



We Don't Know Much About Clinton's Proposed "Intelligence Surge," and That's a Problem

John Knefel

October 25, 2016

In the third and final presidential debate, Democratic nominee Hillary Clinton and GOP nominee Donald Trump largely reiterated previous positions each has staked out regarding plans to defeat ISIS (also known as Daesh) and how to deal with, or ignore, the greatest refugee crisis since World War II. Trump, for his part, exuded typical bigotry in referring to Muslim immigrants as "the great Trojan horse" who "are definitely in many cases, ISIS-aligned."

Clinton responded in a more nuanced way, though her response is also telling. She repeated her call for "an intelligence surge that protects us here at home," and reiterated her support for using the controversial no-fly list as a basis for denying gun purchases. "If you're too dangerous to fly, you're too dangerous to buy a gun," she said.

Little is publicly known about Clinton's oft-repeated call for an "intelligence surge" to defeat ISIS and prevent terrorism on US soil, but some civil liberties groups and Muslim advocates are wary of Clinton's proposal, given the surveillance abuses that have been carried out in the decade and a half since 9/11. Despite the apparent centrality of this proposal to her larger counterterrorism goals, Clinton hasn't made clear what digital or physical surveillance programs or capabilities she would seek to put in place.

One of her few specific proposals -- the so-called No Fly, No Buy policy -- is particularly troubling to critics, who charge that the bloated watchlist is riddled with errors and false positives, is nearly impossible to get off once a person is placed on it, and affects Muslims almost exclusively.

"We've had concerns about a couple of lines from Clinton's campaign. One of those is her support for No Fly, No Buy," Corey Saylor, a spokesperson for the Council on America-Islamic Relations, told me in a phone interview. "People are put on those lists without any due process."

The ACLU sued the government over the secretive process through which people are added to the No Fly List, and opposes using that database as a form of gun control.

The other issue for Saylor is that in Clinton's rhetoric, Muslims "always [come] up in the context of a terrorist attack perpetrated by someone who claims their Islamic faith supports their actions. It boils down to her saying that somehow the Muslim community would be more suspect than others." For him, that means Clinton's lack of specifics is worrisome. "Is she talking about surging more surveillance? Are we talking about more informants? Are we talking about sweeping up more of people's information?" Saylor asked. "I don't need a full plan, but I do need more details."

Clinton began calling for an intelligence surge after the ISIS-linked attacks in Paris in November 2015 and has since repeated the phrase regularly. She first laid out the basics of her proposal in a Democratic Primary debate in November, when she called for "an immediate intelligence surge in the region, including technical assets, Arabic speakers with deep expertise in the Middle East, and even closer partnership with regional intelligence services." Since then she has added more policies to that broad outline, including increased monitoring of social media posts related to Islamic terrorism. She has also called for increased partnership between law enforcement and Muslim community leaders.

Viewed in the most sympathetic light, Clinton is simply pushing for increased cooperation and data-sharing with countries in Europe and the Middle East, and for funding community-based programs in the United States to identify and divert Americans who show signs of a proclivity toward political violence. Often left unstated is that this policy is only ever discussed as one that will be applied to Muslims (although most people who perpetrate political violence in the US are not Muslim).

A more critical reading of Clinton's plan is that as president she will push for increased surveillance of Muslim communities across the United States and Europe, and double down on discredited social science that purports to be able to identify signs of impending violence in individuals. Some Muslim advocates worry that Clinton's plan would make it harder for Muslim Americans to voice criticism of US foreign policy in mosques, and that her approach could breed distrust among communities already wary of law enforcement influence, whether hidden or overt.

For now, most experts agree that the public doesn't have enough information to adequately evaluate Clinton's proposal. Liza Goitein, co-director of the Liberty and National Security Program at the Brennan Center for Justice, stressed that not enough is publicly known to offer a full assessment of Clinton's proposal. "The intelligence we're talking about is primarily surveillance, so when I hear 'intelligence surge' I hear 'surveillance surge,' and I hear 'more surveillance.' That may or may not be accurate," Goitein told me. "If that's what she has in mind, I don't believe we need more surveillance. Law enforcement and intelligence agencies are living in a Golden Age of surveillance."

Both Saylor and Goitein stress that in virtually all recent attacks in the United States and Europe, the perpetrators were previously known to law enforcement, so they reject the need for increased levels of spying. "If anything, the volume of information [the government] is gathering now is part of what's making it difficult to find the potential attack," Goitein said.

Speaking in Minneapolis in mid-December, Clinton appeared to be open to providing government agents with tools to break strong encryption. "Law enforcement and counterterrorism professionals warn that impenetrable encryption may make it harder for them to investigate plots and prevent future attacks," Clinton said. Days later, at another primary debate, Clinton called for a "Manhattan Project-like" approach to encryption, baffling many security experts. It turns out her own team knew her approach to encryption -- somehow giving a key to cops but keeping it away from everybody else -- was "impossible," as later revealed in an internal email released by WikiLeaks.

Julian Sanchez, a senior fellow at the libertarian Cato Institute and an expert on digital security and encryption, told me that he believes the leaked emails suggest a positive shift in Clinton's camp. "The emails released by WikiLeaks do at least suggest that she has some technically savvy people advising her, and they *seem* to have nudged her away from the fantasy of a 'golden key' encryption backdoor that only opens for the good guys without compromising everyone's security," Sanchez told me.

Like Goitein, he said too little was known about Clinton's "intelligence surge," but he questioned the need for added surveillance. "She's adopting a military concept -- which does have a reasonably clear meaning: more boots on the ground -- and applying it in a context where it doesn't make a whole lot of sense, at least given the massive amount of spying our intelligence agencies already engage in," he said.

In the wake of the mass shooting at an LGBT club in Orlando, Florida, in June 2016 Clinton again called for an intelligence surge. In criticizing Trump's approach, Clinton said she opposed "special surveillance on our fellow Americans because of their religion," but then added that "none of us can close our eyes to the fact that we do face enemies who use their distorted version of Islam to justify slaughtering innocent people." That rhetorical flourish is standard Clinton triangulation -- that is, signaling respect for civil liberties while implicitly indicating that Muslim communities are legitimate targets for increased surveillance.

That message is designed to appeal to a liberal audience that is horrified by Trump's open bigotry, but is nonetheless willing to put violence perpetrated by Muslims in a special category that must be prevented at all costs. The result is a continuing stigmatization of Muslims in the United States and abroad.

"There is a strong feeling of surveillance that many Muslim feel is ever present," Ibrahim Mohamoud, communications officer at CAGE, a London-based Muslim advocacy group, told me in an email. "From our casework, we have seen reports and allegations of harassment and entrapment from the security services. The most common of which is people from the Muslim community being pressured or even bullied into 'spying' on their community. Unfortunately, what this [has] done, is to create nothing but mistrust between the Muslim community and the authorities."

For Mohamoud, the problem is that politicians continue to ignore the roots of discontent and instead look for external explanations. "The real issue is that Governments are always looking outwards to find the causes of political violence," he wrote. "They fail to introspectively look at their policies at home and abroad."