

# Homeland Security Encourages Americans to Spy and Report on Their Neighbors

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Posted on January 7, 2011, Printed on January 10, 2011  
<http://www.alternet.org/story/149451/>

Urging everyday Americans to report suspicious activity they believe could be linked to terrorism remains a leading priority for Barack Obama's homeland security secretary, Janet Napolitano. Bridge workers, shopping retailers, hoteliers, garbage collectors, patrol officers and your next-door neighbor have all been encouraged to notify authorities if they witness something out of the ordinary.

The program is rolling out state by state, and local police as well as private businesses like Minnesota's Mall of America are joining in the campaign to help officials compile evidence of possible terrorism in databases and analyze it as intelligence for leads.

An earnest-looking Napolitano appeared in a "see something, say something" public-service announcement at the height of the holiday season that aired near checkout stands for Walmart shoppers as they waited to ring up cartloads of plastic goodness. Some Internet commentators jeered, calling Napolitano "Big Sister" and Walmart shoppers something worse. The video may have done more to spark a debate about suspicious activity than anything else so far.

One issue is that "out of the ordinary" remains elusive. As the program grows, it's difficult to imagine citizen surveillance won't suffer from the same disapproval that befell similar Bush-era plans, like the now-defunct Operation TIPS, which enlisted utility employees, long-haul truckers and postal workers to keep an eye out for bad guys.

CNN's Candy Crowley offered a typical response to the resurrected initiative last month while interviewing Napolitano: "It just sounds very Big Brother to me, turning in the next-door neighbor." Americans may believe they're already responsible enough to report conduct that seems truly out of the ordinary, and arguably, few would neglect to speak up if their neighbor was burying C4 in the front yard.

On the other hand, security experts told *Congressional Quarterly* recently that the Homeland Security Department is simply doing its job by conditioning Americans in an age of peril to both be aware of threatening behavior and report it. Americans are freedom-loving enough not to spy needlessly, one of them said. Added Rich Cooper of the security consulting firm Catalyst Partners:

The department will always be in a damned-if-you-do, damned-if-you-don't situation when it comes to information. People need to get a life and take a look at the proactive piece of this. They're looking for a conspiracy where none exists.

Two new documents required for some government intel systems became publicly available just in recent weeks and provide fresh though slim details about what actually happens after police and civilians alert the government to suspicious activity. According to the first, a desk officer at the DHS National Operations Center receives a tip that, say, someone was observed snapping photographs or drawing sketches of a government building or chemical manufacturing facility.

The officer then determines if it's "credible" and "possibly linked to terrorism and/or criminal behavior" before writing up what's called a "patriot report." These patriot reports can contain rich details about an individual "engaged in and/or connected to the suspicious activity" – name, gender, age, race, ethnicity, Social Security number, driver's license number, birth date and distinguishing features. Anything's conceivable, even a "reliability rating of the informational source," presumably for indicating the trustworthiness of your neighbor or local beat officer who reported the suspicious activity.

From there, patriot reports flow outward to other DHS personnel, the FBI's own 24-hour counterterrorism center and the dozens of state and local fusion centers constructed since Sept. 11 for swapping and analyzing terrorism data.

But what happens if authorities discover there is no credible threat? A second document says the government could hold at least some records anyway:

There is a privacy risk that records containing [personally identifiable information, e.g. birthdates] collected under the SAR initiative will be deemed to not qualify as suspicious activities after further investigation and analysis but will be retained in the system.

Much of the contact police have with the public is governed by legal concepts like "probable cause" and "reasonable suspicion" that require evidence of a crime. Suspicious activity isn't a new legal phenomenon, but it has created a new, potentially vast stream of intelligence and sensitive personal information for the government to collect without absolute clarity about what should be considered genuinely suspicious.

By Jan. 3, *Congressional Quarterly* had decided that "unexpected opposition" was growing due to criticism that the federal government's suspicious activity program "promotes spying and incites fear." "Backlash," as the headline described it, is probably an overstatement. Few Americans are even aware of the program's breadth to begin with, but the Washington news service did point to online reaction over Napolitano's video appearance at hundreds of Walmart stores.

There are other nagging questions in the meantime. Florida generated thousands of suspicious activity reports for a pilot program, but how many of them could confidently be linked to terrorism or crime? A Los Angeles police commander told Congress in 2009 that of 1,400 reports there, four led to arrests with no indication of whether they were connected to terror. Will data systems and intelligence analysts become overwhelmed by the deluge of new and not-always-reliable information? For now, Uncle Sam and his sister want you to keep an eye out.

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