

FISA, UFO's and National Security

Ryan S. Wood

The Foreign Intelligence Surveillance Act (FISA) of October 25, 1978 is ostensibly designed for detecting, tracking and catching spies from other governments. The act's powers are tremendous. The court's decisions are reached in secret with no published orders, opinions or public record. Probable cause for electronic and physical searches may result solely from the basis of associations, membership in an organization or status. All it takes is for a Federal officer typically FBI or NSA to fill out the paperwork and have the Department of Justice approve it, and then US citizen constitutional rights are erased. The public is expected to accept on blind faith that law enforcement and intelligence agencies are not overstepping their bounds.

Since the act's passage and the founding of the secret court seven judges have authorized all but one of over 7,500 requests to spy in the name of National Security. Those that are spied on never know of the intrusion. Clinton recently expanded the powers of the act via EO 12949 in 1995 to include not only electronic, but physical searches. There is no warrant for the search required in open court, no notification at the time of search, or any inventories of what items are seized. There is no requirement for a suspicion of a crime, only an association, status or perceived threat to National Security. Furthermore, despite a lowered standard in FISA for applying the Fourth Amendment against unreasonable search and seizure than is necessary in other U.S. courts, evidence gathered by the FISA court may now be used in criminal trials. Previously, evidence was collected and stockpiled solely for intelligence purposes.

There are seven judges appointed to staggered seven year terms by the chief justice of the Supreme Court. They take turns reviewing the submissions for searches in a locked Justice department vault with an armed guard always outside. There is an appeal process but it is rarely used. Federal Judge Robert W. Warren from Wisconsin, senior panelist on the second tier FISA Court of Review, joked that he has not exactly been overwhelmed by the workload since his appointment in 1989. "We've never met since I've been on it, it's an empty title as far as I am concerned at this point" said Warren. I was sent a designation by the Chief Justice, and I asked a couple of people what in the world the court did because I had not even heard of it before I got that designation.

The American Civil Liberties Union was not able to unearth a single instance in which the target of a FISA wiretap was allowed to review the initial application. Nor would the targets be offered any opportunity to see transcripts of the conversations taped by the government and explain their side of the story.

"Without access to such materials," said Kate Martin of the ACLU, "targets of FISA searches are denied any meaningful opportunity to contest the basis for the execution of the FISA search." The possibility of FISA-sanctioned fishing expeditions was only one of the potential abuses that alarmed legal scholars and people concerned with civil liberties. "It's absolutely ripe for abuse," said New York City defense lawyer Ron Kuby. There are hundreds of solidarity groups that American citizens work with, and all of those groups could be targets under FISA.

Reportedly, the Clinton administration had not always been enthusiastic about expanding the court's powers. Like its predecessors, it operated under the assumption that the executive already had inherent authority to exempt itself from Fourth Amendment constraints and could order warrantless searches to protect national security. Nonetheless, the government avoided allowing this inherent authority to be tested in the courts.

Then came Aldrich Ames. The spy case proved a convenient vehicle on which to hitch expansion of state power. It also offered a glimpse at the state-of-the-art domestic counterintelligence techniques that might well be turned on a local activist group. Following months of electronic and physical surveillance, which included a break-in of Ames' car and searches through his office and family trash, FBI agents were finally turned loose in the early morning hours of October 9, 1993. They didn't pick locks; they made their own keys.

Thanks to a warrant authorized by Attorney General Janet Reno, a team of agents from the sprawling National Security Agency had permission to enter the Ames home in Arlington, Virginia. There was only one minor problem. The attorney general of the United States does not have the authority to order a warrantless physical search of a citizen's home, argued Professor Jonathan Turley of George Washington University National Law Center. "The Aldrich Ames search, in my view, was obviously and egregiously unconstitutional." Other civil liberties lawyers agree with this evaluation, and the Justice Department itself was concerned enough about the question to refer to this problem when it negotiated a deal with Ames in order to avoid trial. Now with FISA

amended via EO 12949 it is legal for the Attorney General to order searches and seizures of anyone, anytime in the name of National Security. In one FISA based court case the people, not themselves a target of an authorized telephone tap, were hauled into court for having the misfortune of calling somebody who was under electronic surveillance.¹

Kate Martin of the ACLU noted that even when warrantless searches were unambiguously illegal, the government conducted thousands of them and violated the civil rights not only of possible spies, but of people engaged in constitutionally protected dissent. Secret searches of Americans' homes and papers in the name of national security were one of the worst civil liberties abuses of the Cold War. Instead of approving them, the Congress should outlaw them.

Suppose the FISA court and law enforcement agencies did not overstep their powers, legal scholars assert that warrantless searches are unconstitutional, no matter what the context or motivation. The court's defenders, on the other hand, argue that the end justifies the means. Does it?

What does this mean to for citizens interested in UFOs? The critical distinction is in the definition of "threat to national security." Are UFOs and their associated followers, abductees, researchers and investigators a threat to national security? In the case of UFO craft themselves they clearly are and have been a tremendous threat to national and planetary security. UFOs have interrupted the national power grid,² re-programmed inter-continental ballistic missiles,³ abducted whole groups of soldiers,⁴ abducted thousands if not millions of the planet's citizens⁵ for murky purposes, shot down airplanes,⁶ taken nuclear weapons⁷ and routinely violate restricted air space.⁸

If a federal officer acting on behalf of the organization responsible for managing the UFO problem concludes that he needs further or ongoing intelligence then targeting individuals and organizations that are connected to UFOs would be an appropriate use of FISA. For example, because of their need for utmost security the secret government can not do a very thorough job of investigating abduction experiencers—they need the help of researchers and clinical psychologists all over the US. This is what civilian ufology delivers in books, periodicals, conferences and personalized research. In some abduction cases, military personnel have been directly and repeatedly involved in kidnapping and debriefing abductees.⁹ In effect, they are stealing, through FISA sanctioned searches the intellectual property of citizens in the name of national security. The UFO community and popular media continually provide a snapshot of how well the existing UFO government secrecy programs are working. So, to test the quality of their secrecy apparatus, the government counterintelligence officials will use FISA to tap the phones, read the e-mail and perform searches on all the targeted citizens in the world. Particularly, targets are scientific people that offer physical or credible proof that the mass media cannot ignore.

What is really at issue is that the government has chosen to hide the truth of alien visitation, hardware, breath-taking advanced technology, and alien biology from the scientists and citizens of the world. The secret government's arrogant scientific attitude that a thousand cloistered scientists and engineers can derive more benefit for the nation and the world than the open scientific process of a 100 million worldwide scientists and engineers defies logic and thinking of any reasonable man.

¹ 1988 activists Vernon Bellcourt, Bill Means, Bob Brown phoned Peoples Committee for Libyan Students.

² See First Annual Report, 1968 NYC blackout.

³ Silo in Midwest, documents FOIA'ed, mentioned in MUFON journal.

⁴ First Annual Report, Annex C.

⁵ Roper Report, numerous books, list them.

⁶ First Annual, Mantell incident.

⁷ First Annual, Annex B, p14, B-36 lost in Arctic with Weapons.

⁸ 1952 Washington DC event, others.

⁹ Karla Turners book, Taken, others.

