

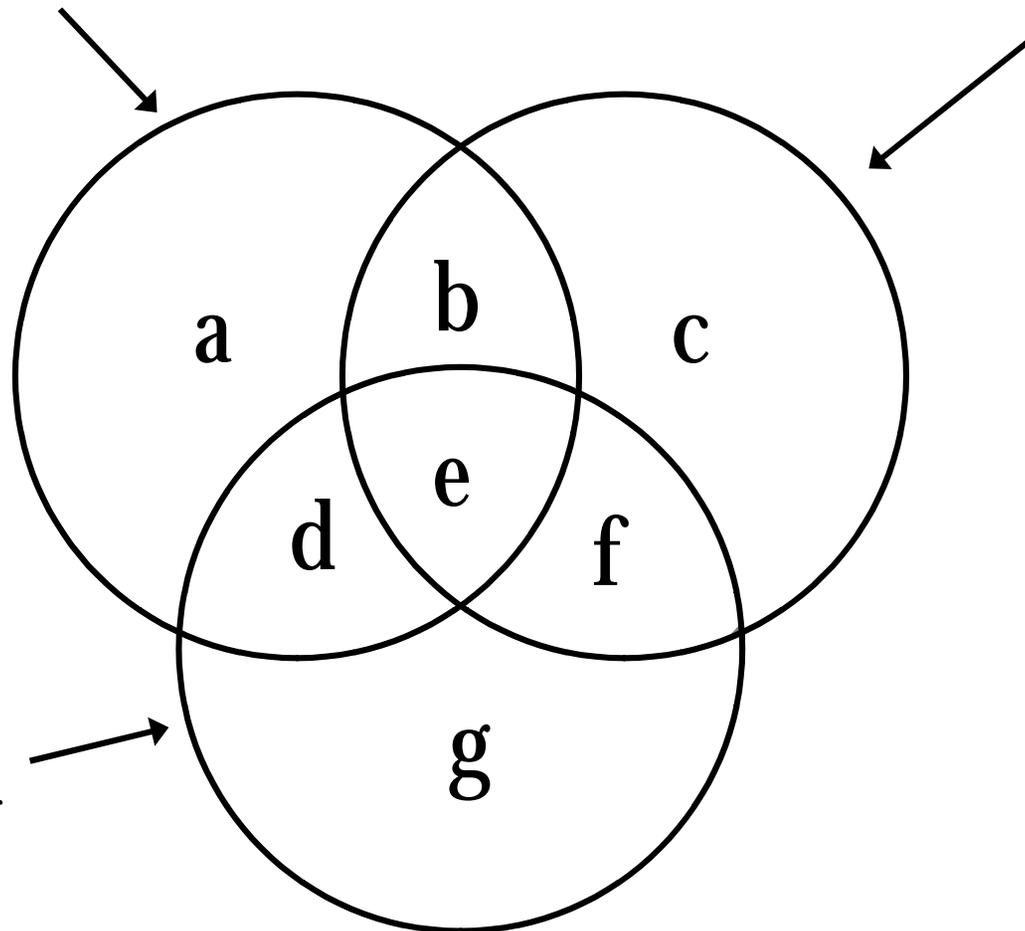
Domestic Intelligence: Critical Choices

1. Steps useful to reduce the chance and harms of terrorism

3. Steps dangerous to democratic liberties or national unity:

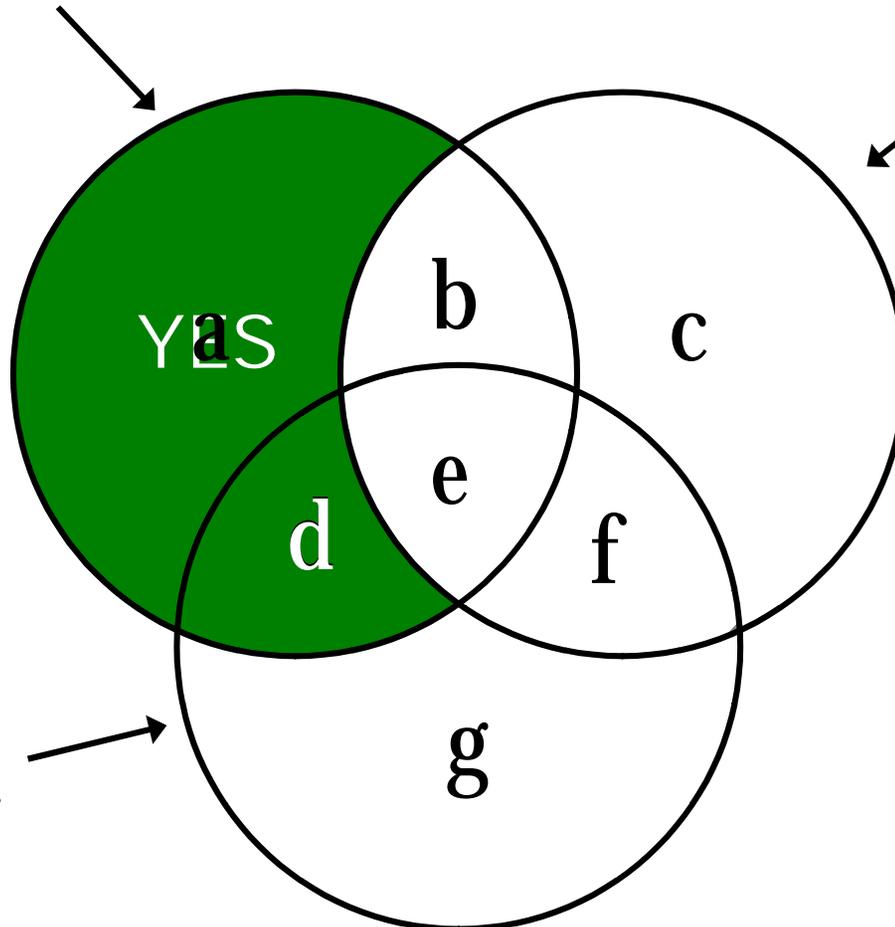
- Abandon constraints on executive key to public confidence
- Focus on one group that shares characteristic(s) with terrorists

2. Steps that reduce public fear and anger



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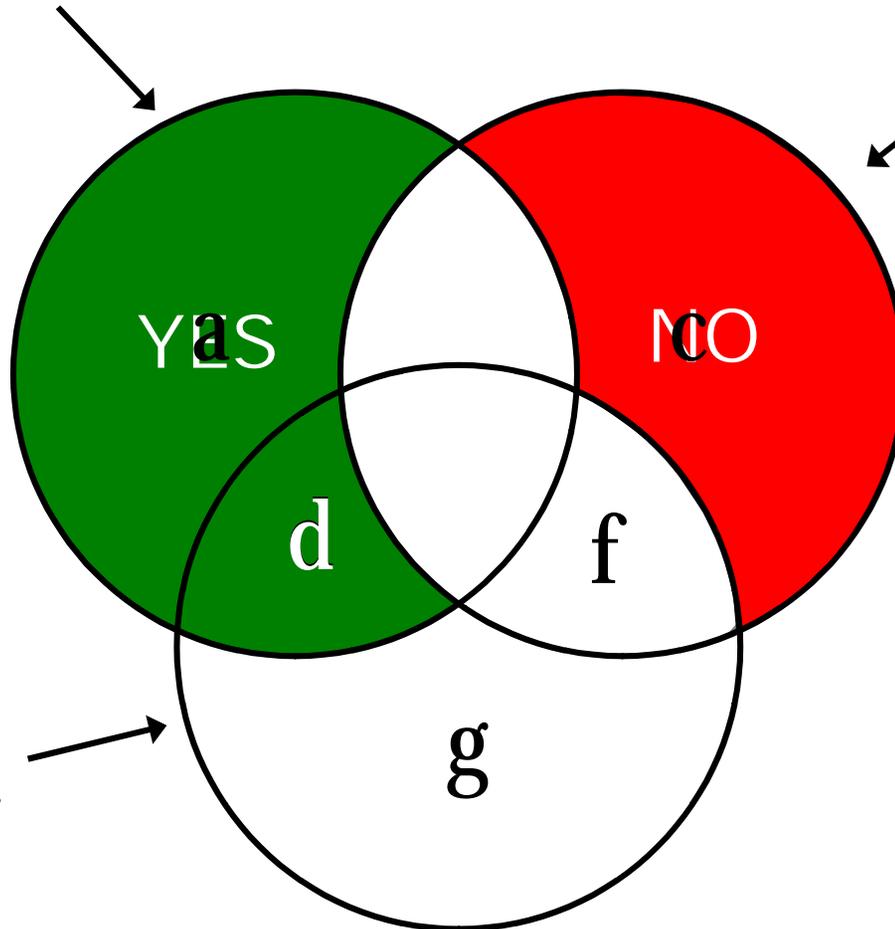
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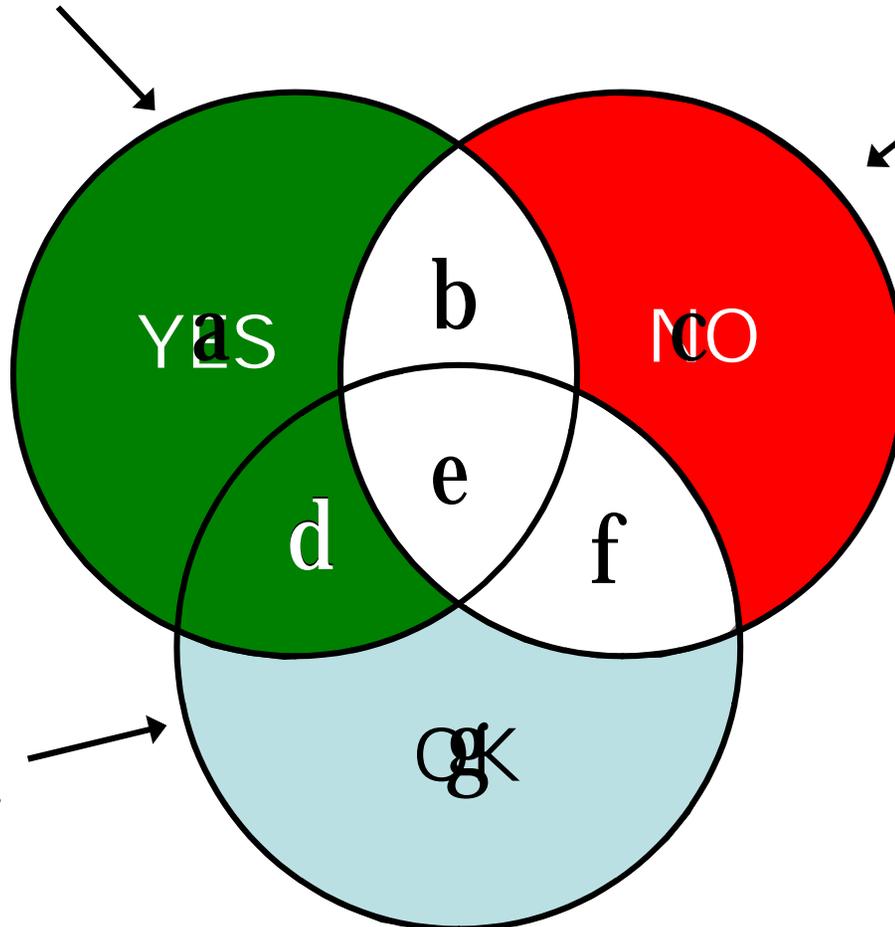
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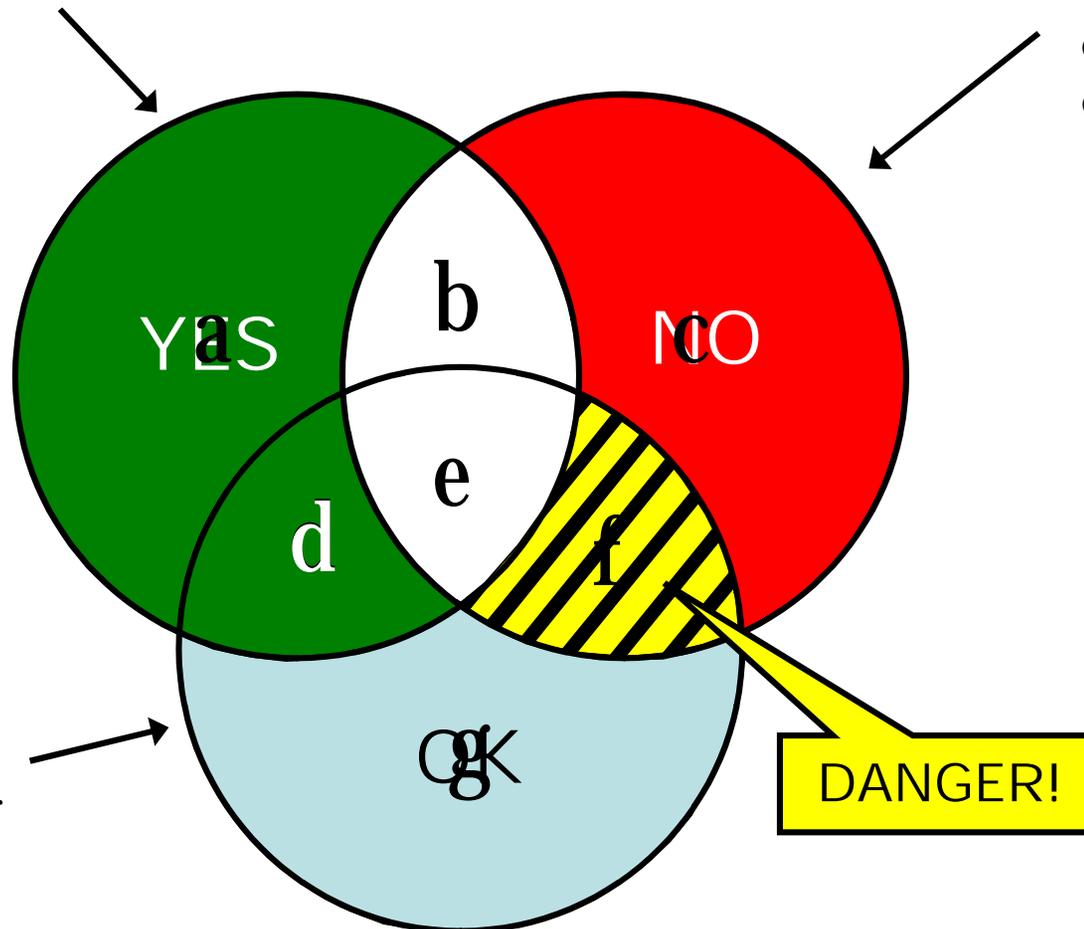
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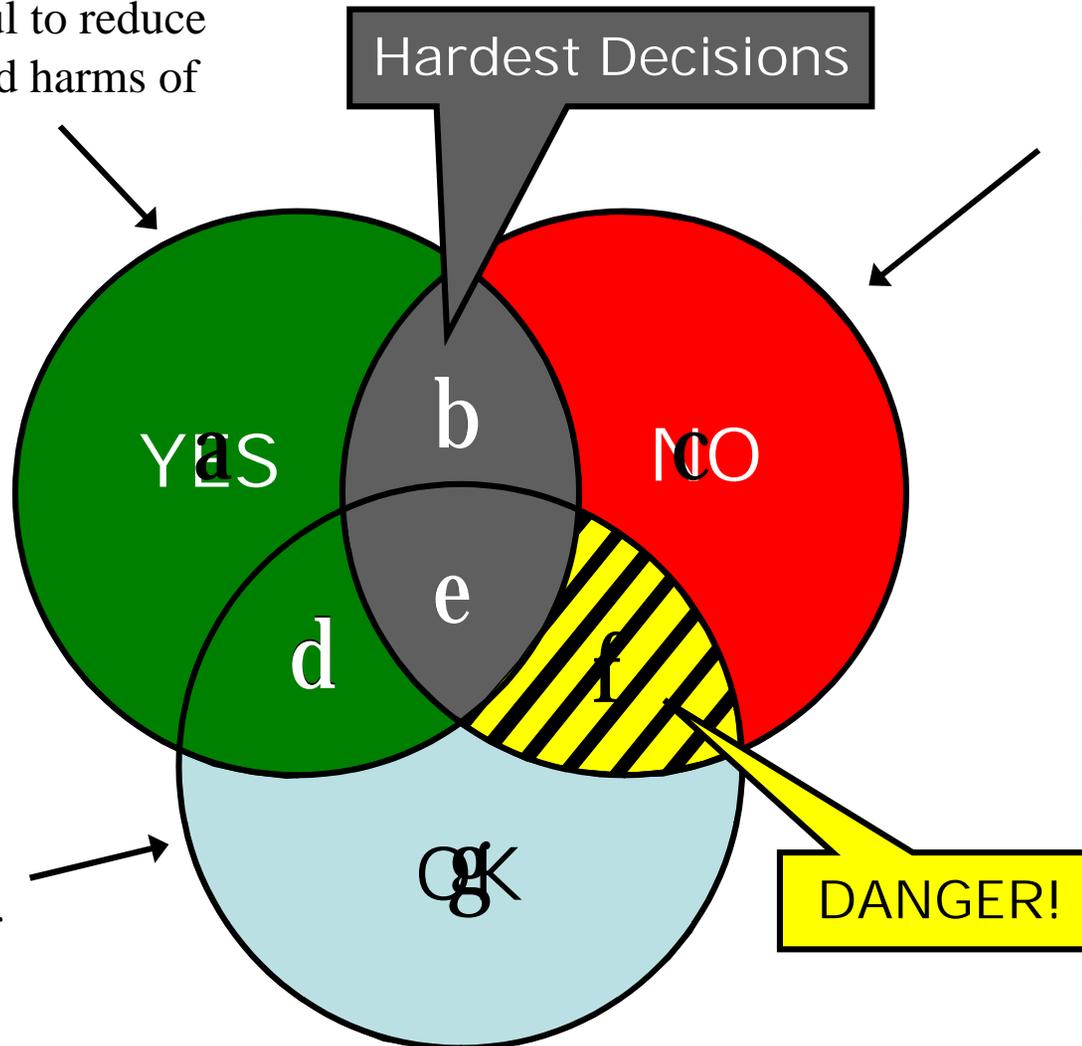
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Measures (b & e) – Costs vs. benefits very hard to measure

- Designate US persons as enemy combatants and denial of due process
- Non-applicability of Geneva Conventions
- Military tribunals
- Preventive detention of US persons and/or non-US persons
- Novel use of statutory authority
- Hold people as material witnesses
- Control enforcement choices (e.g. delay hearings, deportation)
- No review process for immigration matters
- Rendition
- Targeted surveillance of certain groups when data indicates may be associated with terrorism
- Banning militant groups
- Banning charitable groups with some association with terrorism
- “Sneak & Peek” searches
- Administrative subpoenas; “gag” orders
- Electronic eavesdropping on US citizens
- Biometric information in watchlisting (DNA database)

COSTS

International credibility

Significant erosion of civil liberties:

- Privacy
- Due process

American perception of erosion of civil liberties

Changing national character

Alienate immigrant communities

BENEFITS

Intelligence

Evidence

Prevention of Attacks

Disruption

Reduce public fear

Powers of Government Agencies Whose Primary Function is Information-Gathering and Processing

Fill in cells with: “always,” “never,” or “only under carefully specified circumstances”

In What, If Any, Circumstances:

	1. Can you use special powers to gather information, generally secretly?	2. Can you use agencies agencies specializing in secret information-gathering or covert operations?	3. Can you use covert operations to influence groups, parties, and states?	4. Can you make and keep files on individuals?	5. Can you use a centralized information compiling and analysis unit?	6. Should you not use governmental agencies or funds at all?
A. Foreign policy and defense						
B. To gather evidence needed to bring a prosecution						
C. To prevent grave dangers (including threats to president or foreign heads of state)						
D. To aid routine government decision-making (including presidential appointments)						
E. For political or personal purposes						

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A. Foreign policy and defense	Always	Always	Always	Always	Always	Use govt \$
B. To gather evidence needed to bring a prosecution	Special Circumstances	Special Circumstances	Never	Always	Always	Use govt \$
C. To prevent grave dangers (including threats to president or foreign heads of state)	Always	Always	Always	Always	Always	Use govt \$
D. To aid routine government decision-making (including presidential appointments)	Special Circumstances	Never	Never	Special Circumstances	Special Circumstances	Special Circumstances
E. For political or personal purposes	Never	Never	Never	Never	Never	Don't use govt \$

Issues

- Transparency vs. classification of intelligence
- Info sharing among agencies vs. protecting sources and methods
- Citizen vs. non-citizen
 - Burdens of proof – probable cause vs. reasonable suspicion
 - Making immigrant communities partners vs. adversaries
 - International implications
- Foreign vs. domestic ... sovereignty; government's authorities
- Structural reforms vs. human capital reforms
- Executive vs. judicial – constitutional powers & oversight
- Intersection with other policy areas: e.g. border and transportation security
- Harmonizing US and international efforts