REGARDLESS OF FRONTIERS

THE FIRST AMENDMENT AND THE EXCHANGE OF IDEAS ACROSS BORDERS



Thursday, October 17, 2024

"INFRASTRUCTURES OF CONTROL"
Exhibition & Reception

Friday, October 18, 2024

SYMPOSIUM

KNIGHT
FIRST AMENDMENT
INSTITUTE at
COLUMBIA UNIVERSITY



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WELCOME

The First Amendment to the U.S. Constitution and Article 19 of the International Covenant on Civil and Political Rights are both understood to protect the free exchange of ideas "regardless of frontiers" (to quote the ICCPR), but many thorny questions about the scope and import of these protections have yet to be fully resolved. These questions have become more urgent in recent years, and even in recent weeks. We feel immensely fortunate to have this opportunity to explore these questions with all of you, particularly at Riverside Church, which for almost a century has been a venue for important conversations about human rights, social justice, and the United States' relationship to the rest of the world.

The focus of this symposium is on the role that international borders play in regulating, distorting, and suppressing the free exchange of information and ideas. Of course, international borders have always been a site of censorship and surveillance—detentions, interrogations, and searches at the border are nothing new. But as a result of advancing technology, new concerns about security, evolving legal doctrine, and a global turn toward ethnonationalism and autocracy, the significance of the border to the free exchange of information and ideas has changed.

Today, the U.S. government invokes its authority over the border to monitor social media, interrogate travelers about their political and religious beliefs, search travelers' laptops and cellphones without judicial supervision, and impose limits on Americans' right to engage with foreign speakers and to access foreign communications platforms. At the same time, international borders no longer play the role they once did in shielding dissidents from would-be persecutors. The governments of China, India, Iran, Russia, and Saudi Arabia have reached across borders to intimidate and even assassinate journalists and human rights advocates, including those living in open societies. Powerful spyware developed and supplied by (among others) Greek, Israeli, and North Macedonian companies has facilitated these transnational attacks.

Our hope is that this symposium will draw attention to forms of censorship and surveillance that are sometimes overlooked, generate new scholarship, produce ideas for reform, and give rise to new collaborations between scholars and advocates. We are grateful to the scholars and advocates who have written papers for the symposium, as well as to Colter Thomas and Dugan Meyer, whose arresting and unsettling images have already spurred many of us to think more deeply about the role that the border plays in regulating our relationships and our society. Their series of photographs, "Infrastructures of Control," will be on display until the symposium concludes.

Finally, we would like to express our appreciation for the Knight Institute's funders (listed at the end of the program), to the Institute staff whose hard work made this symposium possible, and to all of you for joining us. We are looking forward to a series of rich and productive conversations.

Jameel Jaffer and Katy Glenn Bass

PROGRAM AT A GLANCE

October 17, 2024

6:00 pm – 8:00 pm — **Exhibition and Reception: "Infrastructures of Control"**

Photographers
Dugan Meyer
Colter Thomas

October 18, 2024

9:15 am – 9:30 am — **Welcome**

Jameel Jaffer

9:30 am – 10:45 am — **Panel 1: The First Amendment Rights of Noncitizens**

Panelists
Ahilan Arulanantham
Alina Das
Cristian Farias
Genevieve Lakier

Moderator
Elora Mukherjee

10:45 am – 11:00 am — **Break**

11:00 am – 12:15 pm — **Panel 2: Foreign Speech, National Security, and the First Amendment**

Panelists
Noah Chauvin
Anna Diakun
Evelyn Douek

Moderator
Ramya Krishnan

12:15 pm – 1:00 pm — **Lunch**

Lunch will be provided.

1:00 pm – 1:30 pm — **Keynote Address**

Katherine Maher

1:30 pm – 2:45 pm	**Panel 3: Surveillance At and Across Borders**	
	Panelists Ron Deibert Ashley Gorski Jaya Ramji-Nogales	**Moderator** Alex Abdo
2:45 pm – 3:00 pm	**Break**	
3:00 pm – 4:15 pm	**Panel 4: Protecting the Right to Receive Ideas From Abroad**	
	Panelists Chinmayi Arun Sam Lebovic Nick Robinson Xiangnong (George) Wang	**Moderator** Katy Glenn Bass
4:15 pm – 4:30 pm	**Closing Remarks**	





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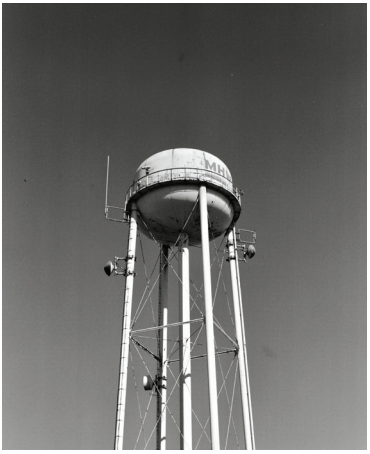

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INFRASTRUCTURES OF CONTROL

ARTISTS' STATEMENT

"Infrastructures of Control" is a collaborative research project and visual archive focusing on U.S. border security infrastructure. The 30 photographs included in this exhibition were made during research trips conducted along the length of the U.S.-Mexico border between 2023-2024. We have been guided by the Electronic Frontier Foundation's publicly accessible map of U.S. Customs and Border Protection surveillance technologies—a map to which we are also contributing through our work and which is included in this exhibition—and by other collaborations. (See page 39.) The photographs offer glimpses of a sprawling network of surveillance and enforcement, a 'system of systems' that extends across a wide range of landscapes in the southwestern United States, from arid patches of desert to river deltas to small towns and bustling metropolises, residential backyards, public parks, college campuses, private ranches, military proving grounds, and more.

In our work, we understand border security—and the border itself—as a form of *infrastructure*, what Brian Larkin (2013) has called "the architecture of circulation."[1] Like police power more generally, the aim of border security is not to prevent movement altogether but rather to control it, to condition how people and ideas can move through the world. In this sense, securing the border is a spatial project: It involves the intervention into social relations of all kinds, a mission not only to watch and categorize who and what moves—this is, ultimately, what the paramilitary institutions of border security are after when they speak of achieving "situational awareness"—but to reorganize those relations, and thus to remake

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1 Larkin, B. (2013). The politics and poetics of infrastructure. *Annual Review of Anthropology 42*(1), 327-343. p. 328.

space itself.[1] And therefore the infrastructure of border security is much more than an accumulation of data and steel and more than the networks of technology and force plugging into ever more facets of our society—it is a project of reshaping the landscape, a blueprint for making the whole world a border.

This is what we are working to document through photography and other modes of study. We recognize, of course, that no photograph can capture infrastructure in all its dimensions; in fact, landscape photography can be a particularly limiting methodology given how much of the systems we study is essentially invisible—increasingly a matter of digital data and algorithmic processes—or at least beyond our field of vision, operating, for example, in the infrared spectral band or at the cruising altitude of a Predator B drone. But to understand border security as infrastructure is also to recognize that however much it is said that border security and surveillance take place in the cloud, these systems will always have a material existence alongside their virtual ones, a point where information and technology meet flesh and bone. And so we will continue to go where these systems take place and where human police continue to hunt, every day, for people and information. And we will continue to seek out ways to collaborate with others who share our vision of the world—not a world striated with walls and dotted with prisons, but a landscape of encounters across difference, where people and ideas move freely.

Dugan Meyer and Colter Thomas

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1 Lefebvre, H. (1991). *The production of space*. (D. Nicholson-Smith, Trans.). Oxford, UK: Blackwell Publishing. (Original work published 1974).



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See numbered captions on page 37-41.

PANEL 1

The First Amendment Rights of Noncitizens

9:30 am - 10:45 am

The questions of whether and how the Constitution should be understood to protect the expressive and associational rights of noncitizens inside the United States are bound up with questions about sovereignty, collective self-determination, and the purpose of the First Amendment. What First Amendment rights should noncitizens be understood to have, and what rights do they actually enjoy? What legal frameworks do we need to ensure that the expressive and associational rights of noncitizens in the United States are respected?

Panelists
Ahilan Arulanantham, *UCLA School of Law*
Alina Das, *NYU School of Law*
Cristian Farias, *Inquest*
Genevieve Lakier, *University of Chicago Law School*

Moderator
Elora Mukherjee, *Columbia Law School*

PAPER ABSTRACTS

Protecting the First Amendment Rights of Noncitizens
Alina Das

This paper explores the doctrinal and structural challenges to protecting the First Amendment rights of immigrants. It reviews government efforts to punish U.S.-based immigrant rights' activists for engaging in First Amendment-protected activities and discusses the range of judicial responses to these efforts. Building on previous examinations of federal immigration officials' retaliation against activists under the Trump and Biden administrations, the paper develops a broader critique of the various legal and administrative barriers to protecting immigrants' First Amendment rights.

PANEL 2

Foreign Speech, National Security, and the First Amendment

11:00 am - 12:15 pm

Governments including our own routinely limit the exchange of information across borders in the name of national security. When, if ever, should national security be viewed as a legitimate justification for restricting cross-border speech, and what legal frameworks do we need to limit the risk that national security is used as a pretext for restricting speech that is important to democracy? How are restrictions that are said to be necessary to protect national security shaping or distorting public discourse in the United States today?

Panelists
Noah Chauvin, *Widener Law Commonwealth*
Anna Diakun, *Knight First Amendment Institute*
Evelyn Douek, *Stanford Law School*

Moderator
Ramya Krishnan, *Knight First Amendment Institute*

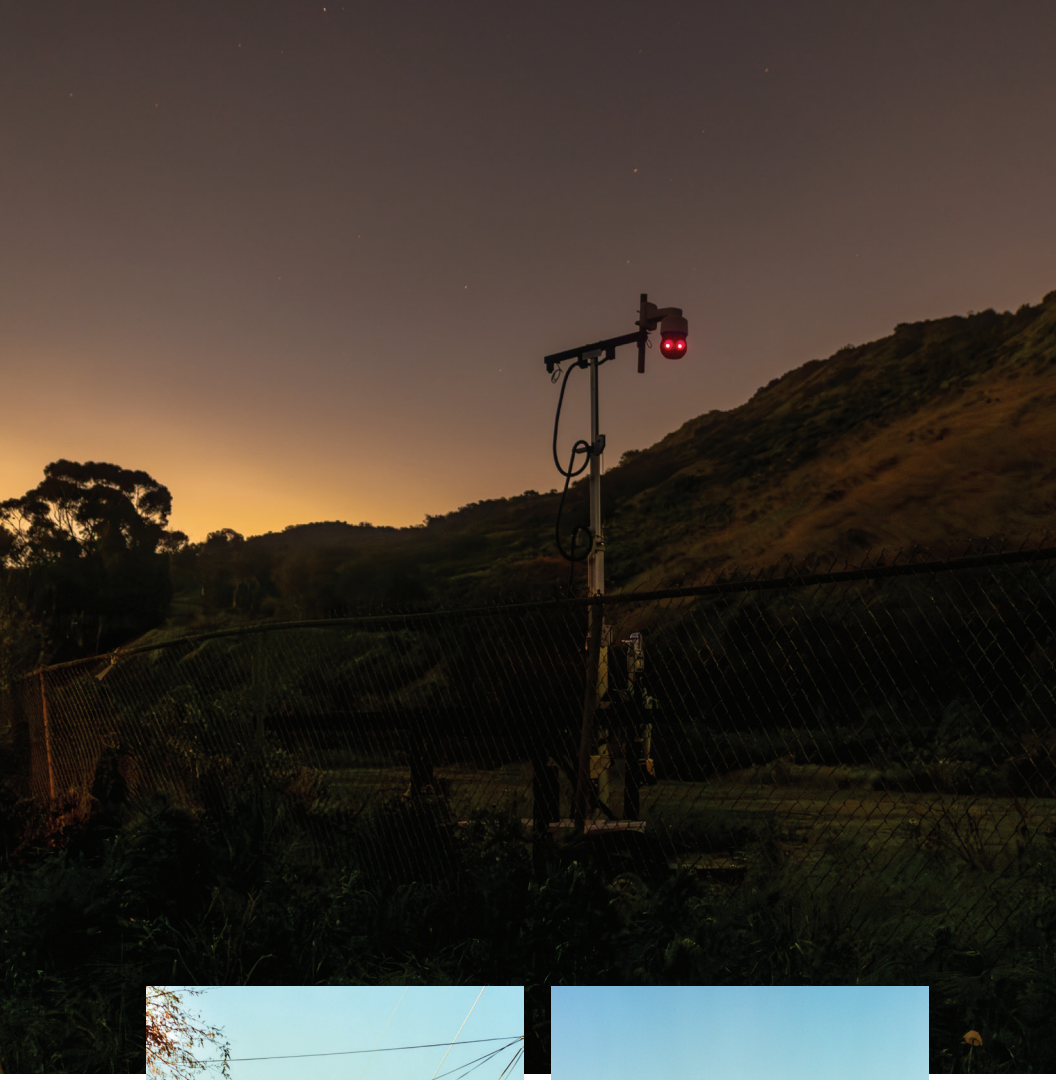
PAPER ABSTRACTS

Foreign Influence and the Immorality of Censorship
Noah Chauvin

This paper examines the relationship between the First Amendment and concerns of foreign influence in American politics. Concerns around foreign nations' efforts to influence domestic elections have long been used by governments to justify domestic surveillance and censorship. Critics of these practices, however, have largely focused on the efficacy of foreign interference. This paper argues that we must instead focus on the moral values the First Amendment protects—namely, the right of the people to agency and self-determination. Failing to account for these values makes it more likely that courts and the public will tolerate efforts to restrict speech in the name of national security.

Material Support Laws' Long Online Shadow
Evelyn Douek

This paper considers the contemporary implications of *Holder v. Humanitarian Law Project*—a 2010 Supreme Court decision which upheld a law that criminalized the provision of expert advice to designated foreign terrorist organizations. *Holder* delineated two constitutionally distinct spheres of discourse: foreign and domestic. But in the digital age, this distinction is even harder to maintain than it was before. *Holder*, and the dubious distinction it relies on, casts a long shadow over online speech and domestic political debate, by shaping how platforms moderate "foreign" content. This discussion is particularly relevant today, as illustrated by the tensions around online content from and about Palestine amidst Israel's war in Gaza.









KEYNOTE ADDRESS

Katherine Maher

1:00 pm - 1:30 pm

Katherine Maher

Katherine Maher is the president and CEO of National Public Radio. She is an experienced executive leading public interest institutions through technological disruption and strategic transformation, recently in areas of information and media, good governance and democracy, civil and human rights, international development and foreign policy. Prior to joining NPR, Maher was the CEO of Web Summit and served on its Board of Directors. She also worked for five years as the CEO of the Wikimedia Foundation, responsible for the success of Wikipedia, one of the world's most popular digital platforms. Prior to Wikimedia, Maher worked on rights, democracy, and innovation at Access Now, the World Bank, the National Democratic Institute, and UNICEF. From 2022-2024, Maher was an advisor to the U.S. Secretary of State's Foreign Affairs Policy Board regarding issues of technology, governance, and human rights. She graduated magna cum laude from New York University with a degree in Middle Eastern and Islamic Studies.

PANEL 3

Surveillance At and Across Borders

1:30 pm - 2:45 pm

Surveillance can operate as "soft censorship," deterring individuals from engaging in expressive and associational activities that are nominally protected by law. In recent years, powerful new surveillance technology has enabled both government and private actors to monitor, intimidate, and persecute journalists, human rights advocates, political dissidents, and ordinary citizens. What constraints do we need to impose on government and private surveillance, or on the sale and distribution of surveillance technology, in order to protect expressive and associational freedoms? How does First Amendment doctrine need to evolve to address the challenges presented by new forms of surveillance?

Panelists
Ron Deibert, *Citizen Lab*
Ashley Gorski, *ACLU*
Jaya Ramji-Nogales, *Temple Law School*

Moderator
Alex Abdo, *Knight First Amendment Institute*

PAPER ABSTRACTS

Silenced by Surveillance:
The Impacts of Digital Transnational Repression on Journalists, Human Rights Defenders, and Dissidents
Ron Deibert, Siena Anstis

This paper examines the growing phenomenon of digital transnational repression, in which dissidents in exile or in the diaspora are targeted by their country of origin with online harassment, disinformation campaigns, or spyware. It discusses findings from interviews conducted with over 100 human rights defenders, journalists, and other members of civil society living in the diaspora or in exile who believe they were targeted by their country of origin, as well as how host states—such as the United States—have and should be responding to the practice of (digital) transnational repression.

Surveilling Border Activists
Jaya Ramji-Nogales, Nicole Ramos

This paper catalogs the Trump administration's targeting of activists, journalists, and lawyers working with migrants at the border and discusses the ongoing harassment faced by border activists under the Biden administration. The paper highlights the previously underexplored harms to noncitizens and assesses available legal strategies to challenge the surveillance of activists, lawyers, and journalists working with migrants at the southwestern border.

PANEL 4

Protecting the Right to Receive Ideas From Abroad

3:00 pm - 4:15 pm

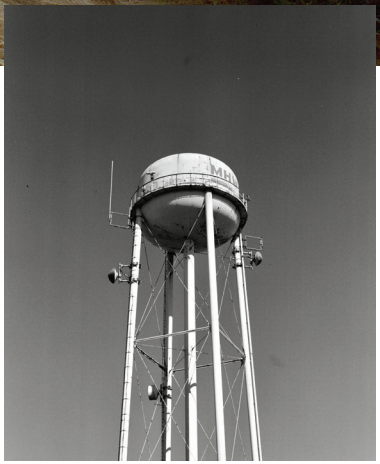
Many contemporary political debates stem from the perception that speech from abroad—that is, "foreign speech"—poses a danger to our democracy. This danger is used to justify government regulation and intervention that would be unconstitutional in most other contexts. Of course, some kinds of foreign speech—for example, unregulated political donations by residents of foreign countries, or disinformation campaigns directed by foreign powers—may well threaten the integrity of democratic processes and public discourse. Yet broadly characterizing foreign speech as a danger overlooks the ways in which such speech can serve First Amendment values, like fostering a marketplace of ideas, facilitating democratic self-government, and supporting individual autonomy. How should courts weigh these risks and benefits? What lessons can be drawn from historical and contemporary battles over Americans' right to receive information and ideas from abroad?

Panelists
Chinmayi Arun, *Yale Law School*
Sam Lebovic, *George Mason University*
Nick Robinson, *International Center for Not-for-Profit Law*
Xiangnong (George) Wang, *Knight First Amendment Institute*

Moderator
Katy Glenn Bass, *Knight First Amendment Institute*







PAPER ABSTRACTS

Accessing Ernie Bot's Avatars
Chinmayi Arun

This paper builds on Justice Brennan's concurrence in *Lamont v. Postmaster General* to argue that the First Amendment protects listeners' rights when the state restricts their access to foreign-owned digital platforms and AI models. Foreign speech and ideas have democratic and cultural value, and this paper outlines the pitfalls of restricting access to foreign platforms for national security purposes. Using First Amendment case law and theory, it offers a new framework for the right to receive information in an era of foreign-owned platforms, technology, and generative AI models.

Do Americans Have a Right to Know About the World?
Sam Lebovic

This paper explores how U.S. citizens have sought to enforce their rights to receive and gather information from abroad in the face of repressive political climates. Through a legal history of a series of landmark First Amendment cases, it argues that the right to know—which would strengthen democracy, enhance the liberal international order, and foster a culture of accountability—should not be eclipsed by national security concerns and foreign policy programs aiming to control the information flow across the border.

Listeners' Rights in the Time of Foreign Propaganda: The Story of *Lamont v. Postmaster General*

Xiangnong (George) Wang

This paper focuses on the story of *Lamont v. Postmaster General*, the underappreciated case that established that the First Amendment protects the rights of listeners to receive information and ideas from abroad, even when that information is deemed dangerous by the government. *Lamont* has enduring significance in the digital age, especially as governments—including in the United States—increasingly seek to restrict their citizens' access to foreign information and ideas, in the name of national security. By delving into the historical context surrounding *Lamont*, this paper re-examines the democratic principles that animate *Lamont* and explains why the decision remains so important today.

PARTICIPANTS

Alex Abdo
Alex Abdo is the litigation director of the Knight First Amendment Institute. He has been involved in the conception and litigation of most of the Institute's legal challenges. His work has focused most recently on challenges to the use of spyware to intimidate journalists, the secrecy of the Office of Legal Counsel's legal opinions, the digitization of mail in jails and prisons, and the legal threats issued by social media platforms to researchers hoping to illuminate the influence that the platforms are having on society. Prior to joining the Institute, Abdo worked for eight years at the ACLU, where he was at the forefront of litigation relating to NSA surveillance, encryption, anonymous speech online, government transparency, and the post-9/11 abuse of detainees in U.S. custody. Abdo graduated from Yale College and Harvard Law School.

Siena Anstis
Siena Anstis is a senior legal advisor with the Citizen Lab at the Munk School of Global Affairs & Public Policy at the University of Toronto. Prior to joining Citizen Lab, she worked as a litigation associate at Morrison & Foerster in New York City and clerked for the Hon. Justice Cromwell at the Supreme Court of Canada and at the Court of Appeal for Ontario. Anstis holds a B.A. in Journalism and Anthropology from Concordia University, a Bachelor of Laws/Bachelor of Civil Law from McGill University, and a Master of Laws from the University of Cambridge. Her scholarly work has been published in a range of publications, including the McGill Law Journal, the Canadian Bar Review, and the Oxford Journal of Human Rights Practice.

Ahilan Arulanantham
Ahilan Arulanantham is professor from practice and co-director of the Center for Immigration Law and Policy at UCLA School of Law. He both teaches and maintains an active litigation practice. Arulanantham has successfully litigated a number of cases involving migrants' rights and has argued three times before the U.S. Supreme Court, most recently in the fall of 2021 on behalf of Americans of the Muslim faith who were targeted by the FBI for surveillance because of their religion. Prior to joining UCLA, he was senior counsel at the ACLU in Los Angeles, where he worked for nearly 20 years. Arulanantham also worked as an assistant federal public defender in El Paso, Texas, and as a law clerk in the U.S. Court of Appeals for the Ninth Circuit. In 2016, he received a MacArthur Foundation Fellowship (aka a "Genius Grant"). He earned his J.D. at Yale Law School.

Chinmayi Arun

Chinmayi Arun is a research scholar, lecturer, and the executive director of the Information Society Project at Yale Law School. Her research focuses on platform governance, social media, the global data economy, and manipulative speech. She is particularly interested in how the law's relationship with the major technology companies might change if the companies are treated as transnational, not local, actors. She also works on how marginalized populations are affected by technology. Arun has served as a human rights officer at the United Nations, working on questions of privacy, online speech, and artificial intelligence, on advisory committees of international bodies like UNESCO and U.N. Global Pulse, and on the board of the Global Network Initiative.

Noah Chauvin

Noah Chauvin is an assistant professor of law at Widener Law Commonwealth, where he teaches courses on legal methods and constitutional law. His research focuses on issues related to the First Amendment, surveillance law, and the production of legal scholarship and has appeared in (or is forthcoming from), among others, the American University Law Review, the South Carolina Law Review, the University of Richmond Law Review, and the California Law Review Online. Chauvin previously served as a counsel in the Liberty and National Security Program at the Brennan Center for Justice and an attorney-advisor in the Intelligence Law Division of the Office of the General Counsel at the U.S. Department of Homeland Security. He clerked for the Hon. Judge Thomas C. Wheeler, of the U.S. Court of Federal Claims, and the Hon. Judge Karen Spencer Marston, of the U.S. District Court for the Eastern District of Pennsylvania.

Alina Das

Alina Das is an immigrant rights attorney and professor at the New York University School of Law. She co-directs the Immigrant Rights Clinic, where she and her students represent immigrants and community organizations in litigation and advocacy to advance immigrants' rights locally and across the country. Her legal scholarship focuses on the U.S. immigration detention and deportation system and has been cited by the U.S. Supreme Court. She is the author of *No Justice in the Shadows: How America Criminalizes Immigrants* (Bold Type Books, 2020). Das previously worked as an attorney with the Immigrant Defense Project and clerked for the Hon. Judge Kermit V. Lipez of the U.S. Court of Appeals for the First Circuit. She holds a B.A. in government from Harvard University, a J.D. from NYU's School of Law, and an M.P.A. from NYU's Wagner School of Public Service.

PARTICIPANTS

Ron Deibert

Ron Deibert is a professor of political science and the founder and director of the Citizen Lab at the Munk School of Global Affairs & Public Policy at the University of Toronto. As director of the Citizen Lab, Deibert has overseen as principal investigator and been a contributing author to more than 160 reports covering path-breaking research on cyber espionage, commercial spyware, internet censorship, and human rights. These reports have been cited widely in global media, garnering more than 25 front page exclusives in The New York Times, The Washington Post, The Financial Times, and other leading media outlets. Deibert received his B.A. and Ph.D. from the University of British Columbia and his M.A. from Queen's University. In 2022, he was appointed Officer of the Order of Canada for his research on digital security and human rights.

Anna Diakun

Anna Diakun is a staff attorney at the Knight First Amendment Institute and the managing attorney for the Institute's fellowship program. Her litigation focuses on government transparency and government surveillance of speech. Diakun is leading the Knight Institute's effort in *Foundation for Global Political Exchange v. Department of the Treasury*, a case challenging the Office of Foreign Assets Control's suppression of the exchange of political ideas. She is also on the Knight Institute's litigation team in *Doc Society v. Blinken*, challenging the government's mass collection and indefinite retention of visa applicants' social media identifiers. Diakun was previously a fellow with the National Security Project at the ACLU, where she worked on issues related to the government's use of lethal force abroad, military detention, surveillance, and discrimination against racial and religious minorities. Diakun holds a B.A. in political science from Yale College, an M.A. in international relations and European studies from Central European University, and a J.D. from Yale Law School.

Evelyn Douek

Evelyn Douek is an assistant professor of law at Stanford Law School. Prior to joining Stanford, she was a senior research fellow at the Knight First Amendment Institute in 2021-2022. Douek received a doctorate from Harvard Law School on the topic of private and public regulation of online speech. She previously clerked for the Hon. Chief Justice Susan Hiefel of the High Court of Australia and worked for two commercial litigation firms in Sydney. She graduated with First Class Honours from the University of New South Wales with a Bachelor of Commerce/ Laws. Douek's research has appeared or is forthcoming in the Harvard Law Review, Columbia Law Review, California Law Review, the University of Chicago Law Review Online, Lawfare, and the Atlantic, amongst other publications.

Cristian Farias

Cristian Farias is a senior editor of Inquest, published by Harvard Law School's Institute to End Mass Incarceration, where he was formerly a senior fellow. He has written about law and justice issues for The New York Times' editorial board, as well as for New York magazine, Vanity Fair, GQ, The Atlantic, Slate, The New Yorker, The Nation, and other outlets. In related roles, he has served as a legal editor with Radiolab's More Perfect, a podcast about the Supreme Court, and as a legal affairs reporter for the Huffington Post. He has also completed two writing residencies—at the Knight First Amendment Institute (2019-2020) and at the Thurgood Marshall Institute of the NAACP Legal Defense and Educational Fund. In a prior life, Farias was an entertainment journalist. In 2009, in a professional twist, he became a probation officer with the New Jersey court system. He is a graduate of Rutgers University and the City University of New York School of Law.

Katy Glenn Bass

Katy Glenn Bass is the research director of the Knight First Amendment Institute. She is responsible for conceptualizing and executing the Institute's research initiatives, including the production of scholarship and research materials, the organization of conferences and symposia, and the Institute's Visiting Research Scholars program. Glenn Bass previously worked at PEN America, where she supervised the production of reports analyzing free expression issues, including the lack of protections for national security whistleblowers, attacks on journalists covering the 2014 protests in Ferguson, Missouri, and the impact of mass surveillance on online speech. She is a graduate of Princeton University and Harvard Law School.

PARTICIPANTS

Ashley Gorski

Ashley Gorski is a senior staff attorney in the ACLU's National Security Project, where she litigates and advocates on issues related to privacy and government surveillance, racial and religious discrimination, and the freedoms of speech and association. Her cases have included *Leaders of a Beautiful Struggle v. Baltimore Police Department*, a successful challenge to Baltimore's mass aerial surveillance program, and *Kariye v. Mayorkas*, a challenge by Muslim Americans subjected to discriminatory religious questioning at the U.S. border. Gorski has provided expert testimony on U.S. surveillance law in international fora, and her writing is routinely featured in national media outlets. Prior to joining the ACLU, Gorski worked at Davis Polk & Wardwell LLP and served as a law clerk to the Hon. Jon O. Newman of the U.S. Court of Appeals for the Second Circuit and the Hon. Miriam Goldman Cedarbaum of the U.S. District Court for the Southern District of New York.

Saira Hussain

Saira Hussain is a senior staff attorney at the Electronic Frontier Foundation focusing on litigation at the intersection of racial and immigrant justice, government surveillance, and technology. She has represented U.S. travelers challenging border searches of their smartphones and other electronic devices; protesters for racial justice challenging police's live camera monitoring of their movement; Asian community leaders challenging a utility company and police's dragnet surveillance of customers' energy usage data; immigrant rights advocates challenging California law enforcement's out-of-state sharing of automated license plate reader data, including with ICE; and academic researchers challenging the California prison system's withholding of race data. Hussain previously served as a staff attorney in the Criminal Justice Reform Program at Advancing Justice - Asian Law Caucus (ALC), which she first joined as a Berkeley Law Public Interest Fellow in the Immigrant Rights' Program. Hussain holds a bachelor's degree and a law degree from UC Berkeley.

Jameel Jaffer

Jameel Jaffer is the inaugural director of the Knight First Amendment Institute at Columbia University, which was founded by Columbia University and the Knight Foundation in 2016 to promote the freedoms of speech and the press in the digital age. Jaffer previously served in various leadership positions at the American Civil Liberties Union, ultimately overseeing the national organization's work on free speech, privacy, technology, national security, and international human rights. Jaffer has argued human rights and civil liberties cases in multiple appeals courts

as well as the U.S. Supreme Court, and has testified many times before federal agencies and the U.S. Congress. He has delivered the Peter Zenger Lecture at Columbia Journalism School; the Or' Emet Lecture at York University's Osgoode Hall Law School; the Eva Holtby Lecture on Contemporary Culture at the Royal Ontario Museum; the Salant Lecture on Freedom of the Press at the Harvard Kennedy School's Shorenstein Center; and, last year, the keynote address at the Harvard Law Review's annual gala. His book, *The Drone Memos*, was one of The Guardian's "Best Books of 2016," and his recent writing about free speech and related issues has been published in The New York Review of Books, The New York Times, and Foreign Affairs. He is a graduate of Williams College, Cambridge University, and Harvard Law School, where he was an editor of the Harvard Law Review.

Ramya Krishnan

Ramya Krishnan is a senior staff attorney at the Knight First Amendment Institute. Her litigation focuses on issues related to government transparency, protest, privacy, and social media. Krishnan leads the Knight Institute's litigation in *Zuckerman v. Meta Platforms Inc.*, which asks the court to recognize that Section 230 protects the development of tools that empower social media users to control what they see online. She also leads the Institute's litigation in *National Association of Immigration Judges v. Neal*, challenging government policies that gag the nation's immigration judges. Krishnan previously worked at Australia's Attorney General's Department and served as a law clerk to the Hon. Robert Beech Jones, then a judge of the Supreme Court of New South Wales, now a Justice of the High Court of Australia. Krishnan holds a B.A. and LL.B. (First Class Honours) from the University of Sydney, where she served as an editor of the Sydney Law Review, and an LL.M. from Columbia Law School, where she was a Raymond J. Baer Scholar.

Genevieve Lakier

Genevieve Lakier is a professor of law and the Herbert and Marjorie Fried Teaching Scholar at the University of Chicago Law School. Lakier teaches and writes about freedom of speech and American constitutional law. Her work examines the changing meaning of freedom of speech in the United States, the role that legislatures play in safeguarding free speech values, and the fight over freedom of speech on social media platforms. Lakier was a senior visiting research scholar at the Knight Institute in 2021-2022. Lakier holds a B.A. from Princeton University, a J.D. from New York University School of Law, and an M.A. and Ph.D. in anthropology from the University of Chicago. She previously clerked

for the Hon. Judge Leonard B. Sand of the Southern District of New York and Judge Martha C. Daughtrey of the Sixth Circuit Court of Appeals. Before joining the faculty, Lakier taught at the Law School as a Bigelow Fellow and Lecturer in Law.

Sam Lebovic

Sam Lebovic is a historian of U.S. politics, media, civil liberties, and foreign relations and a professor of history at George Mason University where he co-edits the Journal of Social History. His research focuses on the ways that democratic life and the public sphere have been shaped by capitalism and imperialism in the 20th century. Lebovic was a senior visiting research scholar at the Knight First Amendment Institute in 2023-2024. He was educated at the University of Sydney and the University of Chicago and held postdoctoral fellowships at New York University and Rutgers. He is the author of three books and numerous articles and book chapters; his writing has appeared in leading scholarly journals as well as outlets such as the Boston Review, the Boston Globe, Columbia Journalism Review, Foreign Policy, and Politico.

Dugan Meyer

Dugan Meyer is a geographer and photographer based in Tucson, Arizona. His work focuses on critical geographic approaches to (in)security in and around the United States. He is especially interested in the infrastructural dimensions of police power, particularly the capacity of policing—as a spatial technology—to produce and shape social landscapes in a variety of contexts, from border regimes to housing markets to a range of affective economies. He is currently a Ph.D. student in the School of Geography, Development & Environment at the University of Arizona. “Infrastructures of Control,” a collaboration with Colter Thomas, is part of a larger, ongoing visual research agenda focusing on security infrastructure. As part of this work, Meyer collaborates with other researchers, journalists, activists, and artists. He makes photographs, archival material, and research support available to others whenever possible. For links to other work and contact information, see www.duganmeyer.com.

Elora Mukherjee

Elora Mukherjee is the director of the Immigrants' Rights Clinic at Columbia Law School and a globally recognized advocate, practitioner, and voice for immigrants, asylum seekers, and unaccompanied migrant children. For more than a decade, Mukherjee has worked on issues related to enforcing the Flores Settlement Agreement, which sets a limit on the length of time children can be detained in federal immigration custody. Mukherjee began her career as a clerk for the Hon. Judge Jan E. DuBois of the U.S. District Court for the Eastern District of Pennsylvania and then won a fellowship with the ACLU Racial Justice Program. From 2007-2010, she worked at a law firm, specializing in police misconduct, prisoners' rights, housing, and employment discrimination, and then rejoined the ACLU as a staff attorney until 2013.

Jaya Ramji-Nogales

Jaya Ramji-Nogales is the associate dean for research and the I. Herman Stern Research Professor at Temple Law School, where she teaches Refugee Law and Policy and supervises the Temple Law Asylum Project. Recent scholarly works examine the intersection of race, immigration law, and national security; apply infrastructures literature and governance theory to the laws and policies that construct the southwestern U.S. border; and consider sites of knowledge production in refugee and asylum law. Prior publications explore the concept of global migration law; assess the U.S. asylum adjudication system through quantitative and qualitative empirical studies; catalog the Trump administration's attacks on the asylum system; and analyze comparative law and policy responses to the COVID-19 pandemic. Ramji-Nogales is a member of the Board of Editors of the American Journal of International Law and a counselor of the American Society of International Law.

Nicole Ramos

Nicole Ramos is the director of the Border Rights Project at Al Otro Lado, where she conducts human rights monitoring at U.S. ports of entry, provides legal orientation and legal accompaniment to asylum seekers at the U.S.-Mexico border, and engages in advocacy and litigation against U.S. border policies that violate the right to seek asylum. Ramos is also an adjunct professor at the Temple University Beasley School of Law where she teaches a course on border enforcement policies and movement lawyering. She is also a consultant for a multiyear interdisciplinary research study of the impact of restrictive border policies on the health outcomes of asylum seekers.

PARTICIPANTS

Nick Robinson

Nick Robinson is a senior legal advisor at the International Center for Not-for-Profit Law (ICNL) where he manages the U.S. Program. Robinson's research and expertise center on legal threats to civil society. He regularly contributes to leading news outlets and has testified before the U.S. Congress. His research has been published in a number of academic journals, including Duke Law Journal and Cornell Law Review. Prior to joining ICNL, Robinson was a lecturer and fellow at Yale University, where he taught both human rights and professional responsibility. He was previously a postdoctoral fellow at Harvard Law School. Before that, Robinson worked in India where he was an assistant professor at Jindal Global Law School, senior fellow at the Center for Policy Research, and a clerk to the chief justice of the Indian Supreme Court. He holds a J.D. from Yale Law School and a B.A. from the University of Chicago.

Colter Thomas

Colter Thomas, a photographer and student, was born and raised in Tucson, Arizona. At 18, he made the decision to drop out of college and pursue a career in photojournalism. His professional journey landed him in Tijuana, where he collaborated with veteran journalists to document the migrant caravans from Central America and the plight of unaccompanied minors stranded in Mexico while awaiting asylum. In 2022, he restarted his undergraduate studies at the University of Arizona. Shortly after, he began working with Dugan Meyer on the "Infrastructures of Control" project. Guided by an early map from the Electronic Frontier Foundation, they began to track down and photograph the surveillance towers along the border. Thomas recently relocated from his home in Tucson to the East Coast, where he is completing his undergraduate degree at Harvard University. Thomas is also preparing for law school, aiming to further his impact through a multifaceted approach to justice and advocacy.

Xiangnong (George) Wang

Xiangnong (George) Wang is a staff attorney at the Knight First Amendment Institute. He first joined the Institute as a legal fellow from 2020-2021 before serving as a law clerk to the Hon. William J. Kayatta, Jr. of the U.S. Court of Appeals for the First Circuit. Wang received a B.A. in public policy from Stanford University and a J.D. from Yale Law School. During law school, he was a student director of the Media Freedom & Information Access Clinic, co-chair of the Asian Pacific American Law Students Association, and a Coker Fellow. Wang worked on research related to improving diversity and equity in the legal profession as a member of the Portrait of Asian Americans in the Law project. In a previous career, he worked as an engineer. He has been published in the Wisconsin Law Review, the Journal of Legal Education, and Just Security.



CAPTIONS

1
Brownsville, TX
25.945000, -97.328333
Relocatable Remote Video Surveillance System (R-RVSS)
Colter Thomas, January 2024

2
Brownsville, TX
25.895417, -97.495556
Remote Video Surveillance System (RVSS)
Colter Thomas, December 2023

3
Brownsville, TX
25.993556, -97.602861
Remote Video Surveillance System (RVSS) mounted on water tower
Colter Thomas, January 2024

4
Mission, TX
26.152444, -98.352694
Relocatable-Remote Video Surveillance System (R-RVSS)
Colter Thomas, January 2024

5
Laredo, TX
27.543389, -99.521500
Automated Surveillance Tower (AST)
Remote Video Surveillance System (RVSS) Tower
M113 Armored Personnel Carrier
Colter Thomas, January 2024

6
Eagle Pass, TX
28.702139, -100.506028
Remote Video Surveillance System (RVSS)
Colter Thomas, January 2024

CAPTIONS

7
Eagle Pass, TX
28.732889, -100.499889
Remote Video Surveillance System (RVSS)
Colter Thomas, January 2024

8
El Paso, TX
31.727472, -106.375972
Remote Video Surveillance System (RVSS)
Colter Thomas, May 2023

9
El Paso, TX
31.756472, -106.435722
Remote Video Surveillance System (RVSS)
Colter Thomas, May 2023

10
El Paso, TX
31.762389, -106.444944
Remote Video Surveillance System (RVSS)
Colter Thomas, May 2023

11
Santa Teresa, NM
31.820667, -106.699778
Tactical Aerostat System (TAS)
Remote Video Surveillance System (RVSS) on unclassified tower type
Colter Thomas, May 2023

12
Douglas, AZ
31.348389, -109.581444
Mobile Surveillance Capability (MSC)
Colter Thomas, May 2023

13
Montezuma Pass, Coronado Peak, AZ
31.349889, -110.285611
Integrated Fixed Tower (IFT)
Colter Thomas, January 2024

14
San Rafael Valley, AZ
31.359197, -10.302789
Integrated Fixed Tower (IFT)
Colter Thomas, May 2023

15
Nogales, AZ
31.332806, -110.947417
Remote Video Surveillance System (RVSS)
Colter Thomas, December 2023

16
Nogales, AZ
31.334472, -110.958889
Remote Video Surveillance System (RVSS)
Colter Thomas, February 2024

17
Arivaca, AZ
31.525347, -111.289220
Integrated Fixed Tower (IFT)
Colter Thomas, February 2024

18
Arivaca, AZ
31.525347, -111.289220
Integrated Fixed Tower (IFT)
Colter Thomas, May 2023

CAPTIONS

19
Arivaca, AZ
31.484667, -111.377333
Integrated Fixed Tower (IFT)
Colter Thomas, May 2023

20
Kuuchamaa Mountain (also known as Tecate Peak), overlooking Tecate, Mexico
32.573056, -116.678500
Mobile Surveillance Capability (MSC)
Colter Thomas, March 2024

21
Tijuana River Valley, San Diego County, CA
32.543500, -117.086056
Unknown Surveillance Camera Type
Dugan Meyer, March 2024

22
Gadsden, AZ
32.55452378, -114.7877653
Remote Video Surveillance System (RVSS) and Communications Relay Tower
Dugan Meyer, March 2024

23
Arizona Highway 92, Sierra Vista, AZ
31.391360, -110.231729
Automated License Plate Reader (ALPR)
Dugan Meyer, May 2024

24
Cochise College, Douglas Campus; Douglas, AZ
31.36339049, -109.682431
Relocatable Long-Range Surveillance Tower (Relocatable IFT)
Dugan Meyer, May 2024

25
Calvary Memorial Park, Douglas, AZ
31.334186, -109.541211
Remote Video Surveillance System (RVSS)
Dugan Meyer, May 2024

26
Cochise County, AZ
31.371331, -109.210230
Hedglen Forward Operating Base (FOB)
Dugan Meyer, May 2024

27
El Paso, TX
31.812083, -106.542667
Lightweight Vehicle Surveillance System (LVSS)
Dugan Meyer, May 2024

28
Rio Bravo, TX
27.362859, -99.477178
Webb County Sheriff's Office Vehicle and SkyWatch Mobile Surveillance Platform
Dugan Meyer, January 2024

29
Roma, TX
26.399997, -99.01317
Relocatable Remote Video Surveillance System (R-RVSS)
Dugan Meyer, January 2024

30
Mission, TX
26.164914, -98.333968
Mobile Vehicle Surveillance System (MVSS) / "Scope Truck"
Dugan Meyer, January 2024




FIRE LANE

MAPPING THE VIRTUAL WALL

From the coast of San Diego, California, to the tip of Boca Chica, Texas, the U.S.-Mexico border runs approximately 2,000 miles across four states and through ecosystems ranging from wetlands to arid deserts to steep mountains.

The border is also dotted with towns and cities, with some of the largest population centers on the Mexican side.

However, regardless of which side of the border you are on, you are likely to fall under heavy surveillance.

Using government records, satellite and Google Streetview imagery, and on-the-ground visits, we have mapped out more than 475 sensor towers, which are able to capture video day and night.

Close to the border, you will find Remote Video Surveillance Systems, some of which have been there since the early 2000s and can view objects that are up to approximately five miles away.

Integrated Fixed Towers, with a seven-mile range, are found exclusively in Arizona, with many being upgrades to the Secure Border Initiative Network, which was cancelled in early 2011 following well-documented contracting problems.

The newest towers are Autonomous Surveillance Towers, artificial intelligence-controlled towers with a 1.5-mile range, which have been primarily deployed in southern California and southern Texas, but also are beginning to appear in Arizona and New Mexico.

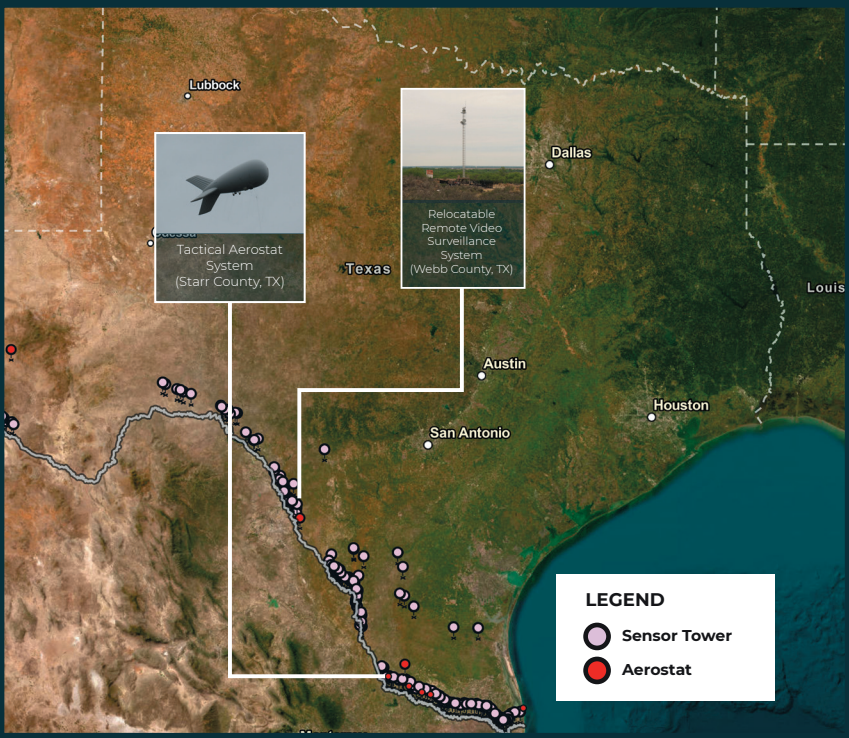
We have also mapped 12 tethered surveillance blimps called aerostats.

Even then, this map only paints part of the picture, since many technologies, such as surveillance trucks and drones, are not fixed to one spot, and others like unattended ground sensors are placed in hard-to-reach regions and are often camouflaged.

eff.org/bordertowers



Map design and photos by EFF (Creative Commons 4.0 license)
Base map: Earthstar Geographics, CONANP, Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, Powered by ESRI



ELECTRONIC FRONTIER FOUNDATION



Art: Nash Weerasekera

Season three of the Knight Institute's podcast, "Views on First: Speech & the Border," will drop November 13, 2024. Listen and subscribe wherever you get your podcasts.



The Knight First Amendment Institute at Columbia University defends the freedoms of speech and the press in the digital age through strategic litigation, research, policy advocacy, and public education. It promotes a system of free expression that is open and inclusive, that broadens and elevates public discourse, and that fosters creativity, accountability, and effective self-government.

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Design: Astrid Da Silva / Photographs: Dugan Meyer and Colter Thomas

Please use the QR code below to ask questions during the Friday, October 18, presentations.



If you plan on posting about the symposium on social media, please include the hashtag **#RegardlessOfFrontiers**





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