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**STATEMENT OF  
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OF THE  
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (“S.T.O.P.”)**

**TO THE  
PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD**

**REGARDING  
REQUEST FOR PUBLIC COMMENTS AND NOTICE OF PUBLIC FORUM ON  
DOMESTIC TERRORISM; DOCKET PCLOB-2022-0001**

**SUBMITTED  
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## I. Introduction

The Surveillance Technology Oversight Project (“S.T.O.P.”) is a community-based civil rights group that advocates and litigates against discriminatory surveillance. Our work highlights the impact of surveillance on Muslims, immigrants, the LGBTQ+ community, Indigenous peoples, and communities of color. We write to stress that expanding surveillance in the name of domestic terrorism would be shortsighted, ultimately harming Americans.

On September 11, 2001, Al-Qaeda hijacked four commercial airplanes.<sup>1</sup> They deliberately crashed two into the World Trade Center and one into the Pentagon, and passengers forced one down in Pennsylvania.<sup>2</sup> In response, the U.S. government pushed new policies that drastically curtailed Americans’ First and Fourth Amendment rights.<sup>3</sup> Over the subsequent decades, the U.S. normalized overbearing surveillance. Tens of thousands of cameras now dot cities, and local law enforcement uses dragnets to chase petty violations and monitor lawful activity.<sup>4</sup> Unimaginable before 2001, mass surveillance is now an everyday occurrence.

As the immediate specter of international terrorism faded, domestic terrorism supplanted it in the public consciousness.<sup>5</sup> This came to a head on January 6, 2021, when a mob forced their way into the United States Capitol Building as Congress certified the 2020 election results.<sup>6</sup> In the aftermath, well-meaning activists and lawmakers forgot the lessons they learned from the failures of post-9/11 surveillance. They called for a new domestic terrorism statute that would unintentionally give law enforcement expanded powers to circumvent our constitution and needlessly discriminate against Americans.<sup>7</sup>

These proposals are just as misguided today as they were in 2001. New surveillance under the guise of countering domestic terrorism is unnecessary and needlessly erodes American life. We urge the Privacy and Civil Liberties Oversight Board (the Board) to advise against any expansion of surveillance.

## II. Constitutional Harms

Government authorities routinely use surveillance to avoid their legal obligations—wearing away constitutional freedoms and causing tangible harm. These consequences are especially pronounced

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<sup>1</sup> *9/11 FAQs*, National September 11 Memorial & Museum (last visited Jun. 24, 2022), <https://www.911memorial.org/911-faqs>.

<sup>2</sup> *Id.*

<sup>3</sup> Dara Lind, *Everyone’s Heard of the Patriot Act. Here’s What It Actually Does*, Vox (Jun. 2, 2015).

<sup>4</sup> Ben Fox Rubin, *Facial Recognition Overkill: How Deputies Cracked a \$12 Shoplifting Case*, CNET (Mar. 2019); Joanne Cavanaugh Simpson & Marc Freeman, *South Florida Police Quietly Ran Facial Recognition Scans to Identify Peaceful Protestors. Is that Legal?*, Sun Sentinel (Jun. 2021); *Inside the NYPD’s Surveillance Machine*, Amnesty International (last visited Jun. 24, 2022), <https://banthescan.amnesty.org/decode/>.

<sup>5</sup> Eileen Sullivan & Katie Benner, *Top Law Enforcement Officials Say the Biggest Domestic Terror Threat Comes from White Supremacists.*, The New York Times (May 2021).

<sup>6</sup> Jamie Boschama et. al., *How a Pro-Trump Mob Besieged the Capitol*, CNN (Jan. 2021).

<sup>7</sup> Eleni Manis et. al., *Scan City: A Decade of NYPD Facial Recognition Abuse*, the Surveillance Technology Oversight Project (2021).

when law enforcement targets people who hold lawful counter-majoritarian viewpoints or belong to a racial or religious minority.

a. First Amendment

Law enforcement routinely targets lawful First Amendment activities under cover of countering domestic counterterrorism. One example of many was the New York Police Department's (NYPD) "Demographics Unit," which systematically targeted Muslim people across state lines.<sup>8</sup> The NYPD sent informants into mosques to elicit incriminating responses and had informants build relationships with religious leaders on social media to collect information about their politics.<sup>9</sup> These tactics understandably made New Yorkers afraid to practice their religion, speak their mind, or serve their community.<sup>10</sup> And none of it ever led to a single actionable lead.<sup>11</sup>

Law enforcement has also turned surveillance against Black rights activists. Local police departments and federal agencies monitor #BlackLivesMatter and other political keywords on social media platforms.<sup>12</sup> For example, in 2016, a prominent Oregon Department of Justice attorney used #BlackLivesMatter on Twitter.<sup>13</sup> A law enforcement officer saw the post and quietly built a dossier on the official.<sup>14</sup> Similarly, local police turn to unconstitutional general warrants to compel location data from technology companies.<sup>15</sup> Police have directed these warrants towards protest zones, giving them the technical capability to identify every person's movements before, during, and after demonstrations.<sup>16</sup>

Surveillance of protected speech has real impacts on everyday life. In one example, a border agent scoured a Palestinian student's social media profile without a reason to think the information she obtained would be relevant to the student's behavior in the U.S.<sup>17</sup> The agent noticed that the student's online friends criticized America's foreign policy, so she denied him entry into the country.<sup>18</sup>

b. Fourth Amendment and Privacy

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<sup>8</sup> New York Police Department, *The Demographics Unit* (Mar. 7, 2012) available at <https://web.archive.org/web/20120307184221/http://wid.ap.org/documents/nypd-demo.pdf>.

<sup>9</sup> Matt Apuzzo, Adam Goldman, Eileen Sullivan and Chris Hawley of the Associated Press, Pulitzer (last visited Jun. 24, 2022), <https://www.pulitzer.org/winners/matt-apuzzo-adam-goldman-eileen-sullivan-and-chris-hawley>.

<sup>10</sup> Joseph Gedeon, *How the NYPD Infiltrated a Muslim Charity in The Years After 9/11*, Gothamist (Sep. 2021).

<sup>11</sup> Adam Goldman & Matt Apuzzo, *NYPD Muslim Spying Led to No Leads, Terror Cases*, Associated Press (Aug. 2012).

<sup>12</sup> Casey Parks, *Oregon's Top Civil Rights Lawyer Sues Attorney General over Black Lives Matter Profiling Scandal*, The Oregonian (Oct. 2016); Michael Kwet, *ShadowDragon: Inside the Social Media Surveillance Software That Can Watch Your Every Move*, The Intercept (last visited Jun. 24, 2022), <https://theintercept.com/2021/09/21/surveillance-social-media-police-microsoft-shadowdragon-kaseware/>.

<sup>13</sup> Parks, *supra* note 12.

<sup>14</sup> *Id.*

<sup>15</sup> Denise Lavoie, "Geofence Warrant" Unconstitutional, Judge Rules in Virginia, US News & World Report (Mar. 2022). Russell Brandom, *How Police Laid down a Geofence Dragnet for Kenosha Protestors*, The Verge (Aug. 2021).

<sup>16</sup> Brandom, *supra* note 15

<sup>17</sup> Karen Zraick & Mihir Zaveri, *Harvard Student Says He Was Barred from U.S. Over His Friends' Social Media Posts*, The New York Times (Aug. 2019).

<sup>18</sup> *Id.*

Government surveillance unjustifiably targets the public and circumvents the Fourth Amendment. The Supreme Court's Third-Party and Plain View doctrines reduce judges' legal perception of a "reasonable expectation of privacy," but many people reasonably contend that Americans should be entitled to attend a gathering, post on social media, or send an email to their friends without the government watching them.<sup>19</sup> Law enforcement has repeatedly violated Americans' privacy in each of these arenas and more.

After 9/11, Congress gave the intelligence bureaus what it believed were targeted new powers to prevent terrorist activity; instead, this authority normalized a surveillance state.<sup>20</sup> Rather than squarely focusing on terrorism, the executive branch used presidential power and the Patriot Act to collect private data in bulk.<sup>21</sup> The National Security Agency (NSA) monitored every phone call in the Bahamas and listened to millions of domestic conversations.<sup>22</sup> Recently declassified documents suggested the Central Intelligence Agency did the same.<sup>23</sup> Today, Immigration and Customs Enforcement and the Department of Homeland Security (DHS) use dragnet tools like facial recognition, internet surveillance, and activity reports to rip immigrants from their homes and investigate groups that have never advocated for violence.<sup>24</sup> If you give surveillance proponents an inch, they take a mile. America must not make this mistake again.

### III. Discriminatory Application

History shows domestic terrorism policies disproportionately target and criminalize Black and Muslim Americans.

Before becoming head of the Federal Bureau of Investigations (FBI), a young J. Edgar Hoover tracked Marcus Garvey, a self-described "race leader."<sup>25</sup> What began as police officers eavesdropping on Garvey's stoop turned into full-scale surveillance of the movement he led.<sup>26</sup> These measures were direct precursors to the FBI's persistent surveillance of civil rights leaders like Dr. Martin Luther King, Jr.<sup>27</sup>

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<sup>19</sup> *Plain View Doctrine*, U.S. Dep't of Justice, Office of Justice Programs (last visited Jun. 24, 2022), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/plain-view-doctrine>; John Villasenor, *What You Need to Know about the Third-Party Doctrine*, *The Atlantic* (Dec. 2013); *Katz and the Adoption of the Reasonable Expectation of Privacy Test*, Cornell Law School, Legal Information Institute (last visited Jun. 24, 2022), <https://www.law.cornell.edu/constitution-conan/amendment-4/katz-and-the-adoption-of-the-reasonable-expectation-of-privacy-test>.

<sup>20</sup> Senate Consideration of H.R. 3162, The USA PATRIOT ACT of 2001, Congressional Record, S10990-S11060, October 15, 2021, available at <https://sfp.fas.org/congress/2001/s102501.html>.

<sup>21</sup> Ewen MacAskill et. al., *NSA Files Decoded: Edward Snowden's Surveillance Revelations Explained*, *the Guardian* (Nov. 2013).

<sup>22</sup> Ryan Devereaux et. al., *The NSA Is Recording Every Cell Phone Call in the Bahamas*, *The Intercept* (May 2014).

<sup>23</sup> *Wyden and Heinrich: Newly Declassified Documents Reveal Previously Secret CIA Bulk Collection, Problems With CIA Handling of Americans' Information*, U.S. Senator Ron Wyden (last visited Jun. 24, 2022), <https://www.wyden.senate.gov/news/press-releases/wyden-and-heinrich-newly-declassified-documents-reveal-previously-secret-cia-bulk-collection-problems-with-cia-handling-of-americans-information>.

<sup>24</sup> Fazia Patel, et. al., *A Course Correction for Homeland Security*, Brennan Center for Justice, 8,18 (2022).

<sup>25</sup> Michel duCille, *Black Moses, Red Scare*, *Washington Post* (Feb. 1997).

<sup>26</sup> *Id.*

<sup>27</sup> University, *Federal Bureau of Investigation (FBI)*, The Martin Luther King, Jr., Research and Education Institute (last visited Jun. 24, 2022), <https://kinginstitute.stanford.edu/encyclopedia/federal-bureau-investigation-fbi>.

Domestic counterterrorism has also historically targeted political dissidents, as was revealed by the Church Commission report on COINTELPRO.<sup>28</sup> COINTELPRO was a series of covert actions against domestic groups that the Church Commission described as “aimed squarely at preventing the exercise of First Amendment rights.”<sup>29</sup> COINTELPRO targeted not only political dissenters but also racial minorities under the guise of monitoring “Black Nationalist Hate Groups,” a term that encompassed the peaceful Southern Christian Leadership Conference and most Black student organizations.<sup>30</sup>

These trends have not strayed. Instead, the modern-day FBI focuses on a category called “Black Identity Extremism.”<sup>31</sup> Under this category, the FBI has surveilled leaders of the Black Lives Matter movement for their protests of police brutality.<sup>32</sup> Leaked FBI documents reveal that it considered “black identity extremists”—a term the government regularly applies to almost any Black rights activist group—to be a “priority domestic terrorism target” ahead of white extremism even as late as 2017.<sup>33</sup> Perhaps because of this prioritization, the FBI used some of its most intrusive tools against Black Lives Matter protesters, for example, deploying “a one-of-a-kind spy plane” to conduct ariel surveillance of D.C. area protests.<sup>34</sup> This targeting occurred despite what the data tells us: when it comes to domestic extremist violence, white supremacists and other far-right groups are responsible for most killings.<sup>35</sup>

Likewise, in the early 2000s, local police partnered with DHS to profile and target people based on their politics, religion, and race, and they particularly targeted Muslim Americans.<sup>36</sup> One presidential advisor remarked, “As far as ethnic profiling; it’s very troubling. It pains me to say this, but some of it may have to be done.”<sup>37</sup> Police operationalized this policy.<sup>38</sup> In 2016, the New York City Inspector General reported that NYPD had targeted Muslim communities with heightened surveillance for over a decade.<sup>39</sup>

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<sup>28</sup> S. Rep. No. 95-755 (1976).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Jana Winter Weinberger Sharon, *The FBI’s New U.S. Terrorist Threat: ‘Black Identity Extremists,’* Foreign Policy (Oct. 6, 2017), <https://foreignpolicy.com/2017/10/06/the-fbi-has-identified-a-new-domestic-terrorist-threat-and-its-black-identity-extremists/>.

<sup>32</sup> *Id.*

<sup>33</sup> Igor Derysh, *Leaked Documents Show FBI Targeted Post-Ferguson ‘Black Identity Extremists’ Over White Supremacists*, Salon (Aug. 2019).

<sup>34</sup> Peter Aldhous, *The FBI Used an Advanced Spy Jet to Conduct Surveillance of Black Lives Matter Protests*, BuzzFeed News (Jun. 2020).

<sup>35</sup> Anti Defamation League, *Murder and Extremism in the States in 2021* (Feb. 2022), available at <https://www.adl.org/murder-and-extremism-2021>.

<sup>36</sup> Ted Hesson, *Five Ways Immigration System Changed After 9/11*, ABC News (Sep. 2012).

<sup>37</sup> Matthew Purdy, *A Nation Challenged: The Law; Bush’s New Rules to Fight Terror Transform the Legal Landscape*, The New York Times (Nov. 2001). *United*

<sup>38</sup> Matt Apuzzo & Adam Goldman, *Inside The Spy Unit The NYPD Says Doesn’t Exist*, HuffPost, <https://www.huffpost.com/entry/inside-the-demographics-unit-943139> (last visited Jun. 24, 2022).

<sup>39</sup> Tom Hays, *Inspector General: NYPD Skirted Rules for Surveillance*, Associated Press (Aug. 23, 2016), <https://apnews.com/article/religion-nyc-wire-ny-state-wire-us-news-government-surveillance-63e2d09bfbfb47b9a045357609ac9bc2>. *An Investigation of NYPD’s Compliance with Rules Governing Investigations of Political Activity*, DOI (2016), [https://www1.nyc.gov/assets/doi/reports/pdf/2016/2016-08-23-Oig\\_intel\\_report\\_823\\_final\\_for\\_release.pdf](https://www1.nyc.gov/assets/doi/reports/pdf/2016/2016-08-23-Oig_intel_report_823_final_for_release.pdf).

While intelligence agencies and political actors have started to talk about pushing back against white extremism,<sup>40</sup> “domestic terrorism” labels are still more often turned against those targeted by white extremists than against the white extremists themselves.

#### IV. Psychological Harms

Surveillance creates a suite of psychological harms that hold our country back. Studies show that electronic monitoring causes stress, reduces people’s sense of autonomy, and decreases trust in others.<sup>41</sup>

The negative relationship between surveillance and trust is well-documented. A 2012 literature review in the *International Journal of Law Crime and Justice* found that surveillance decreases trust in government.<sup>42</sup> People become less trusting in the government’s discretion after learning it surveils them—not just an abstract group that a given individual might not identify with.<sup>43</sup> Supporting this claim, a 2016 ethnographic study of Muslims in New York City found that post-9/11 surveillance reduced trust in government and community.<sup>44</sup> Similarly, *The Leadership Quarterly* published research demonstrating that surveillance sows distrust among previously cohesive groups.<sup>45</sup> Surveillance can turn leadership into an “outgroup,” thus undermining the leaders’ trust and credibility.<sup>46</sup> These same effects permeate society, for instance, turning Muslims into an outgroup for society to scapegoat.<sup>47</sup>

In addition, surveillance diminishes people’s willingness to experiment or explore creative ideas to learn about themselves and drive society forward.<sup>48</sup> An interdisciplinary study in the *Berkeley Technology Law Journal* found that surveillance discouraged readers from visiting online articles correlated with a list of keywords that DHS monitored.<sup>49</sup> Another empirical study, a collaboration between researchers at the Massachusetts Institute of Technology and Restore the Fourth, found that the Snowden revelations had a chilling effect on internet searches.<sup>50</sup>

Mass surveillance causes concrete harms that permeate society. The U.S. prizes individual expression and innovation and relies on public support to protect government institutions. But surveillance chills expression, destroys creativity, and reduces trust. Mass surveillance cannot coexist with America’s values.

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<sup>40</sup> *Privacy and Civil Liberties Oversight Board Live Stream*, YouTube (last viewed Jun. 27, 2022), <https://www.youtube.com/watch?v=2XLPJuDhiq0>.

<sup>41</sup> Chris Chambers, *NSA and GCHQ: The Flawed Psychology of Government Mass Surveillance*, *the Guardian* (Aug. 2013).

<sup>42</sup> Marie-Helen Maras, *The Social Consequences of a Mass Surveillance Measure: What Happens When We Become the ‘Others’?*, 40 *International Journal of Law, Crime and Justice* 65 (2012).

<sup>43</sup> *Id.*

<sup>44</sup> Arshad Ali, *Citizens under Suspicion: Responsive Research with Community under Surveillance*, 47 *Anthropology & Education Quarterly* 78 (2016).

<sup>45</sup> Emina Subašić et al., *Leadership, Power and the Use of Surveillance: Implications of Shared Social Identity for Leaders’ Capacity to Influence*, 22 *The Leadership Quarterly* 170 (2011).

<sup>46</sup> *Id.*

<sup>47</sup> Yunis Alam & Charles Husband, *Islamophobia, Community Cohesion and Counter-Terrorism Policies in Britain*, 47 *Patterns of Prejudice* 235 (2013).

<sup>48</sup> Chambers, *supra* note 41.

<sup>49</sup> Jon Penney, *Chilling Effects: Online Surveillance and Wikipedia Use*, 31 *Berkeley Tech. L. Journal* 117 (2016).

<sup>50</sup> Alex Marthews & Catherine E. Tucker, *Government Surveillance and Internet Search Behavior* (2017).



## V. Mass Surveillance Doesn't Work

America receives little to nothing in return for letting mass surveillance subvert the constitution and injure Americans.<sup>51</sup> Evidence shows that surveillance does not work. Its sources are highly unreliable; they include comical assertions found on satirical websites and thousands of unsubstantiated activity reports.<sup>52</sup> For instance, boarding an airplane is perhaps the most invasive process many people will ever directly experience, but audits of the Transportation Security Administration show that it does not detect the vast majority of threats, up to 95% in 2015 and “in the ballpark” of 80% two years later.<sup>53</sup> Likewise, this Board previously found that mass communications surveillance has “little unique value.”<sup>54</sup>

Similarly, for everything New York invested in video surveillance, it did not prevent April's horrific shooting in a Brooklyn subway station or May's race-war-motivated massacre at a Buffalo supermarket.<sup>55</sup> Studies found that closed-circuit television (CCTV) fails to do what it promises; it only has a negligible impact on crime reduction.<sup>56</sup> For instance, a study revealed that London's expansive CCTV network only solved 3% of street robberies, and a survey of North American CCTV found no effect on crime reduction.<sup>57</sup>

New surveillance technology is not effective. S.T.O.P. reviewed the January 6<sup>th</sup> riot on the event's first anniversary.<sup>58</sup> We found that police reports only claimed facial recognition played an important role in securing evidence against rioters in three out of the one hundred and forty-four investigations completed by January 6, 2022.<sup>59</sup> Comparatively, police reports claimed tips and other identifications provided by the public were a key factor in 74% percent of completed cases.<sup>60</sup> These numbers suggest that facial recognition vastly underperforms when compared to old-fashioned police work.

## VI. Domestic Terrorism Prevention Act of 2022

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<sup>51</sup> Patel, *supra* note 24 at 8, 18.

<sup>52</sup> Nathan Bernard, *Satirical “Protest Jobs” Website Was Source of Official Warnings About Leftist Violence*, Mainer (Jul. 2020); Patel, *supra* note 24, at 7.

<sup>53</sup> Tom Costello & Alex Johnson, *TSA Chief Out After Agents Fail 95 Percent of Airport Breach Tests*, NBC News (Jun. 2015); Dana Kennedy, *‘A Matter of Time until Another 9/11’ Warn Experts as Airport Security Weaker than Ever*, New York Post, (Aug. 2015); David Kerley & Jeffrey Cook, *TSA Fails Most Tests in Latest Undercover Operation at US Airports*, ABC, (Nov. 9, 2017).

<sup>54</sup> Privacy and Civil Liberties Oversight Board, *Report on the Telephone Records Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court*, 11 (Jan. 2014).

<sup>55</sup> Albert Fox Cahn, *Sorry Eric Adams but New Tech Won't Stop New York's Old Guns and Terror Problems*, The Daily Beast (Apr. 2022); *Buffalo Supermarket Shooting: What Do We Know so Far?*, ABC News, (last visited Jun. 28, 2022), <https://abcnews.go.com/US/wireStory/buffalo-supermarket-shooting-84813182>.

<sup>56</sup> Wade Deisman et. al., *Report on Camera Surveillance in Canada: Part One*, 7, Surveillance Studies Centre, (Jan. 2009).

<sup>57</sup> *Id.* at 7; Brandon C. Welsh and David P. Farrington, *Effects of Closed-Circuit Television on Crime*, 578 Am. Acad. of Pol. and Soc. Sci. 110, 1 (2003).

<sup>58</sup> *January 6th Surveillance Review*, The Surveillance Technology Oversight Project (last visited Jun. 24, 2022), <https://www.stopspying.org/jan6>.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

The Board is not considering any specific proposal in these proceedings, but it is worth noting the risks associated with one domestic terrorism bill the House of Representatives recently passed, the Domestic Terrorism Prevention Act of 2022 (DCPA).<sup>61</sup>

The DCPA creates three new surveillance offices.<sup>62</sup> A DHS office would be “responsible for monitoring and analyzing domestic terrorist activity.”<sup>63</sup> An office in the Department of Justice would investigate and prosecute this activity, and a new domestic terrorism office would also join the Federal Bureau of Investigations.<sup>64</sup> By statutory definition, “domestic terrorism” means “acts dangerous to human life” carried out to influence public policy,<sup>65</sup> but this definition is overbroad.

The DCPA is likely to result in harsher penalties for protest activity by allocating new resources to surveilling and prosecuting non-violent political groups. History shows that government actors willingly levy terrorist labels against protestors who are not responsible for anything more than vandalism or trespass.<sup>66</sup> For instance, an Oklahoma County district attorney charged two protestors under terrorism laws after breaking a business’ windows.<sup>67</sup> Similarly, in 2012, the U.S. charged a geriatric nun and two pacifists with sabotage after they trespassed into a nuclear facility where they painted anti-nuclear slogans and sang songs.<sup>68</sup> The DCPA would create three new entities that will surveil and prosecute protestors in the name of “terrorism.”

Government agencies would likely use new counterterrorism resources under the DCPA to target the same groups the U.S. has oppressed and labeled “terrorists” for over one hundred years.<sup>69</sup> Even if the Board trusts the current administration and intelligence agencies to investigate white supremacists and violent extremists, there is no guarantee that future administrations will act in good faith to investigate these real threats. The previous administration categorized Black rights demonstrators as a “priority domestic terrorism target” and directed resources meant to combat terrorism towards their surveillance and prosecution. It also repurposed surveillance and counterterrorism resources to facilitate unjust deportations and retaliate against political opponents.<sup>70</sup> It is unreasonable to expect that these expanded surveillance and “counterterrorism” tools will not be misused in the future.<sup>71</sup>

## VII. Conclusion

Expanding government surveillance powers and domestic terrorism statutes will increase discrimination and sidestep Americans’ rights. The costs are far too great, and we are not more

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<sup>61</sup> H.R. 350 117th Cong. 2d. Sess. (2022).

<sup>62</sup> *Id.* at § 3.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> 18 U.S.C. § 2331(5) (2018).

<sup>66</sup> *Supra* Part III.

<sup>67</sup> Danielle Wallace, *Oklahoma DA Slaps Teens with Terrorism Charges, Accuses BLM of Intimidating Officers, Protecting Criminals*, Fox News (Jul. 2020).

<sup>68</sup> Eric Schlosser, *Nuns and Nuclear Security*, The New Yorker (Mar. 2, 2015); Fran Quigley, *How the U.S. Turned Three Pacifists Into Violent Terrorists*, Nuclear Age Peace Foundation (May 15, 2013), <https://www.wagingpeace.org/how-the-u-s-turned-three-pacifists-into-violent-terrorists/>.

<sup>69</sup> *Supra* Part III.

<sup>70</sup> *Supra* Part III. *See generally*, Emily Feng et. al., *2-Year Investigation Reveals ICE Has Data on Most of the American Public*, National Public Radio (May 2022).

<sup>71</sup> *Supra* Part III.



protected for it. S.T.O.P. urges the Privacy and Civil Liberties Oversight Board to advise against governments' extension of these practices and laws.

Thank you for holding hearings on this subject earlier in June and allowing our organization to submit written remarks. For further discussion, please contact S.T.O.P.'s legal director, David Siffert, [David@stopspying.org](mailto:David@stopspying.org).