

Sunday, September 14, 2008

**Before retiring tonight, don't forget to wave goodnight to the FBI outside your window.**

Â Bill of RightsÂ (From public domain.)Â In college, I had an excellent Eastern European politics professor -- Sarah Terry -- who recounted a Halloween party she attended at one of the Western embassies or other Western centersÂ in Warsaw during the Cold War (I think in the 1970's or 1980's). Outside the party was a car obviously containing Polish (or Soviet?) surveillance agents. Not missing an opportunity to extend the merrymaking, a bunch of the party attendees paraded out in full garb to the surveillance agents and merrily invited them outside. The agents' reaction was that they would prefer being anywhere else at the moment. Â In the United States, domestic police and intelligence spying and surveillance on United States citizens and non-citizen residents is rampant. If only the same reaction could be obtained by greeting an FBI agent watching outside your window as the reaction of the Polish agents, that is if you could tell it was an FBI agent. Â What will the next United States president do about spying and surveillance on United States residents? On the one hand, I am not too charitable that Barack Obama will be any type of savior in that department, if for no other reason to placate his supporters who want "law and order" and "toughness on terrorism". On the other hand, I anticipate that John McCain will be worse, if for no other reason than to placate the rightwing that he relies on to have a chance at winning the Oval Office. Â Now, less than two months from the presidential election, the United States Justice Department (inevitably with the blessing, direction, or both from George Bush, II), is authorizing the Federal Bureau of Investigation to infiltrate our lives even more than the G-men and G-women already do, including with racial profiling. Here is the New York Times's rundown on the story. I looked for written guidelines from the government on this matter, but thus far have instead found this transcript from a September 12, 2008 Justice Department news conference on the matter. Â Â Today's extensive domestic spying and surveillance on United States residents and citizens -- even when little or nothing connects them to criminal activity and support of national "enemies"Â -- is inconsistent with a government that governs with the blessing of the people, rather than a government that pays mere lipservice to that critical goal. Jon KatzÂ

Posted by Jon Katz in Criminal Defense at 00:00