



Written by [Bruce Walker](#) on December 18, 2009

Orwellian Technology at Homeland Security

George Orwell, in his chilling classic, 1984, described how people could commit crimes without any physical act at all. This type of offense, a "thoughtcrime," was not originally coined by Orwell. Victor Kravchenko, the high ranking Soviet official who left his slave empire while he was stationed in America in 1944, used the word "thoughtcrime" in his 1946 book, *I Chose Freedom*. Our minds are free, or so America from colonial days on has maintained. We are free to wish for whatever we want, provided that we take no overt measures to implement a crime.



The Department of Homeland Security last February awarded a contract to a Massachusetts technology firm to determine malintent. The project, named FAST (or Fast Attribute Screening Technologies), uses noninvasive advanced technologies to determine the facial temperature, eye movement, respiration rate, voice pitch, heart rate, and a variety of other indicators to determine the likelihood of an individual being dangerous. Proponents of this sort of screening urge that only information which is available to the public is used in the analysis of potential criminal intent. Law enforcement officers already use nervous behavior, suspicious appearance, and other subjective factors in determining reasonable cause to question suspects. The Fourth Amendment prohibits illegal search and seizure, but does this sort of electronic scanning of an individual count as a search?

The issue is clouded, not clarified, by the policies undertaken by the Office of Homeland Security about the time that the FAST contract was awarded. While it may be possible to scientifically determine, within measurable limits, how uncomfortable or anxious an individual may be in a crowd, what this technology will not be able to do is determine *why* the individual feels threatened. When Secretary Napolitano warned last April that homeland security officers at the federal, state, and local level should be on the lookout for "right wing extremists," and then went on to provide guidance about what sort of person that covered — opponents of abortion, supporter of tough immigration policies, advocates of diminished federal power — then it is reasonable to ask *what* may make citizens feel uncomfortable in the presence of federal law enforcement.

In other words, some individuals may harbor thoughts that the federal government has categorized as "precursors to terrorism," but which more likely simply reflect the ideological bias of those running homeland security forces. This is a very dangerous direction for a free people. Consider if a new administration in four years issued directives that those who supported abortion, favored open immigration, or wanted higher federal taxes were potential "terrorists"? The more this official federal police policy becomes known, the more frightened and reactive individuals with those political views may appear.

Another problem with this sort of high technology "noninvasive" scanning is that, while the suspect may not be held in a cell or forced to disrobe or to turn over personal effects, as the technology advances the privacy of the individual shrinks. If technology existed which was virtual telepathy, would that be



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properly placed in the hand of the state for law enforcement purposes? The very definition of "privacy" evolves as the tools of intrusion are enhanced by science. Among the most vital rights of free citizens is the right to privacy, the right to strongly disagree with what political nabobs deem legal. Private firms may well find the FAST systems very helpful. These firms lack the monopoly of force which the state possess. But increasing the power of federal police to examine our bodies (and even minds) from a distance leaves open many types of future risks to our personal liberties. Orwell's nightmare of Thought Police is not real, yet, but projects like FAST may make a world of no secrets of the free heart and liberated mind more and more difficult.

Photo of U.S. Homeland Security Secretary Janet Napolitano: AP Images



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