

THE NATIONAL COUNTERTERRORISM CENTER JUST DECLARED ALL OF US DOMESTIC TERRORISTS

I'm going to have a series of posts on the new National Counterterrorism Center data sharing guidelines. As a reminder, the whole point of these guidelines is to allow the NCTC to obtain information on US persons, dump it into their datamining, and then ultimately pass it on. In this, I'll show how, by magic of cynical bureaucracy, the government is about to turn non-terrorist data into terrorist data.

Here's how that trick is accomplished rhetorically. In the Background section (and in one or two other places), the document includes this language to legally justify throwing US person data into big databases to be data mined. It starts by laying out NCTC's data mandate:

[NCTC] shall "serve as the primary organization in the United States for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.

It blathers on about how NCTC also has the responsibility to request information and pass it on. This is the legal language they're going to translate to mean the opposite of what it says.

Jumping ahead a bit, the guidelines acknowledges that NCTC is only supposed to have access, if needed, to domestic **terrorism** information.

In the National Security Act of 1947, as amended, Congress recognized that NCTC must have access to a broader range of information than it has primary authority to analyze and integrate if it is to achieve its missions. The Act thus provides that NCTC “may, ... receive intelligence **pertaining exclusively to domestic terrorism** from any Federal, State, or local government or other source necessary to fulfill its responsibility and retain and disseminate intelligence.” [my emphasis]

See that? It can have all the foreign terrorism information, and then if it needs to, it can have the domestic terrorism information.

Now, going back a few lines, it takes this authority—“pertaining exclusively to domestic terrorism”—and uses it to get ... everything.

NCTC’s analytic and integration efforts ... at times require it to access and review datasets that are identified as including non-terrorism information in order to identify and obtain “terrorism information,” as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended. “Non-terrorism information” **for purposes of these Guidelines includes information pertaining exclusively to domestic terrorism, as well as information maintained by other executive departments and agencies** that has not been identified as “terrorism information” as defined by IRTPA. [my emphasis]

Note that bolded section is not a citation from existing law. It is, instead, NCTC turning NCTC’s authority to sometimes get domestic terrorism information into authority to get any dataset maintained by any executive agency that NCTC believes might include some information

that might be terrorism information.

Those of us in the US Government's tax, social security, HHS, immigration, military, and other federal databases? We've all, by bureaucratic magic, been turned into domestic terrorists.

Now, NCTC seems to understand what a grasp this is, so it deploys one more rhetorical effort, this time noting that the Director of National Intelligence—to whom NCTC reports—also gets access to all national security intelligence.

[The National Security Act] provides that “[u]nless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any federal department, agency, or other entity...”

So in addition to all of us in government databases—that is, all of us—being deemed domestic terrorists, the data the government keeps to track our travel, our taxes, our benefits, our identity? It just got transformed from bureaucratic data into national security intelligence.

We are all, now, first and foremost potential terrorists now. Only after NCTC destroys our data in five years (if they don't find some excuse to keep it before then) will we become citizens again.