjurist.org/720/f2d/1355/crockett-v-reagan>

⁴¹ Sanctuary Movement Trial papers, 1982-1988, <http://www.azarchivesonline.org/xtf/view?docId=ead/uoA/UAMS362.xml&doc.view=print;chunk.id=0>

⁴² "The Federal Bureau of Investigation's Compliance with the Attorney General's Investigative Guidelines", Special Report, Department of Justice, available at <http://www.justice.gov/oig/special/0509/chapter2.htm>

March, 1984: The U.S. government sets up **Operation Sojourner** to **infiltrate the Sanctuary Movement**.⁴³

July, 1985: Based on information from informants and surveillance, 16 Sanctuary workers are indicted, and several convicted, for "transporting and harboring fugitives."⁴⁴

April 24, 1996: The **Antiterrorism and Effective Death Penalty Act of 1996** is passed following the Oklahoma City bombing. Many proposed clauses that were left out were incorporated into the 2001 **USA PATRIOT Act**.⁴⁵

1998: The **Computer Assisted Passenger Prescreening System (CAPPS)** is a counter-terrorism system, which authorizes the Transportation Security Administration (TSA) to maintain a watchlist of "individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety." The list is used to pre-emptively identify terrorists and to mitigate perceived threats. **CAPPS** systems rely on what is known as Passenger Name Records (PNR). Identifying information (e.g. names and addresses) about a person booking a flight is collected by airlines and this information is used to check against watchlists to assign a terrorism "risk score" to that person. High risk scores require the airline to subject the person to extended baggage and/or personal screening, and to contact law enforcement if necessary.⁴⁶

September 11, 2001: Nearly 3,000 people die in the September 11 attacks.

October 7, 2001: The United States invades Afghanistan in response to the attacks, beginning the "war on terrorism".⁴⁷

October 26, 2001: Congress passes the **Uniting (and) Strengthening America (by) Providing Appropriate Tools Required (to) Intercept (and) Obstruct Terrorism Act (USA PATRIOT Act)**. The Act dramatically reduces restrictions on law enforcement agencies' ability to search telephone, e-mail communications, financial, medical, and other records; expands the Treasury's authority to regulate financial transactions, particularly those involving foreign individuals and entities; eases restrictions on foreign intelligence gathering within the U.S; and broadens the discretion of law enforcement and immigration authorities in detaining and deporting immigrants suspected of terrorism-related acts. **The Act also expands the definition of terrorism to include domestic terrorism**, thus enlarging the number of activities to which the **USA PATRIOT Act's** expanded law enforcement powers can be applied.⁴⁸

⁴³ Resisting Reagan: the U.S. Central America peace movement, Christian Smith, page 297, available at <http://books.google.com/books?id=3ppP1QMxz2MC&pg=PA297&dq=%22Operation%20Sojourner%22%20sanctuary%20began&pg=PA297#v=onepage&q=%22Operation%20Sojourner%22%20sanctuary%20began&f=false>

⁴⁴ "Operation Sojourner- the Government Infiltrated Churches", Scott McCartney, The Telegraph, October 24, 1985, available at http://news.google.com/newspapers?nid=2209&dat=19851024&id=6JwrAAAIBAJ&sjid=F_wFAAAIBAJ&pg=6986,5172550

⁴⁵ The Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214, available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong_public_laws&docid=f:publ132.104

⁴⁶ "The Aviation Security System and the 9/11 Attacks", Staff Statement No. 3, National Commission on Terrorist Attacks upon the United States, available at http://www.9-11commission.gov/staff_statements/staff_statement_3.pdf

⁴⁷ "It's time for war, Bush and Blair tell Taliban", Patrick Wintour et al., The Guardian, October 7, 2001, available at

<http://www.guardian.co.uk/world/2001/oct/07/politics.september11>

⁴⁸ Uniting (and) Strengthening America (by) Providing Appropriate Tools Required (to) Intercept (and) Obstruct Terrorism Act of 2001, 115 Stat. 272, available at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ132/content-detail.html>

November 19, 2001: The **Aviation and Transportation Security Act**⁴⁹ is passed by Congress. The Act creates the Transportation Security Administration (TSA) within the U.S. Department of Transportation. However, with the passage of the Homeland Security Act, the TSA was later transferred to the Department of Homeland Security.

June, 2002: The **National Security Entry-Exit Registration System (also known as Special Registration or NSEERS)** is initiated, requiring males over the age of 16 from 25 designated countries — 24 of which are predominantly Muslim — to register with the INS, now under Department of Homeland Security (DHS), which houses the U.S. Citizenship and Immigration Services. While **NSEERS** has technically been ended, DHS retains the right to recall any individual who registered with **NSEERS** at any time for further investigation.⁵⁰

July, 2002: **Operation TIPS (Terrorist Information and Prevention System)** a domestic intelligence-gathering program is designed by Bush. The program's website implies that **US workers who have access to private citizens' homes, such as cable installers and telephone repair workers, will be reporting on what was in people's homes if it is deemed "suspicious"**. The operation is criticized by many due to the civil liberties concerns it poses and is officially cancelled when the **Homeland Security Act** is passed.⁵¹

November, 2002: TSA begins development of the **Computer Assisted Passenger Pre-Screening Program (CAPPS-II)**, which relies on PNR used by **CAPPS** to uniquely identify people attempting to board aircraft. **CAPPS-II** expands the PNR field to include full street addresses, dates of birth, and home telephone numbers, and then cross-reference these fields with government records and private sector databases to ascertain the identity and determine a number of details about that person. The program is terminated in 2004 after protests from a coalition of civil rights organizations, including the ACLU. However, a similar government program, **Secure Flights**, replaced it.⁵²

November 25, 2002: The **Homeland Security Act** creates the Department of Homeland Security and involves the largest federal government reorganization since the Department of Defense was created via the **National Security Act of 1947**. The **Homeland Security Act** includes many of the organizations under which the powers of the **USA PATRIOT Act** are exercised.⁵³

Dec. 17, 2002: Congress passes the **E-Government Act of 2002**⁵⁴, the stated purposes of which include “to promote use of the Internet and other information technologies” and “to promote inter-agency collaboration in providing electronic Government services”.

⁴⁹Aviation and Transportation Security Act of 2001, 115 Stat. 597, available at, <http://www.gpo.gov/fdsys/pkg/PLAW-107publ71/pdf/PLAW-107publ71.pdf>

⁵⁰“DHS Suspends Ineffective NSEERS program”, Reema Rahman, May 20, 2011, available at <http://nationalsecurityzone.org/site/dhs-suspends-ineffective-nseers-program/>

⁵¹“US planning to recruit one in 24 Americans as citizen spies”, Ritt Goldstein, July 15 2002, available at <http://www.smh.com.au/articles/2002/07/14/1026185141232.html>

⁵²“Feature on CAPPS-II”, available at <http://www.aclu.org/technology-and-liberty/feature-capps-ii>

⁵³E-Government Act of 2002, Pub.L. 107-347, 116 Stat. 745, 116 Stat. 2899, available at http://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf

⁵⁴The Homeland Security Act (HSA) of 2002, Pub.L. 107-296, 116 Stat. 2135, available at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ347/pdf/PLAW-107publ347.pdf>

March 20, 2003: U.S. and “coalition of the willing” forces invade Iraq.⁵⁵

Dec. 17, 2004: The **Intelligence Reform and Terrorism Prevention Act of 2004**⁵⁶ is passed. The Act deals with reform of the intelligence community and establishes the Director of National Intelligence, National Counterterrorism Center and National Intelligence Centers.

2005: The Bush administration authorizes the National Security Agency (NSA) to intercept electronic communications without complying with the **Foreign Intelligence Surveillance Act (FISA)**.⁵⁷

March, 2005: **Secure Flight** an airline security program which is a renamed and slightly modified version of **CAPPS-II** is proposed by the TSA.⁵⁸

May 11, 2005: The **REAL ID Act**⁵⁹ is passed, modifying federal law pertaining to security, authentication, and issuance procedures standards for the state driver's licenses and identification (ID) cards, as well as various immigration matters such as asylum.

December 14, 2005: The existence of a secret Pentagon program called **Threat and Local Observation Notice (TALON)** is revealed. **TALON** databases **collect information on anti-war protests and rallies**, particularly actions targeting military recruitment.⁶⁰

2006: The Departments of Justice and Homeland Security produced a report, “Fusion Center Guidelines: Developing and Sharing Information and Intelligence in a New Era”, which establishes guidelines for the establishment of fusion centers. Fusion centers are intended to be hubs where intelligence that is gathered by law enforcement agencies may be stored and analyzed and accessed by federal, state and local law enforcement and intelligence agencies and the military.⁶¹

Jan. 6, 2006: The **Detainee Treatment Act**⁶² prohibits aliens detained in Guantanamo Bay from applying for a writ of habeas corpus. In a later Supreme Court case, it was held that prisoners had a right to the habeas corpus under the United States Constitution.⁶³

March 7, 2006: The **USA PATRIOT Act** is renewed.⁶⁴

⁵⁵ Invasion of Iraq. <http://www.pbs.org/wgbh/pages/frontline/shows/invasion/cron/>

⁵⁶ Intelligence Reform and Terrorism Prevention Act of 2004, Pub.L. 108-458, 118 Stat. 3638, available at <http://www.nctc.gov/docs/irtpa.pdf>

⁵⁷ “White House Begins New Effort to Defend Surveillance Program”, David Sanger, The New York Times, January, 23, 2006, available at <http://www.nytimes.com/2006/01/23/politics/23cnd-wiretap.html?pagewanted=2>

⁵⁸ “The Four Biggest Problems With the “Secure Flight” Airline Security Program”, ACLU, March 24, 2005, available at <http://www.aclu.org/technology-and-liberty/four-biggest-problems-secure-flight-airline-security-program>

⁵⁹ Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, Pub. L. 109-13, 119 Stat 312, available at <http://www.gpo.gov/fdsys/pkg/PLAW-109pub113/pdf/PLAW-109pub113.pdf>

⁶⁰ “Is the Pentagon spying on Americans?” available at <http://www.msnbc.msn.com/id/10454316/#.TqeTs5sr2so>

⁶¹ “Fusion Center Guidelines: Developing and Sharing Information and Intelligence in a New Era”, available at http://it.ojp.gov/documents/fusion_center_guidelines_law_enforcement.pdf

⁶² National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-163, Title XIV, 119 Stat 3474, available at <http://www.gpo.gov/fdsys/pkg/PLAW-109pub1163/pdf/PLAW-109pub1163.pdf>

⁶³ *Boumediene v. Bush*, 553 U.S. 723 (2008)

⁶⁴ “House approves Patriot Act renewal”, CNN Politics, available at http://articles.cnn.com/2006-03-07/politics/patriot.act_1_patriot-act-renewal-controversial-provisions?_s=PM:POLITICS

May 11, 2006: The media reports that **phone companies have been handing over private customer calling records to the National Security Agency (NSA).**⁶⁵

Oct. 17, 2006: The **Military Commissions Act of 2006 (MCA)**⁶⁶ was signed in to law. Its stated purpose is "To authorize trial by military commission for violations of the law of war, and for other purposes." In a later Supreme Court case, it was held that prisoners had a right to the habeas corpus under the United States Constitution and that the MCA was an unconstitutional suspension of that right.⁶⁷

August 5, 2007: The **Protect America Act** a controversial amendment to the **Foreign Intelligence Surveillance Act (FISA)** is enacted. It removes the warrant requirement for government surveillance of foreign intelligence targets "reasonably believed" to be outside of the United States.⁶⁸

July 9, 2008: The **FISA Amendments Act of 2008** repeals the **Protect America Act**, but replaces it with similar provisions in **FISA.**⁶⁹

March 5, 2008: Special Order 11 is issued by LAPD chief William Bratton, authorizing his officers to gather intelligence information on everyday "non-criminal" activities. Just a few weeks before the LAPD order is issued, the Director of National Intelligence publishes new "functional standards" for suspicious activity reports that programs like the LAPD's will generate. Suspicious Activity Reports generated under Special Order 11 may be shared between federal, state and local agencies and stored at fusion centers.

January, 2010: An investigation and report by the Department of Justice found that Telecommunications companies have contracted with the National Security Agency to assist with its warrantless intelligence collection efforts, and they contracted with the FBI to circumvent the **Electronic Communications Privacy Act** by using "exigent letters" (letters signed by FBI counterterrorism personnel not authorized to sign national security letters which assure telephone companies on the receiving end that investigators face an emergency situation and that subpoenas or national security letters will follow). According to the account of the more than 700 such letters, many times there are no urgent circumstances, and many times the promised follow-up authorization never happened.⁷⁰

May 26, 2011: The **USA PATRIOT Act** is renewed.⁷¹

⁶⁵ "NSA has massive database of Americans' phone calls", USA Today, May 11, 2006, available at http://www.usatoday.com/news/washington/2006-05-10-nsa_x.htm

⁶⁶ The Military Commissions Act of 2006, Pub.L. 109-366, available at <http://www.gpo.gov/fdsys/pkg/PLAW-109publ366/pdf/PLAW-109publ366.pdf>

⁶⁷ *Boumediene v. Bush*, 553 U.S. 723 (2008)

⁶⁸ The Protect America Act of 2007 (PAA), (Pub.L. 110-55, 121 Stat. 552, enacted by S. 1927), available at <http://www.justice.gov/archive/ll/docs/text-of-paa.pdf>

⁶⁹ The FISA Amendments Act of 2008 (Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008), H.R. 6304, available at

<http://www.opencongress.org/bill/110-h6304/text>

⁷⁰ "A review of the Federal Bureau of Investigation's use of exigent letters and other informal requests for telephone records", U.S. Dept. of Justice, January 2010, available at <http://www.justice.gov/oig/special/s1001r.pdf>

⁷¹ "The LWOT: Patriot Act renewed just before deadline", Andrew Lebovich, May 27, 2011, Foreign Policy Magazine, available at

http://www.foreignpolicy.com/articles/2011/05/27/the_lwot_patriot_act_renewed_just_before_deadlinehttp://www.foreignpolicy.com/articles/2011/05/27/the_lwot_patriot_act_renewed_just_before_deadline