

DEFINITIONS OF TERMS ON THE SURVEILLANCE TOPIC

Dr. Rich Edwards
Professor of Communication Studies
Baylor University
National Policy Topic 2015-16

The 2015-16 Interscholastic Debate Resolution: *Resolved: The United States federal government should substantially curtail its domestic surveillance.*

The resolution on economic engagement topic originated with a proposal submitted by Stefan Bauschard, director of debate at the Lakeland School District in New York. Mr. Bauschard and the members of the Topic Selection Committee Wording Committee jointly wrote a topic paragraph for inclusion on the ballot. The paragraph for the surveillance topic follows:

TOPIC PARAGRAPH AS INCLUDED ON THE 2015-16 BALLOT: The controversy between national security objectives and privacy became a hot one for debate since it was disclosed in June of 2013 by former defense contractor Edward Snowden (supported by journalist and former debater Glenn Greenwald) that the NSA is engaging in extensive surveillance inside the United States in order to fight crime and reduce the threat of terrorism. The magnitude of the disclosure shocked many people, including elected representatives, who were unaware of the extent of the surveillance. Many civil rights advocates view the surveillance as an assault on liberty while law enforcement and national security officials see the programs as essential weapons in the war on terror, the fight against nuclear weapons proliferation and the general protection of U.S. national security. Possible affirmative cases include establishing general probable cause and reasonable suspicion requirements, banning the collection of metadata, restricting the collection of email or chat content, limiting the amount of time that information can be stored for, elimination of Section 215 of the Patriot Act and FISA Court reforms as they apply to the domestic arena. Advantages will focus on privacy, totalitarianism, commerce and racism. Negative positions can focus on terrorism, nuclear proliferation, crime and kritiks of reform-based approaches.

Usually, the topic paragraph has very little influence on topicality debates – such matters are typically left to the arguments made by debaters in each individual round of policy debate. The Topic Paragraph in 2015-16 lists cases focusing primarily on the surveillance activities of the National Security Agency (NSA). The Congressional passage of the USA Freedom Act in early June of 2015 will take away some of this affirmative ground. While many cases will continue to propose stronger checks on NSA surveillance, others will almost certainly target federal agencies such as the FBI, IRS, TSA, Health and Human Services, among others.

TOPICALITY VIOLATIONS THAT SHOULD BE ANTICIPATED:

Note: Below is the list of topicality violations supported with evidence and argument in Volume 3 of the Baylor Briefs “Topicality Casebook” prepared by Dr. Ryan Galloway of Samford University.

1. The affirmative is not topical because it curtails federal *supervision* rather than federal *surveillance*.

This topicality argument states that the affirmative plan must focus on how the federal government watches people. Allowing for the affirmative to curtail *supervision* unlimits the topic; there is no limit to the activities that the federal government supervises, from Native American lands, to federal parks, to welfare policy, to education, etc. Only requiring the affirmative to decrease the monitoring of people preserves a fair limit on the topic.

2. The affirmative is not topical because it focuses upon *resources*, rather than *people*.

This topicality argument states that the affirmative plan must curtail the way that the federal government watches over people. Abusive affirmative cases will attempt to monitor natural resources, arms control, or species. The proper definition of “surveillance” involves watching over people, not things.

3. The affirmative is not topical because it proposes *self-restraint*, rather than *curtailment*.

This topicality argument states that the affirmative plan must impose a restriction upon executive agency action; to “curtail” means to impose a restriction. This is different from self-restraint. A common disadvantage on the surveillance topic will focus on the importance of presidential power or prerogative. Some affirmative teams will attempt to unfairly avoid this disadvantage by proposing that NSA or other executive agencies engage in self-restraint. All such plans are non-topical, according to this argument.

4. The affirmative is not topical because it proposes *abolition* rather than *curtailment*.

This topicality argument focuses on the definitional difference between abolishing and curtailing surveillance activities. The term “curtail” is a term of art which is distinct from “abolition.” This term preserves to the negative the counterplan option to propose the total elimination of a form of surveillance.

5. The affirmative plan is not topical because it deals with *state or local* surveillance rather than *federal* surveillance.

This topicality argument states that the Affirmative plan must deal with its own surveillance activities, not the surveillance projects of local police forces or of state welfare agencies. Most cases dealing with racial profiling, stop-and-frisk, use of license plate readers, or cameras in public places are actually focusing almost entirely on problems associated with normal police activities rather than federal government surveillance.

6. The Affirmative plan is not topical because it curtails *foreign*, rather than *domestic*, surveillance.

This argument states that the affirmative plan must curtail surveillance within the borders of the United States. Some affirmative teams will be tempted to claim advantages from limiting spying on foreign governments or monitoring of data in the cloud (with advantages coming from increasing the confidence of other governments that they can do business with U.S.-based Internet companies). The resolution gives the affirmative no power to curtail its spying on other governments or the surveillance of data belonging to persons living in other countries; all such advantages would be extra-topical.

7. The Affirmative plan is not topical because it does not *substantially* curtail domestic surveillance.

This argument states that the affirmative plan must curtail surveillance by at least 20% in order to satisfy the meaning of the adverb, “substantially.” Since surveillance involves “watching over people,” one should be able to evaluate the meaning of the word “substantially” by asking what percentage of the American population is impacted by the affirmative plan. If the plan involves only Muslim Americans, Native Americans, or other minority groups, the plan would not “substantially” curtail domestic surveillance.

8. The Affirmative plan is not topical because it contains numerous exceptions and qualifications that violate the meaning of the term *substantially*.

This topicality argument focuses on a definition of the word “substantially,” meaning “without material qualification.” *Black’s Law Dictionary* offers the following definition of “substantially:” “Essentially; without material qualification; in the main; in substance, materially; in a substantial manner. About, actually, competently, and essentially” (<https://novogradac.wordpress.com/2014/02/05/close-enough-how-to-measure-substantially-similar-under-fasbs-new-lihtc-investment-guidance/>). Some affirmative teams will provide in their plan numerous exceptions to their curtailment of domestic surveillance. This Black’s Law definition indicates that the use of “material qualifications” violates the meaning of the word “substantially.”

9. The Affirmative plan is not topical because it does not propose “federal government” restriction of domestic surveillance.

Some affirmative teams on the surveillance topic will attempt to use kritiks on the affirmative. All such cases avoid the use of the federal government as the agent of action, preferring instead to focus on personal politics or performance outside of the resolution. All such efforts fail to implement the resolution.

UNITED STATES FEDERAL GOVERNMENT

Amy Blackwell, (J.D., Staff, U. Virginia Law Library), *THE ESSENTIAL LAW DICTIONARY*, 2008, 187. Federal: Relating to the central government of a union of states, such as the national government of the United States.

Carol-June Cassidy, (Editor), *CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH*, 2nd Ed., 2008, 308. Federal government: of or connected with the central government

Carol-June Cassidy, (Editor), *CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH*, 2nd Ed., 2008, 308. Federal government: a system of government in which states unite and give up some of their powers to a central authority

Daniel Oran, (Assistant Dir., National Paralegal Institute & J.D., Yale Law School), *ORAN’S DICTIONARY OF THE LAW*, 4th Ed., 2008, 206. Federal government: The U.S. federal government is the national, as opposed to state, government.

James Clapp, (Member of the New York Bar, Editor), RANDOM HOUSE WEBSTER'S POCKET LEGAL DICTIONARY, 3rd Ed., 2007, 103. Federal government: Relating to the government and law of the United States, as distinguished from a state.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 377. Federal government: relating to the central government of a federation.

Michael Agnes, (Editor), WEBSTER'S NEW WORLD DICTIONARY, 4th College Edition, 2007, 290. Federal government: Of the central government.

Michael Agnes, (Editor), WEBSTER'S NEW WORLD DICTIONARY, 4th College Edition, 2007, 290. Federal government: Of a union of states under a central government.

Susan Spitz, (Sr. Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 4th Ed., 2006, 647. Federal: The central government of the United States.

SUBSTANTIALLY

“Substantial” means the “essential” part of something.

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 2007, 1369. Substantially: Concerning the essentials of something.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2nd Ed., 2007, 835. Substantially: Essentially, at bottom, fundamentally, basically, in essence, intrinsically.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2nd Ed., 2007, 835. Substantially: Essential; true in large part.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: in essence, basically, fundamentally.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: concerning the essential points of something

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: fundamental, essential, basic.

Michael Agnes, (Editor), WEBSTER'S NEW WORLD DICTIONARY, 4th College Edition, 2007, 780. Substantial: In essentials.

“Substantial” means “valuable.”

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4th Ed., 2007, 1376. Substantial: Considerable in importance, value, degree, amount, or extent.

Daniel Oran, (Assitant Dir., National Paralegal Institute & J.D., Yale Law School), ORAN'S DICTIONARY OF THE LAW, 4th Ed., 2008, 510. Substantial: Valuable, real, worthwhile.

“Substantial” means permanent as opposed to temporary.

Richard Bowyer, (Editor), DICTIONARY OF MILITARY TERMS, 3rd Ed. 2004, 235. Substantive: Permanent (as opposed to acting or temporary).

“Substantial” means relating to the “fundamental substance” of a thing.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 8th Ed., 2006, 1606. Substantial: Of or relating to the basic or fundamental substance or aspects of a thing.

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4th Ed., 2007, 1376. Substantial: Of, relating to, or having substance.

“Substantial” means of a “corporeal or material nature.”

Stuart Flexner, (Editor-in-chief), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED, 2nd Ed., 1987, 1897. Substantial: Of a corporeal or material nature; tangible; real.

“Substantially” means more than 25%.

Federal Tax Regulation, Section 1.409A-3(j)6, INCOME TAX REGULATIONS (Wolters Kluwer Business Publication), 2008, 723. For this purpose, a reduction that is less than 25% of the deferred amount in dispute is not a substantial reduction.”

A reduction of less than 15% is not substantial.

WORDS AND PHRASES, Vol. 40B, 2002, 326. Where debtor-jewelry retailers historically obtained 15-25% of the inventory of their two divisions through consignments, they were not, as a matter of law, substantially engaged in selling the goods of others. In re Wedlo Holdings, Inc. (North Dakota case)

“Substantial” means “important.”

Amy Blackwell, (J.D., Staff, U. Virginia Law Library), THE ESSENTIAL LAW DICTIONARY, 2008, 477. Substantial: Important, large, considerable, valuable.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 873. Substantially: large in size, value, or importance

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 2007, 1369. Substantially: Of considerable importance, size, or worth.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2nd Ed., 2007, 835. Substantially: Of real importance, value, or validity.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: real, significant, important, major, valuable.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: of great importance, size, or value.

“Substantial” means “mainly.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: for the most part; mainly.

“Substantial” means “markedly.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: greatly, markedly, appreciably.

“Substantial” is an inexact term.

Daniel Oran, (Assitant Dir., National Paralegal Institute & J.D., Yale Law School), ORAN’S DICTIONARY OF THE LAW, 4th Ed., 2008, 510. Substantial: “A lot,” when it’s hard to pin down just how much “a lot” really is. For example, substantial evidence is more than a mere scintilla of evidence but less than a full preponderance of evidence.

“Substantial” means “to a great extent.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: to a great extent.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 873. Substantially: to a large degree.

“Substantial” means “large.”

Michael Agnes, (Editor), WEBSTER’S NEW WORLD DICTIONARY, 4th College Edition, 2007, 780. Substantial: Material, strong, large.

“Substantial” means “socially important.”

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 2007, 1369. Substantially: Important in material or social terms.

“Substantial” means “not imaginary.”

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4th Ed., 2007, 1376. Substantial: True or real; not imaginary.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: real and tangible rather than imaginary.

Procedural changes are different from “substantial” ones.

Margo Schlanger, (Prof., Law, U. Michigan), HARVARD NATIONAL SECURITY JOURNAL, 2015, 178. Rather, the Church Committee’s view was on top of FISA itself, executive/congressional disclosure would both minimize the future use of liberty-infringing techniques and facilitate future interventions The Committee made formal findings that Congressional dereliction of oversight responsibilities had “helped shape the environment in which improper intelligence activities were possible.” Accordingly, it explained: Procedural safeguards – “auxiliary precautions” as they were characterized in the Federalist Papers – must be adopted along with substantive restraints. . . . Our proposed procedural checks range from judicial review of intelligence activity before or after the fact to formal and high level Executive branch approval and more effective Congressional oversight. [ellipsis in original]

Restrictions on metadata collection should not be considered “substantial.”

Monu Bedi, (Prof., Law, DePaul U. College of Law), BOSTON UNIVERSITY LAW REVIEW, Dec. 2014, 1874. The government also remains free to acquire the non-content portion of e-mails or the subject line and recipient’s name. For one thing, none of these pieces of data are really identifiable in the social networking context. More importantly, this information is not substantive in nature and thus cannot be part of an intimate relationship in the same way a content-laden communication would be. This type of non-content data does not contain any substantive information and so would not garner any special attention.

The deployment of surveillance drones by law enforcement is now “substantial.”

Amie Stepanovich, (Dir., Domestic Surveillance Project, Electronic Privacy Information Center), THE FUTURE OF DRONES IN AMERICA: LAW ENFORCEMENT AND PRIVACY CONSIDERATIONS, Senate Judiciary Comm. Hearing, Mar. 20, 2013, 88. In addition, no federal statute currently provides adequate safeguards to protect privacy against increased drone use in the United States. Accordingly, there are substantial legal and constitutional issues involved in the deployment of aerial drones by law enforcement and state and federal agencies that need to be addressed. Technologist and security expert Bruce Schneier observed earlier this year at an event hosted by EPIC on Drones and Domestic Surveillance, “today’s expensive and rare is tomorrow’s commonplace.” As drone technology becomes cheaper and more common, the threat to privacy will become more substantial. High-rise buildings, security fences, or even the walls of a building are not barriers to increasingly common drone technology.

The interception of GPS data by law enforcement personnel is “substantial.”

David Cole, (Prof., Law, Georgetown U. Law Center), EXAMINING RECOMMENDATIONS TO REFORM FISA AUTHORITIES, House Judiciary Comm. Hearings, Feb. 4, 2014, 151-152. Justice Alito is not the only one to recognize this risk that new technologies pose to our privacy. In the same Jones case, Justice Sotomayor wrote that: Awareness that the Government may be watching chills associational and expressive freedoms. And the Government’s unrestrained power to assemble data that reveal private aspects of identity is susceptible to abuse. The net result is that GPS monitoring – by making available at a relatively low cost such a substantial quantum of intimate information about any person whom the Government, in its unfettered discretion, chooses to track – may “alter the relationship between citizen and government in a way that is inimical to democratic society.”

The FBI’s use of informants in Muslim communities is “substantial.”

Arun Kundnani, (Prof., Media Studies, NYU), THE MUSLIMS ARE COMING!: ISLAMOPHOBIA, EXTREMISM, AND THE DOMESTIC WAR ON TERROR, 2014, 198. As of 2008 the FBI had a roster of at least fifteen thousand informants – the number was disclosed in a budget authorization request that year for the \$12.7 million needed to pay for software to track and manage them. The proportion who are assigned to infiltrate Muslim communities in the United States is unknown but likely to be substantial, given the FBI’s prioritization of counterterrorism and its analysis of radicalization.

Sahar Aziz, (Prof., Law, Texas A&M U. School of Law), HARVARD NATIONAL SECURITY JOURNAL, 2014, 189. Meanwhile, the government has deployed substantial resources to infiltrate Muslim communities with informants and undercover agents; monitor Muslims’ online activity and social media communications; and implement an aggressive, preventive strategy that measures success by the number of terrorist investigations and prosecutions.

CURTAIL

“Curtail” means to cut short or reduce.

Joseph Pickett, (Editor), AMERICAN HERITAGE DESK DICTIONARY AND THESAURUS, 2014, 185. Curtail: To cut short or abbreviate.

MERRIAM WEBSTER DESK DICTIONARY, 1995, 135. Curtail: To cut off the end of: shorten

Michael Agnes, (Editor), WEBSTER’S NEW WORLD BASIC DICTIONARY OF AMERICAN ENGLISH, 1998, 208. Curtail: To cut short, reduce.

Angus Stevenson, (Editor), NEW OXFORD AMERICAN DICTIONARY, 3rd Ed., 2010, 425. Curtail: Reduce in extent or quantity.

Joseph Pickett, (Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 4TH ED., 2006, 446. Curtail: To cut short or reduce.

MERRIAM WEBSTER’S SCHOOL DICTIONARY, 2015, 234. Curtail: To shorten or reduce by cutting away the end or another part of.

Steven Kleinedler, (Editor), THE AMERICAN HERITAGE COLLEGE WRITER’S DICTIONARY, 2013, 247. Curtail: To cut short; reduce.

“Curtail” cannot be interpreted as “to abolish.”

WORDS & PHRASES, Vol. 10B, 2008, 144. “Curtail” means to cut off the end or any part of; hence to shorten, abridge; diminish, lessen, reduce, and has no such meaning as abolish.

“Curtail” means to diminish.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND ED., UNABRIDGED, 1987, 492. Curtail: To cut short; to cut off a part of; abridge; reduce; diminish.

“Curtail” means to abridge.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 411. Curtail: To cut short; abridge.

“Curtail” means to impose a restriction.

Angus Stevenson, (Editor), NEW OXFORD AMERICAN DICTIONARY, 3rd Ed., 2010, 425. Curtail: Impose a restriction on.

“Curtail” literally means “to mutilate” – sounds a lot like abolishing or destroying something.

MERRIAM WEBSTER’S SCHOOL DICTIONARY, 2015, 234. Curtail: Derived from Latin *curtus*: “mutilated.”

“Curtail” means to reduce the duration of something.

Kathy Rooney, (Editor), ENCARTA WORLD ENGLISH DICTIONARY, 1999, 444. Curtail: To reduce the length or duration of something.

President Obama’s proposal to limit Section 215 surveillance would “curtail” NSA surveillance programs.

Steven Titch, (Associate Fellow, R Street Institute), HAS NSA POISONED THE CLOUD?, Jan. 2014, 2. More recently, on Jan. 17, President Barack Obama announced steps to curtail the NSA’s surveillance programs, but stopped well short of suspending them. Obama announced the government would no longer maintain a database of millions of Americans’ telephone records, which had been conducted under the auspices of Section 215 of the Patriot Act, but said telecommunications companies or an independent third party could continue to maintain that data, and did not rule out mandating that companies do so.

“Curtail” means to limit.

Benjamin Zimmer, (Editor), OXFORD AMERICAN DICTIONARY AND THESAURUS, 2ND Ed., 2009, 306. Curtail: Limit or cut short.

“Curtail” means to reduce the quantity of something.

Andrew Sparks, (Editor), WEBSTER’S NEW WORLD COLLEGE DICTIONARY, 5TH Ed., 2014, 364. Curtail: To cut short; reduce; abridge.

Angus Stevenson, (Editor), NEW OXFORD AMERICAN DICTIONARY, 3rd Ed., 2010, 425. Curtail: Reduce in extent or quantity.

ITS

“Its” means belonging to the thing previously mentioned.

Augustus Stevenson, (Editor), NEW OXFORD AMERICAN DICTIONARY, 3rd Ed., 2010, 924. Its: Belonging to or associated with a thing previously mentioned or easily identified.

“Its” means “relating to itself” or “possessing” something.

Frederick Mish, (Editor-in-chief), WEBSTER’S COLLEGIATE DICTIONARY, 10th ed., 1993, 623. Its: Of or relating to it or itself, esp. as possessor.

“Its” means “belonging to.”

Justin Crozier, (Editor), COLLINS DICTIONARY AND THESAURUS, 2005, 448. Its: Of or belonging to it.

Jean McKechnie, (Sr. Editor), WEBSTER’S NEW TWENTIETH CENTURY DICTIONARY, UNABRIDGED, 2nd Ed., 1979, 977. Its: Of, or belonging to, or done by it.

Erin McKean, (Sr. Editor), THE OXFORD AMERICAN DICTIONARY AND THESAURUS, 2003, 798. Its: Of itself.

Carol-June Cassidy, (Managing Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 464. Its: Belonging to or connected with the thing or animal mentioned; the possessive form of it.

Stuart Flexner, (Editor-in-chief), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED, 2nd Ed., 1987, 1017. Its: The possessive form of it.

“Its” can mean simply “relating to” or “associated with.”

Frederick Mish, (Editor-in-chief), WEBSTER'S COLLEGIATE DICTIONARY, 10th ed., 1993, 623. Its: Of or relating to it or itself, esp. as possessor.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 8th Ed., 2006, 867. Its: Belonging to, or associated in some way with.

Carol-June Cassidy, (Managing Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 464. Its: Belonging to or connected with the thing or animal mentioned; the possessive form of it.

DOMESTIC

“Domestic” means of or relating to one’s own country.

Bryan Garner, (Prof., Law, SMU), BLACK’S LAW DICTIONARY, 10th Ed., 2014, 591. Domestic: Of, relating to, or involving one’s own country.

MERRIAM WEBSTER’S SCHOOL DICTIONARY, 2015, 283. Domestic: Of, relating to, produced, or carried on within one country.

“Domestic” means relating to the internal affairs of a country.

Joseph Pickett, (Editor), AMERICAN HERITAGE DESK DICTIONARY AND THESAURUS, 2014, 226. Domestic: Of or relating to a country’s internal affairs.

Steven Kleinedler, (Editor), THE AMERICAN HERITAGE COLLEGE WRITER’S DICTIONARY, 2013, 298. Domestic: Relating to a country’s internal affairs.

Kathy Rooney, (Editor), ENCARTA WORLD ENGLISH DICTIONARY, 1999, 531. Domestic: Of a nation’s internal affairs; relating to the internal affairs of a nation or country.

“Domestic” means produced in or indigenous to one’s own country.

Joseph Pickett, (Editor), AMERICAN HERITAGE DESK DICTIONARY AND THESAURUS, 2014, 227. Domestic: Produced in, or indigenous to a particular country.

Michael Agnes, (Editor), WEBSTER’S NEW WORLD BASIC DICTIONARY OF AMERICAN ENGLISH, 1998, 255: Domestic: Of or made in one’s own country.

Steven Kleinedler, (Editor), THE AMERICAN HERITAGE COLLEGE WRITER’S DICTIONARY, 2013, 298. Domestic: Produced in, occurring in, or native to a particular country.

Andrew Sparks, (Editor), WEBSTER’S NEW WORLD COLLEGE DICTIONARY, 5TH Ed., 2014, 433. Domestic: Of one’s own country or the country referred to.

Bryan Garner, (Prof., Law, SMU), BLACK’S LAW DICTIONARY, 10th Ed., 2014, 591. Domestic: Of, relating to, or involving one’s own country.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 487. Domestic: Of, produced in, or involving one’s own country or a specific country.

MERRIAM WEBSTER DESK DICTIONARY, 1995, 164. Domestic: Relating or limited to one’s own country or the country under consideration.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND ED., UNABRIDGED, 1987, 581. Domestic: Of or pertaining to one’s own or a particular country.

“Domestic” means the opposite of “foreign.”

Benjamin Zimmer, (Editor), OXFORD AMERICAN DICTIONARY AND THESAURUS, 2ND Ed., 2009, 377. Domestic: Existing or occurring within a country; not foreign.

WORDS & PHRASES, Vol. 13, 2007, 467. The word “foreign” in statute providing for loss of United States nationality by voting in political election in “foreign” state has the opposite meaning of the word “domestic,” which includes the territory of the United States.

Angus Stevenson, (Editor), NEW OXFORD AMERICAN DICTIONARY, 3rd Ed., 2010, 514. Existing or occurring inside a particular country; not foreign or international.

“Domestic” means having to do with one’s home.

MERRIAM WEBSTER DESK DICTIONARY, 1995, 164: Domestic: Of or relating to the household or the family.

Michael Agnes, (Editor), WEBSTER’S NEW WORLD BASIC DICTIONARY OF AMERICAN ENGLISH, 1998, 255. Domestic: Of or having to do with the home or family.

WORDS & PHRASES, Vol. 13, 2007, 460. “Domestic” is defined as belonging to the home or household concerning or related to the home or family, or as pertaining to one’s house or home or one’s household or family.

MERRIAM WEBSTER’S SCHOOL DICTIONARY, 2015, 283. Domestic: From Latin domus: “the house.”

SURVEILLANCE

“Surveillance” is defined etymologically as “to watch from above.”

John Gilliom, (Prof., Political Science, Ohio U.), SUPERVISION: AN INTRODUCTION TO THE SURVEILLANCE SOCIETY, 2013, 18. In the introduction, we wrote that surveillance could be thought of as monitoring people in order to regulate or govern their behavior. Surveillance, in other words, is an exercise of power through watching. In the social sciences, “power” has been classically (and too simply) defined as the ability to get people to do something they would not otherwise do. We’ve all had the experience of changing our behavior when we realize someone is watching us; if observation can make people do (or not do) something, then it can be understood as a form of power. When we note that the term surveillance comes from the French word meaning “to watch from above,” the emphasis on “above” implies that power relationship.

MERRIAM WEBSTER’S SCHOOL DICTIONARY, 2015, 997. Surveillance: from French, surveiller: “to watch over.”

Kenneth Ryan, (Prof., Criminology, California State U. at Fresno), PRIVACY AND SURVEILLANCE WITH NEW TECHNOLOGIES, 2012, 2. Surveillance has been part of the lexicon of espionage for about two centuries. It is rooted in the French surveiller (to watch over) and was first in regular usage about the time that Napoleon Bonaparte tried to conquer Europe at the beginning of the 19th century. In a military context, the word “surveillance” became nearly synonymous with “spying.” Originally, the word suggested malignant intent toward the subject being watched; therefore, if one was the object of surveillance, it likely was by another who intended to do harm – for example, Napoleon’s spies who watched the movements of Russian troops. The negative connotation generally remains today although it’s not necessarily deserved. In fact, some surveillance is actually quite beneficial.

“Surveillance” is defined in the Foreign Intelligence Surveillance Act as “the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication.”

Jameel Jaffer, (Deputy Legal Dir., ACLU), PUBLIC HEARING ON SECTION 702 OF THE FISA AMENDMENTS ACT. Mar. 19, 2014. Retrieved Jan. 15, 2015 from <http://www.pclob.gov/Library/20140319-Testimony-Jaffer.pdf>. In its current form, FISA regulates, among other things, “electronic surveillance,” which is defined to include: the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States.

Stephen Sheppard, (Editor), BOUVIER LAW DICTIONARY, 1067. Electronic surveillance: Electronic surveillance is any method of observing, covertly or overtly, the actions and conversations of an individual using electronic technology. It includes the use of wiretaps, pen registers, cover listening, transcribing, or recording devices, direction microphones, videographic surveillance, thermal imaging devices and satellite tracking technology.

“Surveillance” means watching people.

William Staples, (Prof., Sociology, U. Kansas), EVERYDAY SURVEILLANCE: VIGILANCE AND VISIBILITY IN POSTMODERN LIFE, 2014, xiii. The word surveillance, in the most general sense, refers to the act of keeping a close watch on people.

Alexandra Rengel, (Attorney), INTERCULTURAL HUMAN RIGHTS LAW REVIEW, 2013, 193. Surveillance is a type of information collection that affects privacy and consists of monitoring and recording the movements of an individual or group of individuals.

51. Kathy Rooney, (Editor), ENCARTA WORLD ENGLISH DICTIONARY, 1999, 1797. Surveillance: Continual observation of a person or group, especially one suspected of doing something illegal.

52. Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND ED., UNABRIDGED, 1987, 1916. Surveillance: A watch kept over a person, group, etc.

53. John Gilliom, (Prof., Political Science, Ohio U.), SUPERVISION: AN INTRODUCTION TO THE SURVEILLANCE SOCIETY, 2013, 2. Why do we call this a surveillance society? Because virtually all significant social, institutional, or business activities in our society now involve the systematic monitoring, gathering, and analysis of information in order to make decisions, minimize risk, sort populations, and exercise power. We define surveillance as monitoring people in order to regulate or govern their behavior.

“Surveillance” can refer to using sensors to monitor the weather.

38. Kenneth Ryan, (Prof., Criminology, California State U. at Fresno), *PRIVACY AND SURVEILLANCE WITH NEW TECHNOLOGIES*, 2012, 2. Cameras, satellites, sensors, and all manner of surveillance devices monitor everyday occurrences as mundane as, for example, the weather, helping us to plan our day, to fly our aircraft, to anticipate a drought, and so on.

“Surveillance” can refer to methods of population management.

Ayse Ceyhan, (Prof., International Relations, Sciences Po U., Paris), *ROUTLEDGE HANDBOOK OF SURVEILLANCE STUDIES*, 2012, 40. In this chapter surveillance is considered as a political technology of population management. As the vast literature produced by surveillance studies indicates surveillance is an old activity that has existed as long as humans have existed and interacted with each other. In modern times it had been intimately connected with the regulation of the capitalist society and the modernization of the army and the nation-state. According to the Foucauldian problematic of biopoliticized security, surveillance can be understood as the very form of liberal governmentality seeking maximum efficiency for the regulation of bodies and species. It is an activity undertaken both by governments and institutions and even by the subjects themselves against each other.

“Surveillance” can refer to the examination of natural resources or management of disease.

Evelyn Ruppert, (Prof., Sociology, Open University), *ROUTLEDGE HANDBOOK OF SURVEILLANCE STUDIES*, 2012, 217. The surveillance of non-human life is a routine and everyday feature of contemporary societies that goes unnoticed or unrecognized. In part this may be because it is difficult to conceive of non-humans as being subjects (i.e. as possessing subjectivity) under surveillance in the same way as humans. Non-humans are rarely granted the same reflexive agency as humans and often occupy tightly bracketed, and relatively uncontested, socio-economic niches as material resources or health threats. From this point of view, “disease surveillance,” “veterinary surveillance” and “foodchain surveillance” might be seen as related to the more pernicious forms of surveillance dealt with in surveillance studies by terminology only.

“Surveillance” means to maintain a close watch.

Andrew Sparks, (Editor), *WEBSTER’S NEW WORLD COLLEGE DICTIONARY*, 5TH Ed., 2014, 1460. Surveillance: To watch.

Andrew Sparks, (Editor), *WEBSTER’S NEW WORLD COLLEGE DICTIONARY*, 5TH Ed., 2014, 1460. Surveillance: Close watch kept over someone, esp. a suspect.

Benjamin Zimmer, (Editor), *OXFORD AMERICAN DICTIONARY AND THESAURUS*, 2ND Ed., 2009, 1317. Surveillance: Close observation, especially of a suspected spy or criminal.

MERRIAM WEBSTER DESK DICTIONARY, 1995, 547. Surveillance: Close watch: supervision.

Michael Agnes, (Editor), *WEBSTER’S NEW WORLD BASIC DICTIONARY OF AMERICAN ENGLISH*, 1998, 891. Surveillance: Close watch kept over someone.

“Surveillance” can refer to the use of drug and alcohol testing as well as the use of a lie detector.

William Staples, (Prof., Sociology, U. Kansas), *EVERYDAY SURVEILLANCE: VIGILANCE AND VISIBILITY IN POSTMODERN LIFE*, 2014, 3. Other “surveillance ceremonies” include the use of lie detectors, pre-employment integrity tests, mobile fingerprint scanning, drug and alcohol testing, electronically monitored “house arrest,” and the use of metal detectors and various body scanners.

“Surveillance” refers to government sanctioned restrictions on liberty.

Andrew Talai, (JD, U. California at Berkeley School of Law), *CALIFORNIA LAW REVIEW*, June 2014, 773. Judge Scheindlin’s concerns are not uncommon: surveillance has been defined in legal and social science literature as government-sanctioned intrusions on liberty, through systemic means, that lead to “humiliation and subjugation.”

“Surveillance” is distinguished from the collection of data.

Alexandra Rengel, (Attorney), *INTERCULTURAL HUMAN RIGHTS LAW REVIEW*, 2013, 186. When almost every activity leaves a digital trail, government and private monitoring becomes less about analog surveillance or human intelligence gathering and more a matter of “data mining.”

David Greene, (Sr. Staff Attorney, Electronic Frontier Foundation), *NSA MASS SURVEILLANCE PROGRAMS: UNNECESSARY AND DISPROPORTIONATE*, Apr. 29, 2014. Retrieved Jan. 15, 2015 from https://www.eff.org/files/2014/05/29/unnecessary_and_disproportionate.pdf. The US relies on the outmoded distinction between “content” and “metadata,” falsely contending that the latter does not reveal private facts about an individual. The US also contends that the collection of data is not surveillance – it argues, contrary to both international law and the Necessary and Proportionate Principles, that an individual’s privacy rights are not infringed as long as her communications data are not analyzed by a human being.

“Surveillance” refers to something other than the issuance of National Security Letters.

Valerie Redmond, (JD Candidate), *FORDHAM INTERNATIONAL LAW REVIEW*, Apr. 2014, 764-765. First, a significant loophole arises in the interpretation of the term “surveillance.” In order for information collection to be regulated by FISA, it must fall under FISA’s definition of surveillance. This definition does not apply to certain National Security Letters, which are secret authorizations for the Federal Bureau of Investigation (“FBI”) to obtain records from telephone companies, credit agencies, and other organizations if they merely certify that the information is relevant to an international terrorism investigation. National Security Letters are regularly used to circumvent FISA’s warrant procedures.

“Surveillance” means to observe.

46. Joseph Pickett, (Editor), *AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE*, 4TH ED., 2006, 1743. Surveillance: The act of observing or the condition of being observed.

“Surveillance” can include physical as well as electronic observation.

Paul Rosenzweig, (Prof., Law, George Washington U.), *CYBER WARFARE: HOW CONFLICTS IN CYBERSPACE ARE CHALLENGING AMERICA AND THE WORLD*, 2013, 104. Traditionally, the concept of surveillance has been taken to mean an act of physical surveillance – for example, following someone around or planting a secret camera in an apartment. As technology improved, our spy agencies and law enforcement institutions increasingly came to rely on even more sophisticated technical means of surveillance, and so we came to develop the capacity to electronically intercept telecommunications and examine e-mail while in transit.

Beau Barnes, (JD Candidate, Boston U. School of Law), *BOSTON UNIVERSITY LAW REVIEW*, Oct. 2012, 1637. Law enforcement agencies also collect significant amounts of intelligence on domestic terrorist plots from electronic and physical surveillance. In general, surveillance "includes monitoring, observing, listening to, and recording persons' conversations, movements, activities and communications with the aid of a surveillance device." Electronic surveillance – also known as "signals intelligence" – comprises "wiretapping, Internet monitoring and other forms of communications interception." Domestic physical surveillance has few constitutional restrictions; police may observe and record the actions of an individual with any technology that is "in general public use."

Matthew Geyer, (JD Candidate), *FORDHAM LAW REVIEW*, Mar. 2015, 2102-2103. For an alien to be considered under “official restraint,” that alien must be under continuous governmental observation or surveillance from the moment he or she attempted to make an entry into the United States. Such surveillance can take the form of physical observation by any government official, detainment at any U.S. port of entry, or any kind of electronic surveillance.

“Surveillance” includes the analysis of collected data.

Daniel Trotter, (Prof., Informatics and Media, Uppsala U., Sweden), *SOCIAL MEDIA AS SURVEILLANCE: RETHINKING VISIBILITY IN A CONVERGING WORLD*, 2012, 7. Surveillance refers to the sustained and targeted collection of personal information. It is a loaded term, and is often associated with closed circuit televisions and international espionage. But these visions overlook the fact that surveillance is so pervasive in everyday life. Not only do people routinely give up their information in everyday life, but they also take advantage of the visibility of others. Surveillance is also an enduring process. It is not just individual moments of exposure, but the basis of relations between individuals, organizations and the state. This is also apparent when considering the *longue durée* of social media. Surveillance evokes concern because of privacy violations. But other consequences are equally pressing. Surveillance is the driving force behind social sorting, the allocation of life chances and business models in the information economy.

Daniel Trotter, (Prof., Informatics and Media, Uppsala U., Sweden), *SOCIAL MEDIA AS SURVEILLANCE: RETHINKING VISIBILITY IN A CONVERGING WORLD*, 2012, 18. Surveillance is concerned with personal information, which is increasingly seen as a resource for corporations, evidence for investigative agencies and a liability for individuals. Personal information refers to biographical data like a date of birth, but also transactional data like online purchases. Virtually anything that can be linked to an individual – and to which they may be accountable – can be treated as personal information.

Marcia Stanhope, (Prof., Community Health Nursing, U. Kentucky), *PUBLIC HEALTH NURSING*, 2012, 270. Surveillance involves the systematic collection, analysis, and interpretation of data related to the occurrence of disease and the health status of a given population. Surveillance systems are often classified as either active or passive. Passive surveillance is the more common form used by most local and state health departments.

Jan Stanley & Barry Steinhardt, (ACLU), ETHICS AND EMERGING TECHNOLOGIES, 2014, 271. An insidious new type of surveillance is becoming possible that is just as intrusive as video surveillance – what we might call “data surveillance.” Data surveillance is the collection of information about an identifiable individual, often from multiple sources, that can be assembled into a portrait of that person’s activities. Most computers are programmed to automatically store and track usage data, and the spread of computer chips in our daily lives means that more and more of our activities leave behind “data trails” It will soon be possible to combine information from different sources to recreate an individual’s activities with such detail that it becomes no different from being followed around all day by a detective with a video camera.

Anil Kalhan, (Prof., Law, Drexel U.), MARYLAND LAW REVIEW, 2014, 28. As conceptualized by John Gilliom and Torin Monahan, surveillance involves “the systematic monitoring, gathering, and analysis of information in order to make decisions, minimize risk, sort populations, and exercise power.”

David Gray, (Prof., Law, U. Maryland School of Law), MINNESOTA LAW REVIEW, Nov. 2013, 82. The dangers of powerful data aggregation and analysis technologies are not limited to mistakes, of course. If anything, the threats to liberty and democratic culture are more profound if they are accurate. On this point, Jack Balkin has argued that, “Government’s most important technique of control is no longer watching or threatening to watch. It is analyzing and drawing connections between data.” What is collected need not be particularly intimate or private, he continues; rather, “data mining technologies allow the state and business enterprises to record perfectly innocent behavior that no one is particularly ashamed of and draw surprisingly powerful inferences about people’s behavior, beliefs, and attitudes.” From this level of surveillance, he concludes, government dominance and control follows.

David Gray, (Prof., Law, U. Maryland School of Law), MINNESOTA LAW REVIEW, Nov. 2013, 112. Data aggregating and mining technologies like DAS, the NSA’s telephonic and electronic surveillance programs, fusion centers, and Virtual Alabama implicate reasonable expectations of quantitative privacy principally because of their scope. Such technologies are, after all, designed to collect and analyze large quantities of data from disparate sources to construct “an intimate picture of the subject’s life that he expects no one to have.” For DAS in particular, there can be no doubt about its capacity to facilitate broad programs of indiscriminate surveillance.

“Surveillance” means “supervision.”

Andrew Sparks, (Editor), WEBSTER’S NEW WORLD COLLEGE DICTIONARY, 5TH Ed., 2014, 1460. Surveillance: Supervision or inspection.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 1621. Surveillance: Close observation or supervision maintained over a person, group, etc., esp. one in custody or under suspicion.

Steven Gifis, (Editor), BARRON’S LAW DICTIONARY, 6th Ed., 2010, 531. Surveillance: Oversight or supervision.

Steven Kleinedler, (Editor), THE AMERICAN HERITAGE COLLEGE WRITER’S DICTIONARY, 2013, 946. Surveillance: The act of observing or the condition of being observed.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND ED., UNABRIDGED, 1987, 1916. Surveillance: Supervision or superintendence.

WORDS & PHRASES, Vol. 40C, 2002, 543. Legislature in providing for punishment for escape from “surveillance of prison guards” did not intend to limit the offense to an escape from the actual visual observation of the prisoner by the guards, for the word “surveillance” in its ordinary definition means oversight, superintendence, supervision; its synonyms including “supervise, oversee, overlook, control, direct, manage, conduct, to have charge of, to preside over,” so that in contemplation of this statute a prisoner will be deemed to be under the surveillance of prison guards while he is employed outside the prison walls under the supervision and care of such guards even if not within the range of their vision.

“Surveillance” includes the making of “Terry Stops.”

Andrew Talai, (JD, U. California at Berkeley School of Law), CALIFORNIA LAW REVIEW, June 2014, 772. So while Terry stops are “seizures” doctrinally, this Section attempts to bridge the gap between seizures and searches at a higher level: as a system-wide policy, Terry stops might be described as a type of public surveillance that implicates “searches” under the Fourth Amendment.

Andrew Talai, (JD, U. California at Berkeley School of Law), CALIFORNIA LAW REVIEW, June 2014, 772. First, note that a Terry stop is traditionally thought of as a “temporary seizure of the person,” not a form of surveillance.

“Surveillance” includes both the collection and analysis of information.

David Greene, (Sr. Staff Attorney, Electronic Frontier Foundation), NSA MASS SURVEILLANCE PROGRAMS: UNNECESSARY AND DISPROPORTIONATE, Apr. 29, 2014. Retrieved Jan. 15, 2015 from https://www.eff.org/files/2014/05/29/unnecessary_and_disproportionate.pdf. Much of the expansive NSA surveillance revealed in the past year has been defended by the United States on the basis that the mere collection of communications data, even in troves, is not “surveillance” because a human eye never looks at it. Indeed, under this definition, the NSA also does not surveil a person’s data by subjecting it to computerized analysis, again up until the point a human being lays eyes on it. The Principles, reflecting the human right to privacy, defines “surveillance” to include the monitoring, interception, collection, analysis, use, preservation, and retention of, interference with, or access to information that includes, reflects, or arises from or a person’s communications in the past, present, or future. States should not be able to bypass privacy protections on the basis of arbitrary definitions.

“Surveillance” includes “dataveillance.”

Paul Rosenzweig, (Prof., Law, George Mason U.), STATE OF FEDERAL PRIVACY AND DATA SECURITY LAW: LAGGING BEHIND THE TIMES?, Senate Homeland Security and Governmental Affairs Comm. Hearing, July 31, 2012, 101. Traditionally, the concept of “surveillance” has been taken to mean an act of physical surveillance – e.g., following someone around or planting a secret camera in an apartment. As technology improved, our spy agencies and law enforcement institutions increasingly came to rely on even more sophisticated technical means of surveillance, and so we came to develop the capacity to electronically intercept telecommunications and examine email while in transit. To these more “traditional” forms of surveillance we must now add another: the collection and analysis of personal data and information about an individual or organization. Call the phenomenon “dataveillance” if you wish, but it is an inevitable product of our increasing reliance on the Internet and global communications systems.

“Surveillance” includes the tracking of health information.

Marcia Stanhope, (Prof., Community Health Nursing, U. Kentucky), PUBLIC HEALTH NURSING, 2012, 270. Surveillance involves the systematic collection, analysis, and interpretation of data related to the occurrence of disease and the health status of a given population. Surveillance systems are often classified as either active or passive. Passive surveillance is the more common form used by most local and state health departments.

“Surveillance” includes the use of cameras.

Aaron Doyle, (Prof., Sociology, Carleton U.), EYES EVERYWHERE: THE GLOBAL GROWTH OF CAMERA SURVEILLANCE, 2012, 5. Cameras may be thought to have some natural affinity with surveillance just because the word itself – from the French, surveiller: to watch over – has a visual referent at its core. Thus, especially in the Western world, one finds strong cultural emphases on the importance of visible evidence, of privileging the eye as the most accurate sense, and following from this, a belief in objective knowledge as a criterion of truth.

“Surveillance” includes listening devices as well as visual.

Bryan Garner, (Prof., Law, SMU), BLACK’S LAW DICTIONARY, 10th Ed., 2014, 1674. Surveillance: Close observation or listening of a person or place in the hope of gathering evidence.

“Surveillance” can include the observation of objects.

Stephen Sheppard, (Editor), BOUVIER LAW DICTIONARY, 1066. Surveillance: The persistent observation of some object.

“Surveillance” includes the collection of DNA samples.

William Staples, (Prof., Sociology, U. Kansas), EVERYDAY SURVEILLANCE: VIGILANCE AND VISIBILITY IN POSTMODERN LIFE, 2014, 6. At the hard end of the spectrum, DNA samples are being systematically collected on most people who come in contact with the justice system and permanently stored in a vast database. The body, I contend, is a central target of many postmodern surveillance techniques and rituals.

TANDOMESTIC SURVEILLANCE (AS A COMPLETE PHRASE)

The use of drones constitutes “domestic surveillance.”

Y. Douglas Yang, (JD, Boston U. School of Law), THE BOSTON UNIVERSITY PUBLIC INTEREST LAW JOURNAL, Summer 2014, 344. On the domestic front, however, drones have only recently begun to take on a much more surreptitious assignment: surveillance. The introduction of these drones into domestic airspace is unprecedented in its effect. Unlike surveillance cameras, telephoto lenses, infrared imaging, and wireless microphones, a drone is not merely an evolutionary tool that provides a different perspective or better reception. A drone is a new platform that incorporates the capabilities of these individual tools, becoming an affordable, tireless, and mobile surveillance post. Modern drones can carry sensors that provide facial recognition and identify license plates from more than a thousand feet above ground level.

Richard Thompson, (Legislative Attorney, Congressional Research Service), DRONES IN DOMESTIC SURVEILLANCE OPERATIONS: FOURTH AMENDMENT IMPLICATIONS AND LEGISLATIVE RESPONSES, Apr. 3, 2013, Retrieved Jan. 15, 2015 from <https://www.fas.org/sgp/crs/natsec/R42701.pdf>. Drones, or unmanned aerial vehicles (UAVs), are aircraft that can fly without an onboard human operator. An unmanned aircraft system (UAS) is the entire system, including the aircraft, digital network, and personnel on the ground. Drones can fly either by remote control or on a predetermined flight path; can be as small as an insect and as large as a traditional jet; can be produced more cheaply than traditional aircraft; and can keep operators out of harm's way. These unmanned aircraft are most commonly known for their operations overseas in tracking down and killing suspected members of Al Qaeda and related organizations. In addition to these missions abroad, drones are being considered for use in domestic surveillance operations to protect the homeland, assist in crime fighting, disaster relief, immigration control, and environmental monitoring.

Heidi Boghosian, (Dir., A.J. Muste Memorial Institute & Former Dir., National Lawyers Guild), SPYING ON DEMOCRACY: GOVERNMENT SURVEILLANCE, CORPORATE POWER, AND PUBLIC RESISTANCE, 2013, 230-231. "Drones in Domestic Surveillance Operations," a 2012 report commissioned by Congress, raises questions about how drones relate to the Fourth Amendment's protection against unreasonable search and seizure. While individuals can expect substantial protections against warrantless government intrusion into their homes, the Fourth Amendment offers fewer restrictions on government surveillance occurring in public places.

Natasha Owczarek, (Analyst, Tomorrow Lab), DRONES: A BRIEF HISTORY, 2014, 3. Domestic surveillance already exists, whether we know about it or not, and one need not be living in a foreign war region to feel the threat of drones. By 2013, the FAA (who regulates airspace usage) had already issued almost 1,500 permits for domestic drones to take flight in the US. While most of these permits were granted to federal agencies, law enforcement, and universities, the exact permit holders are unknown to the public leading to concern.

Richard Thompson, (Legislative Attorney, Congressional Research Service), DRONES IN DOMESTIC SURVEILLANCE OPERATIONS: FOURTH AMENDMENT IMPLICATIONS AND LEGISLATIVE RESPONSES, Apr. 3, 2013, Retrieved Jan. 15, 2015 from <https://www.fas.org/sgp/crs/natsec/R42701.pdf>. The term "domestic drone surveillance" as used in this report is designed to cover a wide range of government uses including, but not limited to, investigating and deterring criminal or regulatory violations; conducting health and safety inspections; performing search and rescue missions; patrolling the national borders; and conducting environmental investigations.

Richard Thompson, (Legislative Attorney, Congressional Research Service), DRONES IN DOMESTIC SURVEILLANCE OPERATIONS: FOURTH AMENDMENT IMPLICATIONS AND LEGISLATIVE RESPONSES, Apr. 3, 2013, Retrieved Jan. 15, 2015 from <https://www.fas.org/sgp/crs/natsec/R42701.pdf>. The prospect of drone use in domestic surveillance operations has engendered considerable debate among Americans of various political ideologies. Opponents of drone surveillance have complained that the use of unmanned aircraft on American soil infringes upon fundamental privacy interests and the ability to freely associate with others. Some are specifically concerned about the possibility of turning military technology inward to surveil American citizens. Proponents have responded by emphasizing their potential benefits, which may include protecting public safety, patrolling our nation's borders, and investigating and enforcing environmental and criminal law violations.

"Surveillance" means constant observation.

Andrew Sparks, (Editor), WEBSTER'S NEW WORLD COLLEGE DICTIONARY, 5TH Ed., 2014, 1460. Surveillance: Constant observation of a place or process.

Angus Stevenson, (Editor), NEW OXFORD AMERICAN DICTIONARY, 3rd Ed., 2010, 1751. Surveillance: Close observation, esp. of a suspected spy or criminal.

Joseph Pickett, (Editor), AMERICAN HERITAGE DESK DICTIONARY AND THESAURUS, 2014, 730. Surveillance: Close observation of a person or group, esp. one under suspicion.

MERRIAM WEBSTER'S SCHOOL DICTIONARY, 2015, 997. Surveillance: Close watch.

Steven Kleinedler, (Editor), THE AMERICAN HERITAGE COLLEGE WRITER'S DICTIONARY, 2013, 946. Surveillance: Close observation of a person or group, especially one under suspicion.

Stephen Sheppard, (Editor), BOUVIER LAW DICTIONARY, 1067. Surveillance: Surveillance is the practice of watching, listening, or otherwise sensing the presence or absence of a person, place or thing in a manner that intrudes upon the privacy of the person observed as the object of surveillance or in the presence of the person or thing observed.

The Food and Drug Administration does “domestic surveillance.”

Office of Pesticide Programs, U.S. Environmental Protection Agency, FEDERAL REGISTER, June 5, 1985. Retrieved Mar. 15, 2015 from Lexis. Available surveillance data from FDA’s monitoring of domestic surveillance samples show no detectable chlorobenzilate residues in the crops for which uses have been cancelled. Since chlorobenzilate is only moderately persistent and its uses were cancelled over 5 years ago (for all commodities except citrus), there is no anticipation of a residue problem in or on the raw agricultural commodities for which uses have been cancelled. Therefore, no action levels are needed to replace the established tolerances for these commodities upon their revocation.

The U.S. Agriculture Department does “domestic surveillance.”

U.S. Department of Agriculture, FEDERAL REGISTER, July 2, 2009. Retrieved Mar. 15, 2015 from Lexis. APHIS [Animal, Plant and Health Inspection Service] conducts tracebacks during animal disease events to determine the premises of origin of the outbreak, and also administers various domestic surveillance, control and eradication programs for equine diseases. Among these programs are our surveillance and vaccination efforts to prevent the spread of West Nile equine encephalomyelitis and our surveillance and control program for contagious equine metritis (CEM).

The Centers for Disease Control does “domestic surveillance.”

U.S. Centers for Disease Control, FEDERAL REGISTER, Apr. 28, 1997. Retrieved Mar. 15, 2015 from Lexis. The plan, Addressing Emerging Infectious Disease Threats; A Prevention Strategy for the United States, identifies objectives in four major areas: surveillance; applied research; prevention and control; and infrastructure. The plan proposes three major domestic surveillance activities: (1) Strengthening the local and State public health infrastructures for infectious disease surveillance and response; (2) Establishing provider-based sentinel surveillance networks; and, (3) Establishing population-based emerging infections programs to conduct surveillance and applied epidemiologic, laboratory, and prevention research.

Mateusz Karwowski, (Physician, Epidemic Intelligence Service, U.S. Centers for Disease Control), MORBIDITY AND MORTALITY WEEKLY REPORT, Dec. 5, 2014, Retrieved Jan. 15, 2015 from <http://www.cdc.gov/mmwr/pdf/wk/mm63e1205.pdf>. During July 9–November 15, 2014, CDC responded to clinical inquiries regarding 650 persons from 49 states and the District of Columbia; 142 (22%) originated in health departments, and 508 (78%) were originated by clinicians with subsequent notification and engagement of the overall approach to domestic surveillance, the goal of which is to rapidly identify and isolate Ebola patients so that they receive appropriate medical care and secondary transmission is prevented. Health care providers should remain vigilant and consult their local and state health departments and CDC when assessing ill travelers from Ebola-affected countries.

The Drug Enforcement Administration does “domestic surveillance.”

Heidi Boghosian, (Dir., A.J. Muste Memorial Institute & Former Dir., National Lawyers Guild), SPYING ON DEMOCRACY: GOVERNMENT SURVEILLANCE, CORPORATE POWER, AND PUBLIC RESISTANCE, 2013, 31. The FBI began planning a multimillion-dollar secret surveillance unit in Quantico, Virginia, to invent new technologies to help government authorities eavesdrop on Internet and wireless communications as early as 2008. The Domestic Communications Assistance Center (also referred to as the National Domestic Communications Assistance Center) is to be staffed with agents from the U.S. Marshals Service and the Drug Enforcement Administration. Along with countless gigabytes of data afforded by wireless providers and social networks, it will house customized surveillance technologies targeting specific individuals and organizations.

Amy Goodman, (Investigative Journalist), A DOMESTIC SURVEILLANCE SCANDAL AT THE DEA?, Aug. 6, 2013. Retrieved Jan. 15, 2015 from http://www.democracynow.org/2013/8/6/a_domestic_surveillance_scandal_at_the. The U.S. Department of Justice has begun reviewing a controversial unit inside the Drug Enforcement Administration that uses secret domestic surveillance tactics – including intelligence gathered by the National Security Agency – to target Americans for drug offenses. According to a series of articles published by Reuters, agents are instructed to recreate the investigative trail in order to conceal the origins of the evidence, not only from defense lawyers, but also sometimes from prosecutors and judges. “We are talking about ordinary crime: drug dealing, organized crime, money laundering. We are not talking about national security crimes,” says Reuters reporter John Shiffman. Ethan Nadelmann, executive director of the Drug Policy Alliance, says this is just the latest scandal at the DEA. “I hope it is a sort of wake-up call for people in Congress to say now is the time, finally, after 40 years, to say this agency really needs a close examination.”

Border enforcement is “domestic surveillance.”

Todd Miller, (Journalist), BORDER PATROL NATION: DISPATCHES FROM THE FRONT LINES OF HOMELAND SECURITY, 2014, 284. The domestic surveillance regime the country is now experiencing as a whole, more and more, has long been the experience of people in the U.S.-Mexico borderlands. The borderlands showed us the future. And we are now becoming a country of those who watch and those who are watched, of those who are police and those who are accused of being thieves. We live in an “if you see something, say something” world, a Homeland Security dream world, where we are taught to be suspicious of one another, and thus, in effect, police each other. This is the country we have become.

David Gray, (Prof., Law, U. Maryland School of Law), MINNESOTA LAW REVIEW, Nov. 2013, 65. The domestic surveillance infrastructure is not confined to our networked communications, however. Consider aerial drones. No longer just a feature of modern warfare, unmanned aerial drones now populate domestic airspace. Military-style drones operate along the United States border with Mexico. Farther inland, law enforcement agencies are starting to use a variety of drones during their routine police operations. Many of these drones are hardly visible, and some are as small as insects. Among the primary advantages of these drone surveillance systems is that they are “covert.” As one operator reported: “You don’t hear it, and unless you know what you’re looking for, you can’t see it.”

“Domestic surveillance” refers to the activities of law enforcement agencies to engage in information gathering.

Jeffrey Ross, (Prof., Criminal Justice, U. Baltimore), AN INTRODUCTION TO POLITICAL CRIME, 2012, 101. Domestic surveillance consists of a variety of information-gathering activities, conducted primarily by the state’s coercive agencies (that is, police, national security, and the military). These actions are carried out against citizens, foreigners, organizations (for example, businesses, political parties, etc.), and foreign governments. Such operations usually include opening mail, listening to telephone conversations (eavesdropping and wiretapping), reading electronic communications, and infiltrating groups (whether they are legal, illegal, or deviant).

“Domestic surveillance” includes government programs to infiltrate groups with informers.

Emily Stabile, (JD, U. of California, Berkeley School of Law), CALIFORNIA LAW REVIEW, 2014, 261-262. Executive Order No. 12,333 essentially paved the way for the FBI’s use of informants to conduct domestic surveillance of foreign agents, including members of foreign terrorist organizations, without adhering to the restrictions inherent in the use of informants in domestic criminal investigations. In domestic criminal investigations, agents are required by law to corroborate informants’ intelligence and credibility before a warrant is issued. However, under Executive Order No. 12,333, this corroboration is not required in terrorism investigations. For informants facing deportation and immense pressure to cooperate, these lax warrant requirements remove an important check on the validity of their intelligence. The requirements also give the FBI more opportunities to abuse its power.

Todd Miller, (Journalist), BORDER PATROL NATION: DISPATCHES FROM THE FRONT LINES OF HOMELAND SECURITY, 2014, 284. The domestic surveillance regime the country is now experiencing as a whole, more and more, has long been the experience of people in the U.S.-Mexico borderlands. The borderlands showed us the future. And we are now becoming a country of those who watch and those who are watched, of those who are police and those who are accused of being thieves. We live in an “if you see something, say something” world, a Homeland Security dream world, where we are taught to be suspicious of one another, and thus, in effect, police each other. This is the country we have become.

“Domestic surveillance” includes collecting information from private telecom companies.

Glenn Greenwald, (Journalist), PRIVACY AND SURVEILLANCE WITH NEW TECHNOLOGIES, 2012, 44. As the NSA scandal revealed, private telecom giants and other corporations now occupy the central role in carrying out the government’s domestic surveillance and intelligence activities – almost always in the dark, beyond the reach of oversight or the law.

John Conyers, (U.S. Representative, Michigan), EXAMINING RECOMMENDATIONS TO REFORM FISA AUTHORITIES, House Judiciary Comm. Hearings, Feb. 4, 2014, 4. For the first time, the public understands that our Government is engaged in widespread domestic surveillance. This surveillance includes, but isn’t limited to, the Government’s collection of records on virtually every phone call placed in the United States under Section 215 of the PATRIOT Act.

The FISA Court supervises issues of “domestic surveillance.”

Charlie Savage, (Staff), NEW YORK TIMES, July 10, 2014, A17. The Foreign Intelligence Surveillance Court issues about 1,800 orders annually for domestic surveillance. To obtain a court order to wiretap an American, the government must convince a judge that there is probable cause to believe the target is engaged in a crime on behalf of a foreign power; non-Americans need only be suspected of being foreign agents.

“Domestic surveillance” includes the activities of the FBI’s Joint Terrorism Task Force.

Michael Blain, (Prof., Sociology, Boise State U.), POWER, DISCOURSE AND VICTIMAGE RITUAL IN THE WAR ON TERROR, 2012, 117. The Pentagon’s Defense Intelligence agency that deals in information from around the world grew from 7500 employees in 2002 to 16,500 in 2010. At the same time, on the domestic surveillance front, the number of FBI Joint Terrorism Task Forces increased from 35 to 106. These joint task forces include members from the military, intelligence, law enforcement, and the private sector. The ultimate dream driving these new programs is the capacity to point to any neighborhood in America and gain instant access to all the relevant digitalized data.

“Domestic surveillance” includes the issuing of National Security Letters.

Howard Mintz, (Staff, Mercury News), CONTRA COSTA TIMES, Oct. 8, 2014. Retrieved Apr. 15, 2015 from Nexis. The [National Security] Letters are considered a linchpin of the federal domestic surveillance program, even more so than the National Security Agency’s Internet data collection, which is aimed primarily at overseas targets. Between 2003 and 2011, the number of such letters issued by the FBI ranged between 16,511 and 56,507 a year, according to Justice Department figures.

“Domestic surveillance” includes the collection of metadata.

Jameel Jaffer, (Deputy Legal Dir., American Civil Liberties Union), STRENGTHENING PRIVACY RIGHTS AND NATIONAL SECURITY: OVERSIGHT OF FISA SURVEILLANCE PROGRAMS, Senate Judiciary Comm. Hearing, July 31, 2013, 69. The metadata program is only one part of the NSA’s domestic surveillance activities. Recent disclosures show that the NSA is also engaged in large-scale monitoring of Americans’ electronic communications under Section 702 of FISA, which codifies the FISA Amendments Act of 2008. Under this program, labeled “PRISM” in NSA documents, the government collects emails, audio and video chats, photographs, and other Internet traffic from nine major service providers – Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube, and Apple.

It is impossible to separate “domestic surveillance” from “foreign surveillance.”

Patricia Bellia, (Prof., Law, Notre Dame Law School), GEORGE WASHINGTON LAW REVIEW, Aug. 2004, 1377. In fact, the underlying surveillance statute, the Foreign Intelligence Surveillance Act (“FISA”), deals not with foreign surveillance, but with domestic surveillance to acquire foreign intelligence information.