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## Mission Creep: When Everything Is Terrorism

By Bruce Schneier

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One of the assurances I keep hearing about the U.S. government's spying on American citizens is that it's only used in cases of terrorism. Terrorism is, of course, an extraordinary crime, and its horrific nature is supposed to justify permitting all sorts of excesses to prevent it. But there's a problem with this line of reasoning: mission creep. The definitions of "terrorism" and "weapon of mass destruction" are broadening, and these extraordinary powers are being used, and will continue to be used, for crimes other than terrorism.

Back in 2002, the Patriot Act greatly broadened the definition of terrorism to include all sorts of "normal" violent acts as well as non-violent protests. The term "terrorist" is surprisingly broad; since the terrorist attacks of 9/11, it has been applied to people you wouldn't normally consider terrorists.

The most egregious example of this are the three anti-nuclear pacifists, including an 82-year-old nun, who cut through a chain-link fence at the Oak Ridge nuclear-weapons-production facility in 2012. While they were originally arrested on a misdemeanor trespassing charge, the government kept increasing their charges as the facility's security lapses became more embarrassing. Now the protestors have been convicted of violent crimes of terrorism -- and remain in jail.

Meanwhile, a Tennessee government official claimed that complaining about water quality could be considered an act of terrorism. To the government's credit, he was subsequently demoted for those remarks.

All artillery, and virtually every muzzle-loading military long arm for that matter, legally qualifies as a WMD, making The Star Spangled Banner an account of a WMD attack on American shores.

The notion of making a terrorist threat is older than the current spate of anti-terrorism craziness. It basically means threatening people in order to terrorize them, and can include things like pointing a fake gun at someone, threatening to set off a bomb, and so on. A Texas high-school student recently spent five months in jail for writing the following on Facebook: "I think I'ma shoot up a kindergarten. And watch the blood of the innocent rain down. And eat the beating heart of one of them." Last year, two Irish tourists were denied entry at the Los Angeles Airport because of some misunderstood tweets.

Another term that's expanded in meaning is "weapon of mass destruction." The law is surprisingly broad, and includes anything that explodes, leading political scientist and terrorism-fear skeptic John Mueller to comment:

As I understand it, not only is a grenade a weapon of mass destruction, but so is a maliciously-designed child's rocket even if it doesn't have a warhead. On the other hand, although a missile-propelled firecracker would be considered a weapon of mass destruction if its designers had wanted to think of it as a weapon, it would not be so considered if it had previously been designed for use as a weapon and then redesigned for pyrotechnic use or if it was surplus and had been sold, loaned, or given to you (under certain circumstances) by the secretary of the army ....

All artillery, and virtually every muzzle-loading military long arm for that matter, legally qualifies as a WMD. It does make the bombardment of Ft. Sumter all the more sinister. To say nothing of the revelation that The Star Spangled Banner is in fact an account of a WMD attack on American shores.

After the Boston Marathon bombings, one commentator described our use of the term this way: "What the United States means by terrorist violence is, in large part, 'public violence some weirdo had the gall to carry out using a weapon other than a gun.' ... Mass murderers who strike with guns (and who don't happen to be Muslim) are typically read as psychopaths disconnected from the larger political sphere." Sadly, there's a lot of truth to that.

Even as the definition of terrorism broadens, we have to ask how far we will extend that arbitrary line. Already, we're using these surveillance systems in other areas. A raft of secret court rulings

has recently expanded the NSA's eavesdropping powers to include "people possibly involved in nuclear proliferation, espionage and cyberattacks." A "little-noticed provision" in a 2008 law expanded the definition of "foreign intelligence" to include "weapons of mass destruction," which, as we've just seen, is surprisingly broad.

A recent *Atlantic* essay asks, somewhat facetiously, "If PRISM is so good, why stop with terrorism?" The author's point was to discuss the value of the Fourth Amendment, even if it makes the police less efficient. But it's actually a very good question. Once the NSA's ubiquitous surveillance of all Americans is complete -- once it has the ability to collect and process all of our emails, phone calls, text messages, Facebook posts, location data, physical mail, financial transactions, and who knows what else -- why limit its use to cases of terrorism? I can easily imagine a public groundswell of support to use to help solve some other heinous crime, like a kidnapping. Or maybe a child-pornography case. From there, it's an easy step to enlist NSA surveillance in the continuing war on drugs; that's certainly important enough to warrant regular access to the NSA's databases. Or maybe to identify illegal immigrants. After all, we've already invested in this system, we might as well get as much out of it as we possibly can. Then it's a short jump to the trivial examples suggested in the *Atlantic* essay: speeding and illegal downloading. This "slippery slope" argument is largely speculative, but we've already started down that incline.

Criminal defendants are starting to demand access to the NSA data that they believe will exonerate themselves. How can a moral government refuse this request?

More humorously, the NSA might have created the best backup system ever.

Technology changes slowly, but political intentions can change very quickly. In 2000, I wrote in my book *Secrets and Lies* about police surveillance technologies: "Once the technology is in place, there will always be the temptation to use it. And it is poor civic hygiene to install technologies that could someday facilitate a police state." Today we're installing technologies of ubiquitous surveillance, and the temptation to use them will be overwhelming.