



COMMITTEE ON HOMELAND SECURITY

Ranking Member Bennie G. Thompson

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Shadow Hearing Statement of Ranking Member Bennie G. Thompson (D-MS)

Tracked and Targeted: The Unconstitutional Surveillance State

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In the wake of the September 11, 2001, attacks, the Federal government dramatically expanded its surveillance infrastructure, adopting new tools designed to detect foreign terrorist threats and thwart future attacks.

These tools included systems capable of capturing cellphone signals, collecting large volumes of location and metadata, scanning license plates, identifying individuals through facial analysis, and purchasing detailed consumer information from commercial data brokers.

Over the years, there has been an inherent tension between the legitimate security objectives of such tools and the need to uphold civil liberties to preserve a free society.

And the tension has not been without basis. As someone who grew up in the civil rights era, I know how government surveillance can be used to intimidate critics, influence political participation, and retaliate against perceived opponents.

I remember when the FBI employed its Counterintelligence Program (COINTELPRO) to surveil and discredit civil rights activists, like Martin Luther King Jr., and anti-war activists. So, while the abuse of surveillance tools is certainly not new – the Trump administration's use of powerful, modern tools to monitor and investigate Americans and stifle dissent among those who oppose the President's agenda is unprecedented in that it is brazen and unchecked.

To facilitate President Trump's cruel mass deportation campaign, the Department of Homeland Security (DHS) has been rapidly building an arsenal of new spyware and forensic technology.

Trump's DHS has purchased mobile license plate readers, cellphone location tracking devices, and surveillance video feeds.

ICE has awarded several new contracts to tech companies to find neighborhoods to raid and help officers and agents hack into phones remotely and access both encrypted and deleted data.

ICE has also deployed a mobile phone application – with questionable accuracy— known as Mobile Fortify to identify individuals by capturing facial images or fingerprints using a phone camera.

This app was deployed in a rush, without guardrails, and has already proven unreliable. In sworn testimony, an ICE official described an instance where photos of the same woman returned two different identities.

Moreover, the Trump administration is blatantly cracking down on Americans engaged in protected First Amendment activity. Legal observers of law enforcement activity have reported being filmed and followed while engaged in lawful activity.

In one instance, an ICE officer in Maine can be seen in a video taking pictures of a legal observer's car and telling the observer he was taking the photos, "Because we have a nice little database, and now you're considered a domestic terrorist."

And just last month, it was reported that the Department of Justice is obtaining the names, addresses, financial data, and other personal information of those who criticize DHS's violent immigration tactics on social media.

But the administration is not only weaponizing the government's surveillance apparatus to further its cruel immigration agenda, it is weaponizing these technologies to quash all forms of perceived dissent.

After a Washington Post journalist wrote about FBI Director Kash Patel using FBI personnel and resources to provide his girlfriend with government security and transportation, Patel used the weight of the world's premier investigative agency to query databases for information on that journalist.

In April, Trump's Office of Personnel Management issued a public notice regarding its plan to collect sensitive health information, including prescription and treatment information, from millions of Federal workers and retirees, and their families.

If I covered every example of the rampant surveillance abuse under this administration – we would be here until next year.

But the point is, under the Trump regime, we are hurtling toward an authoritarian-type surveillance state that punishes dissent and inflicts state violence.

And House Republicans are complicit. By voting for the "Big, Ugly Bill" they have enabled the weaponization of surveillance tools against the American people by providing blank checks to law enforcement agencies without establishing any guardrails.

They have allowed the dismantling of oversight mechanisms, like the Privacy and Civil Liberties Oversight Board. I recall a time not too long ago when Republicans decried the weaponization of government. But today, when their fellow Americans have their constitutional rights trampled on...crickets. Not a word from them.

But Democrats have been and will continue sounding the alarm.

So today we will hear from experts on the dangers posed by the expanding surveillance apparatus, its impact on American citizens, and legislative solutions to safeguard our civil liberties.

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