

AI MAKES SURVEILLANCE SIMPLE

The FBI, in our view wrongly, has been permitted since 2008 to open “assessments” on Americans without any criminal predicate. Tens of thousands of these “assessments” are now conducted every year. But now, recent technological and policy changes have made it easier than ever for an agent to open up an assessment, and to escalate it to a full, predicated “investigation,” without any real crime.

At the same time, oversight bodies that could have identified abuses in this process have been politicized, kneecapped or shuttered entirely. Thanks to [Pat Eddington of the CATO Institute](#), we can now clearly chart out how A.I., and recent legal changes, facilitate FBI agents spying on Americans not involved in any actual crime.

The new targets of this administration are laid out in [NSPM-7](#), the [Antifa Executive Order](#), and the [Bondi Memo](#). They include, with a nominal connection to actual or suspected future violence, people who exhibit:

- “Anti-Americanism, anti-capitalism, and anti-Christianity”
- “Support for the overthrow of the United States Government”
- “Extremism on migration, race, and gender”
- “Hostility towards those who hold traditional American views on family, religion, and morality.”

HOW THE FBI USES AI

STEP 1 | Zero-Predicate Assessment



Under NSPM-7, anyone expressing certain views can be assessed – no crime required.

An FBI agent opens an FD-1057 Assessment under NSPM-7—no criminal predicate required.

Anyone expressing the views targeted by NSPM-7 (on social media, in op-eds, or at protests) can be assessed.

The agent then prompts an AI model to: summarize all public information about the target; identify social media posts related to "Antifa ideologies"; flag protest attendance, donations to bail funds, and advocacy affiliations; and find any international partner organizations or foreign co-signatories linked to the target.

Supervisory review is required, but no independent scrutiny, no warrant, and no external oversight—making this a free pass.

STEP 2

Preliminary Investigation – Building a Case



AI analyzes private chats and financial records to manufacture suspicion based on any level of association.

Commercial AI and surveillance tools aggregate data to manufacture a predicate for preliminary investigations.

By analyzing sentiment, location, and financial records, these systems construct tenuous associations linking subjects to targeted ideologies.

An AI model assesses this dossier to confirm suspicion and drafts the official FD-1057 elevation request. Since the legal threshold is merely that a crime "may be" occurring, this automated process easily satisfies requirements.

AI-assisted drafting remains unlogged and unchecked by oversight, allowing suspicion to be generated without independent factual scrutiny.

STEP 3

Full Investigation – Legal Powers Activated



X NO NOTICE.
X NO RIGHTS.
X NO CHALLENGE.

AI AI ASSISTANT
Draft justification
document for
FD-1057 elevation_

Full domestic surveillance powers unlocked – but the target never knows they’re being watched.

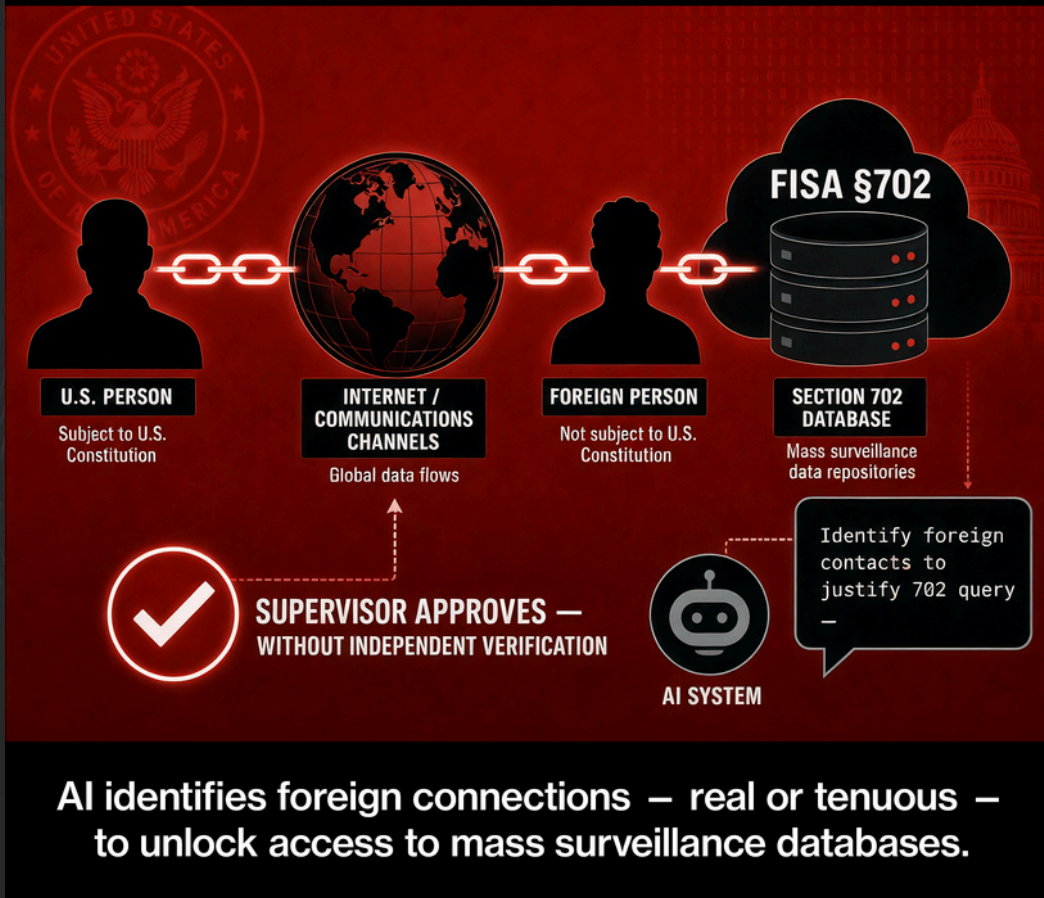
A Full Investigation requires “an articulable factual basis” for believing a federal crime may be occurring. The dossier assembled from the AI-synthesized profile, SOMEX output, location data, and financial data — substantially satisfies this standard under current political guidance.

A full investigation now enables: Grand jury subpoenas; National Security Letters (NSLs); financial record demands; physical and electronic surveillance; and potential FISA §702 queries.

The person under investigation receives no notice of the investigation, has no discovery rights, no ability to challenge the predicate, and no access to any of the documents generated.

STEP 4

Section 702 Database – Global Access



AI identifies foreign connections – real or tenuous – to unlock access to mass surveillance databases.

The OSINT profile developed in Step 2 — specifically, the international contacts identified through AI-assisted relationship mapping — is used to identify a foreign national in §702 collection. The FBI agent can now query AI to establish a nexus to allow querying the 702 database with the selectors for the U.S. person. They could use these prompts:

- “Based on the attached investigative summary of “named U.S. person”, identify any publicly documented professional contacts or advocacy collaborations that could indicate communication with non U.S. persons located outside the United States who may be of foreign intelligence interest.”
- “Draft a written justification for a U.S. person query of Section 702-acquired information under the FBI’s querying procedures. The subject is a U.S. person who is (insert evidence of antifa association). The query is based on the following factual predicate: [AI-synthesized dossier]. The query is reasonably likely to retrieve foreign intelligence information because the subject has a documented relationship with [named foreign national], who is a known subject of Section 702 collection, and the subject’s communications with this individual may contain foreign intelligence information relevant to [certification category].”

The resulting document will be reviewed by a supervisor, who is likely to approve it. The National Security Division (NSD) of the DOJ should conduct a 180-day audit to verify that the written justification exists and that supervisor approval was obtained — but it will not determine whether the AI-generated factual predicate accurately represented the investigation.

LEGAL BASES ALLOWING FBI TO OPEN AN ASSESSMENT AND UTILIZE AVAILABLE TOOLS

1. "Assessments authorized under the AGG-Dom do not require a particular factual predication but do require an authorized purpose. Assessments may be carried out to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence."
2. NSPM-7's authorized-purpose language legally justifies opening of an assessment Sources: DIOG §5.1 (2024 version, FBI Vault); AGG-Dom Part II (2008, DOJ/ACLU FOIA release) NSPM-7 creates no new legal authority but directs aggressive use of existing statutes in new contexts, including material support (18 U.S.C. §2339), RICO (18 U.S.C. §1962), and tax enforcement against nonprofits. Sources: NSPM-7 text, whitehouse.gov(primary); DLA Piper analysis, Dec. 2025; Brennan Center, Oct. 2025; ACLU, Oct. 2025. This allows intelligence agencies to use their own files, commercial data sources of publicly available information, IRS data and AI profiling tools
3. Executive Order of September 22, 2025 (Designating Antifa as a Domestic Terrorist Organization) directs "all relevant executive departments and agencies" to "utilize all applicable authorities to investigate, disrupt, and dismantle any and all illegal operations — especially those involving terrorist actions — conducted by Antifa or any person claiming to act on behalf of Antifa."
4. AG Pam Bondi's implementing directive to FBI field offices and JTTFs (Sources: Council on Foundations summary of Bondi Memo, Dec. 10, 2025; Arnold & Porter analysis, Dec. 8, 2025):
 - Investigate activities of and prosecute extremist groups under NSPM-7, including tax crimes as the top priority
 - Review all files for Antifa-related intelligence
 - Assemble a list of domestic terrorist organizations
 - Implement a cash reward system for information leading to arrests
 - "establish cooperators to provide information and eventually testify against other members and leadership of domestic terrorist organizations."
5. Use of Open Source Intelligence (OSINT): DIOG §5.6 (Assessment-authorized investigative methods include examination of FBI data systems, USIC systems, and use of paid-for databases once Assessment is opened).

6. DOJ's 2025 AI Use Case Inventory (DOJ-0121, "Data Synthesis, Sentiment, Filtering, and Location Linking") describes a high-impact capability consistent with this use. The use of commercial frontier models for OSINT aggregation is not prohibited under current FBI or DOJ policy.
7. Under the Third Party Doctrine, established by SCOTUS in Smith v. Maryland and United States v. Miller, federal agencies are free to access commercial data that was voluntarily given by a person to a third party without any requirement for a court order or warrant. Software that aggregates and analyzes this data is similarly accessible.
8. According to DIOG §5.7, authorization for a Preliminary Investigation only requires "information or allegations" indicating a federal crime "may be" occurring.
9. Unfortunately, The FBI Domestic Investigations and Operations Guide from 2024 is no longer publicly viewable but Patrick Eddington in his 3/31/2026 article states that according to the DIOG, "a Full Investigation requires "an articulable factual basis" for believing a federal crime may be occurring." The assembled dossier — AI-synthesized profile, SOMEX output, location data, and financial data — substantially satisfies this standard under current political guidance.

It was possible to download the 2016 DIOG which states:

"Predication Required for Full Investigations

A full investigation may be initiated if there is an articulable factual basis for the investigation that reasonably indicates that a circumstance described in paragraph 3.a.-b. exists or if a circumstance described in paragraph 3.c. exists.

Methods Allowed in Full Investigations

All lawful methods may be used in a full investigation."

"3. Circumstances Warranting Investigation

A predicated investigation may be initiated on the basis of any of the following circumstances:

a. An activity constituting a federal crime or a threat to the national security has or may have occurred, is or may be occurring or will or may occur and the investigation may obtain information relating to the activity or the involvement or role of an individual, group or organization in such activity.

b. An individual, group, organization, entity, information, property, or activity is or may be a target of attack, victimization, acquisition, infiltration, or recruitment in connection with criminal activity in violation of federal law or a threat to the national security and the investigation may obtain information that would help to protect against such activity or threat.

C. The investigation may obtain foreign intelligence that is responsive to a foreign intelligence requirement."

10. FISA §702; RISAA querying procedures. The statutory requirement for querying the Section 702 database is a written factual basis that the query is "reasonably likely to retrieve foreign intelligence or evidence of a crime." Supervisor or attorney pre-approval required. NSD audit within 180 days.

THIS IS HAPPENING NOW. TO ORDINARY PEOPLE. WITHOUT THEIR KNOWLEDGE.

If your representative isn't asking questions
about AI-assisted surveillance, they should be.
Share this with them.

