

THE AMERICAN POLICE STATE

A Comprehensive Research Report

Surveillance · Militarization · Mass Incarceration · Executive Overreach

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Sources: ACLU, Brennan Center, Institute for Justice, Prison Policy Initiative, EFF, Rutherford Institute, Mapping Police Violence, and federal court records

Executive Summary

The United States has constructed, over decades and across administrations of both parties, a vast apparatus of state control that many legal scholars, civil libertarians, and international human rights organizations now describe as a police state. This report documents that apparatus across ten interconnected dimensions: mass surveillance, police militarization, mass incarceration, civil asset forfeiture, qualified immunity, federal surveillance law, the erosion of Fourth Amendment protections, the suppression of dissent, the weaponization of federal prosecutorial power, and the rapid acceleration of all these trends under the second Trump administration from 2025 onward.

The evidence is not ideological. It is statistical, legal, and documented in federal court records, peer-reviewed research, inspector general reports, and rulings from federal judges appointed by presidents of both parties. The picture that emerges is of a nation where the machinery of government power has grown far faster than the constitutional guardrails designed to restrain it.

"2025 was characterized by executive power expanding openly and unapologetically, surveillance becoming ambient, dissent becoming dangerous, and the machinery of militarized government embedding itself into daily life." — Rutherford Institute

Key Statistics at a Glance

People incarcerated in the U.S. (2025)	1.9 million (largest prison population on Earth)
People killed by police in 2024	1,375 — highest ever recorded
People killed by police in 2025	1,202 (first decline since 2021; 11% unarmed)
NSA surveillance targets (2025)	349,823 authorized targets
Warrantless border searches (2024)	46,000+ (more than quadrupled since 2015)
Civil forfeiture seized since 2000	At least \$82 billion nationwide
287(g) agreements with local police (2025)	737 agencies across 40 states
Anti-protest bills introduced (since Jan. 2024)	103 bills passed or introduced

U.S. Democracy Index ranking (2025)	Dropped from 28th to 34th; scored 57/100 (down 28% in one year)
Journalists arrested/detained (2025)	32, with 170+ attacks on reporters (nearly double prior year)

1. The Surveillance State

1.1 NSA Mass Collection Programs

The National Security Agency operates the largest known intelligence surveillance apparatus in human history. Revealed in full by contractor Edward Snowden in 2013, and confirmed through years of subsequent litigation and declassification, the NSA intercepts the communications of over a billion people across dozens of countries. The legal foundation is Section 702 of the Foreign Intelligence Surveillance Act (FISA), passed in 2008, which allows the NSA to collect the communications of foreign nationals abroad without individual court orders. But a built-in backdoor allows warrantless access to communications involving Americans.

In 2025, there were 349,823 authorized Section 702 surveillance targets. The FISA Court found in March 2026 that the FBI had been using filtering tools to query Americans' communications across the intelligence community, a practice the court ruled was ongoing and systemic even after DOJ claimed the problem had been fixed. FISA operates in near-total secrecy through one-sided procedures that heavily favor the government. The public has no access, defendants often do not know they were surveilled, and there is no meaningful adversarial process.

1.2 The FISA Court and Section 702 Expansion

The Reforming Intelligence and Securing America Act (RISAA), passed in 2024, reauthorized Section 702 for two years and dramatically expanded surveillance powers. The act includes a provision compelling an enormous range of U.S. businesses, organizations, and individuals to assist the NSA in conducting surveillance. Covered entities could be required to give the NSA access to their phones, computers, and communications equipment. This is warrantless, secret, and backed by a gag order. In April 2026, Congress passed another short-term extension of Section 702, with reform advocates unable to muster the votes to add meaningful checks.

The FISA Court found in March 2026 that the intelligence community's use of Americans' communications data without warrants extends "across the intelligence community" and continues via alternative tools after specific programs were discontinued.

1.3 National Security Letters and Secret Gag Orders

National Security Letters are secret, administrative demands issued by the FBI without any court approval. They compel telecommunications providers, banks, and internet companies to hand over customer records. They come with mandatory gag orders preventing recipients from ever telling customers, employees, or the public that they have been compelled to surrender private data. Since the Patriot Act dramatically expanded NSL authority in 2001, the FBI has issued hundreds of thousands of these letters.

The Electronic Frontier Foundation has documented that the vast majority of NSL recipients remain permanently gagged even after the supposed reforms enacted by the USA FREEDOM Act. Federal courts have repeatedly found NSL gag orders to be unconstitutional prior restraints on speech, but the FBI continues to issue them. There is no way to know the full current scale of NSL use because the program operates in classified space.

1.4 Fusion Centers: The Domestic Intelligence Network

The Department of Homeland Security funds and coordinates 79 fusion centers spread across the United States. These centers function as nodes in a domestic intelligence network, collecting data from local law enforcement, federal agencies, private businesses, and social media platforms and aggregating it into shared threat profiles. Critics, including a 2012 Senate Permanent Subcommittee on Investigations report, have documented that fusion centers routinely produce reports of dubious value, engage in broad political surveillance of lawful activists, and lack basic privacy protections. The 2012 Senate investigation found that DHS had collected intelligence on clearly harmless activities and that many fusion center reports were "irrelevant, useless or inappropriate."

Despite this damning bipartisan evaluation, fusion centers have only expanded. Their databases now feed into shared law enforcement systems accessible to thousands of agencies across the country.

1.5 Facial Recognition: Wrongful Arrests and Racial Bias

Facial recognition technology is now deployed by law enforcement agencies across the United States, despite documented error rates that disproportionately affect Black Americans and other minorities. The technology performs significantly worse on darker-skinned faces than on white faces, and multiple independent studies have confirmed this racial disparity.

As of January 2025, police use of facial recognition has led to the documented wrongful arrests of at least seven people, with more cases emerging throughout 2025. Wrongfully arrested individuals include Trevis Williams (New York City, April 2025), Angela Lipps (Tennessee, July 2025), and Beau Burgess (Orlando, August 2025). In each case, police obtained a false match and arrested an innocent person. The U.S. Commission on Civil Rights released a 2024 report documenting the civil rights implications of federal facial recognition use, including mass chilling effects on First Amendment activity.

As of early 2025, only 15 states had any legislation regulating facial recognition in policing. Most have none.

1.6 License Plate Readers and the Automated Surveillance Grid

Automated license plate reader (ALPR) networks have expanded into a near-total vehicular surveillance system across much of the United States. The company Flock Safety alone operates cameras in over 5,000 communities across 49 states and performs over 20 billion vehicle scans per month. Every scan records the license plate, location, date, and time of a vehicle's presence at a given location. This data is retained and searchable by law enforcement agencies.

In 2025, concerns escalated when records revealed that at least eight Washington state law enforcement agencies had enabled direct data sharing with U.S. Border Patrol. San Francisco's Flock data was accessed by out-of-state law enforcement and federal immigration authorities in violation of local rules. Privacy advocates have documented that these systems can be used to build complete movement histories of targeted individuals, including political activists, immigrants, and people seeking medical care across state lines. At least 30 localities canceled Flock contracts in 2025, with most citing concerns about federal immigration surveillance.

1.7 Predictive Policing and Pre-Crime Algorithms

American law enforcement has invested heavily in algorithmic tools that claim to predict where crime will occur and who will commit it. These predictive policing systems are built on historical arrest data, which embeds existing racial disparities into their outputs. Research by Algorithm

Watch and others has confirmed that these tools systematically over-predict crime in minority and low-income neighborhoods, creating self-reinforcing cycles of surveillance and arrest.

The result is a dynamic that researchers describe as algorithmic laundering: racially biased policing practices are obscured behind the apparent objectivity of software. Defendants and communities have no ability to challenge the algorithms used against them, because vendors often claim trade secret protections. The EU banned AI-based pre-crime prediction systems under the AI Act effective February 2025. The United States has no equivalent federal restriction.

2. The Militarization of Police

2.1 The 1033 Program: Turning Police Into Armies

The National Defense Authorization Act of 1997 created the 1033 Program, administered by the Defense Logistics Agency, which allows the Pentagon to transfer excess military equipment to local law enforcement agencies at no cost. Since its inception, the program has transferred approximately \$7.4 billion worth of military hardware to roughly 8,200 agencies across all 50 states.

Between 2011 and 2014 alone, the military distributed more than 29,000 military-grade rifles to 18,000 law enforcement agencies. American police departments have received armored military vehicles, aircraft, grenade launchers, bayonets, night-vision equipment, and surveillance drones. By 2025, the program had been expanded under an executive order that also resurrected the 1122 Program for additional procurement pathways. A 2025 report found that vehicle and accessories spending accounted for 63% of 1122 expenditures, with 6.4% on surveillance equipment and 4.8% on armored BearCat vehicles.

2.2 SWAT Proliferation

The Special Weapons and Tactics team was created in Los Angeles in the 1960s for rare, extreme situations: active shooters, hostage rescues, barricaded subjects. As of 2025, 89% of American police departments have a SWAT team. In the 1980s, SWAT raids numbered in the hundreds nationally per year. By the 2010s, they exceeded 80,000 annually. According to ACLU research, 62% of SWAT deployments between 2011 and 2012 were for drug raids, and 72% involved executing search warrants. The tactical capability built for extreme emergencies became the default method of serving warrants.

Research published in Social Science Research and the journal Crime and Delinquency has examined the relationship between military equipment transfers under 1033 and fatal police encounters. One study found a statistically significant relationship between 1033 program participation and police killings. The researchers found that the presence of military equipment predicts increased use of lethal force independent of crime rates or other factors.

2.3 The 2025 Military Deployment in American Cities

The second Trump administration marked the most aggressive domestic deployment of federal military forces in modern American history. In June 2025, President Trump ordered 2,000 National Guard soldiers to Los Angeles over the explicit objections of Mayor Karen Bass and Governor Gavin Newsom, to support ICE immigration enforcement during anti-deportation protests. This was the first time a president had federalized a state's National Guard without a governor's request since 1965.

Federal Judge Charles Breyer ruled on September 2, 2025, that the deployment violated the Posse Comitatus Act, which prohibits the use of the U.S. military in domestic law enforcement. The judge found that soldiers systematically used armed vehicles and tactical perimeters to conduct crowd control and support law enforcement functions. A separate federal judge issued a restraining order against the deployment of troops in Illinois, also citing Posse Comitatus violations.

Federal Judge Breyer found that Trump's use of military troops in Los Angeles represented "a top-down, systemic effort to use military troops to execute various sectors of federal law..."

across hundreds of miles and over the course of several months." He described the operation as "profoundly un-American."

In August 2025, Trump signed an executive order directing the National Guard to create specialized military units deployable at his command to quell civil disturbances across American states. In September 2025, during a meeting with 800+ generals and admirals, Trump described domestic deployments as "training grounds for our military" and called America a nation waging "a war from within." The administration later federalized the Illinois National Guard and deployed hundreds of Texas Guard to Illinois over Governor Pritzker's objections.

2.4 The Insurrection Act Threat

The Insurrection Act of 1807 permits a president to deploy the U.S. military domestically to suppress insurrections or enforce federal law in extreme circumstances. Prior to 2025, it had been invoked only three times in the modern era, all in response to genuine, large-scale civil violence. Trump threatened to invoke the Act repeatedly during 2025 and into 2026, including in response to immigration protests in Los Angeles (June 2025) and protests following the ICE killing of 37-year-old Minneapolis woman Renee Good (January 2026).

Legal experts uniformly note that deploying the military to suppress constitutionally protected protest would violate the First Amendment. A president may only legally invoke the Act when direct resistance to the federal government makes it "impracticable to enforce the laws of the United States." Trump characterized protesters as "insurrectionists" on social media, suggesting a willingness to use the Act against political opposition rather than genuine armed insurrection.

3. Mass Incarceration and the Carceral State

3.1 The Scale of American Imprisonment

The United States incarcerates more people than any other nation on Earth. As of 2025, over 1.9 million people are held in jails, prisons, immigration detention, juvenile facilities, psychiatric facilities, and other forms of confinement. The United States holds approximately 5% of the world's population but 20% of its prisoners. For every 100,000 Americans, 664 are incarcerated. This rate is roughly five times that of Western Europe.

The incarceration surge began in earnest in the early 1970s and accelerated through the 1980s and 1990s. After a decade of moderate declines, the Prison Policy Initiative's 2025 data shows that incarceration has been climbing again after years of consistent reduction, driven by increased jail populations and immigration detention.

3.2 The Drug War as Engine of Mass Incarceration

President Nixon declared a War on Drugs in 1971. The policies that followed, including mandatory minimum sentences enacted in 1986, three-strikes laws, and sentencing enhancements for crack cocaine compared to powder cocaine, drove explosive growth in imprisonment for drug offenses. At the federal level, 45% of the prison population is incarcerated for drug offenses. Black men have been admitted to prison on drug charges at rates 20 to 50 times those of white men, and federal prosecutors have been found to pursue mandatory minimum sentences for Black defendants twice as often as for white defendants charged with the same offense.

John Ehrlichman, Nixon's domestic policy adviser, admitted in 2016 that the War on Drugs was deliberately designed as a political weapon: "The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and Black people... We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities."

3.3 Mandatory Minimums and the Elimination of Judicial Discretion

Mandatory minimum sentencing laws, created in 1986 during the height of anti-drug panic, require judges to impose fixed minimum prison terms based solely on the charge a prosecutor brings, regardless of individual circumstances, cooperation, lack of prior record, or other mitigating factors. These laws effectively transfer sentencing power from judges to prosecutors. Prosecutors can threaten defendants with enormous mandatory minimums to coerce plea bargains, a dynamic that legal scholars describe as the "trial penalty."

The U.S. plea rate is approximately 97%. The overwhelming majority of criminal convictions in the United States are obtained without a trial. Most defendants plead guilty to avoid the risk of a dramatically worse sentence after trial. The result is a system where constitutional protections that presuppose a trial are, in practice, almost never exercised.

3.4 Racial Disparities in the Carceral System

Black Americans make up approximately 12% of the U.S. population but account for 38% of the prison population. Black men face lifetime incarceration odds of roughly 1 in 3, compared to 1 in 17 for white men. These disparities cannot be explained by crime rates alone. Researchers have

documented racial disparities at every stage of the criminal legal process: police stops, searches, arrests, charging decisions, bail determinations, plea offers, trial outcomes, and sentencing.

A 2024 data analysis by the Prison Policy Initiative confirmed that Black Americans are overrepresented at every level of the carceral system relative to their share of the general population, and that the gap between white and Black incarceration rates, while slightly narrowed from its peak, remains enormous.

3.5 Immigration Detention as Carceral Expansion

The Trump administration's mass deportation campaign drove dramatic expansion of immigration detention in 2025. ICE's Guantanamo Bay detention facility held 45 migrants as of April 2025, including 35 in a military prison facility. The ACLU stated that this represented the first time the federal government had moved civil immigration detainees to Guantanamo. The administration also used the Alien Enemies Act of 1798, never before deployed outside the context of a declared war, to send at least 137 Venezuelan nationals to El Salvador's CECOT maximum-security prison without individual hearings or judicial review.

An ICE Alien Enemy Validation Guide created a point-based scoring system that could label someone a gang member based solely on tattoos or style of dress. A 60 Minutes investigation found that 75% of the men sent to CECOT had no criminal records. A Bloomberg investigation put that figure at approximately 90%.

4. Civil Asset Forfeiture: Policing for Profit

4.1 How the System Works

Civil asset forfeiture allows law enforcement agencies to seize and permanently keep property, including cash, cars, homes, and bank accounts, from people who have not been convicted of any crime. In most jurisdictions, property can be forfeited based only on the suspicion that it was connected to criminal activity. The legal standard is not guilt beyond reasonable doubt. It is probable cause, the same threshold needed for an arrest, and in many states, even lower.

Once property is seized, the burden falls on the owner to prove their innocence to get it back. The government keeps the asset during this process. Given that the cost of hiring an attorney averages \$3,300, and that the median currency forfeiture is \$1,276, most people cannot afford to fight the seizure legally. As a result, 71% of DOJ forfeitures are resolved administratively, meaning there is no hearing, no judge, and no challenge. In three states where data is available, 62% to 76% of all seizures were forfeited by default.

4.2 The Scale of Forfeiture Revenue

Since 2000, federal, state, and local law enforcement agencies have seized at least \$82 billion in assets through forfeiture programs. The Department of Justice's equitable sharing program allows local agencies to partner with federal investigators and keep up to 80% of what they seize, bypassing state laws that would otherwise require forfeiture revenue to go to neutral accounts like school funds. This gives law enforcement agencies a direct financial incentive to seize property.

Research by the Institute for Justice found that forfeiture activity increases when local economies suffer, with a 1 percentage point increase in local unemployment associated with a statistically significant 9% increase in equitable sharing seizures. This confirms that agencies pursue forfeiture less to fight crime than to generate revenue. The research found no meaningful relationship between forfeiture activity and crime reduction.

4.3 Documented Abuses

The abuses documented in civil forfeiture cases are extensive and bipartisan in criticism. A former police chief in Romulus, Michigan was charged with racketeering for using forfeiture funds to purchase prostitutes and marijuana. A former sheriff in Camden County, Georgia used forfeiture money to pay inmates to build him a private weekend home. In Philadelphia, the city for years ran a program so aggressive that the Institute for Justice called it the worst in the nation, seizing homes from families for minor drug offenses by their children.

A 2024 federal judge declared one city's forfeiture program unconstitutional as an exercise in "policing for profit." Despite this ruling and decades of reform advocacy, federal forfeiture law has not been substantially changed.

5. Qualified Immunity and the Accountability Gap

5.1 Origins and Scope of the Doctrine

Qualified immunity is a judicial doctrine invented by the Supreme Court in 1982, with no basis in the text of 42 U.S.C. Section 1983, the statute that gives citizens the right to sue government officials for constitutional violations. The doctrine protects police officers and other government officials from civil liability unless their conduct violated "clearly established" law, meaning a prior court ruling with nearly identical facts.

The standard is nearly impossible to meet. Courts routinely dismiss civil rights lawsuits without ever deciding whether the officer's conduct was constitutional, ruling instead that no prior case established the right with sufficient specificity. Because cases are dismissed without ruling on the merits, no new precedent is created, which means the legal standard is effectively frozen. Officers who commit novel constitutional violations cannot be sued, and because courts do not decide whether the conduct was wrong, no new precedent is established.

5.2 Congressional and Judicial Inaction

After the 2020 killing of George Floyd, there was sustained bipartisan discussion of qualified immunity reform. Five years later, NBC News reported in 2025 that calls for reform have "mostly fallen silent." Congress has not passed any legislation reforming or eliminating qualified immunity. The Supreme Court has declined to reconsider the doctrine, rejecting dozens of certiorari petitions asking it to do so.

In January 2025, the Supreme Court heard oral arguments in *Barnes v. Felix*, which addresses the standard for excessive force analysis. Rather than taking up qualified immunity itself, the Court appeared focused on a narrower procedural question. Meanwhile, Trump signed an executive order in his first weeks in office calling on officials to "strengthen and expand legal protections" for law enforcement officers, signaling hostility to any accountability reform.

5.3 Statistics on Police Accountability

The numbers on police accountability are stark. Police in the United States killed 1,375 people in 2024, the highest total ever recorded. They killed 1,202 in 2025, marking the first year-over-year decline since 2021. Black Americans make up 12% of the population but account for 24% of those killed by police. Fewer than 3% of police killings each year result in an officer being criminally charged. The conviction rate is lower still.

- 94% of fatal police encounters involve gunshot as the cause of death
- 11% of those killed in 2025 were unarmed
- Approximately 20% of those killed showed signs of mental illness
- A 2020 Pew Research study found 66% of Americans believe civilians need the power to hold officers accountable

6. Federal Overreach: Patriot Act, DHS, and the Architecture of Secret Law

6.1 The Post-9/11 Transformation

The September 11, 2001 attacks served as the triggering event for the most rapid expansion of domestic surveillance and law enforcement power in American history. The USA PATRIOT Act, passed 45 days after the attacks with almost no congressional debate, dramatically expanded the government's authority to surveil Americans, conduct secret searches, demand records, and share intelligence across agency lines. National Security Letters, FISA warrants, and bulk data collection programs all expanded under PATRIOT Act authority.

The Department of Homeland Security, created in 2002, merged 22 existing agencies into a single domestic security bureaucracy with a budget that has grown to over \$60 billion annually. DHS coordinates immigration enforcement, border security, cybersecurity, domestic counterterrorism, and disaster response. Critics note that the agency's broad mandate and culture of secrecy have made it a vehicle for expansive domestic surveillance with minimal democratic oversight.

6.2 The State of National Emergency and Its Consequences

Since September 14, 2001, the United States has operated under a continuous state of national emergency declared by President George W. Bush. Under the National Emergencies Act, this declaration must be renewed annually, and every president since Bush has renewed it. Each renewal extends extraordinary executive powers, including the authority to conduct warrantless surveillance programs justified under emergency authority. As of January 2026, the state of emergency remains active. Much of what is called "mass surveillance" rests legally on this unbroken chain of annual emergency declarations.

6.3 The FISA Court: Star Chamber of the Surveillance State

The Foreign Intelligence Surveillance Court was created in 1978 to provide judicial oversight of national security surveillance. It was designed as a check on executive power. In practice, it has functioned as a rubber stamp. From its creation through 2013, the court approved 33,942 warrant applications and denied 11. The court operates in total secrecy, accepts only government filings, has no adversarial process, and issues secret opinions that carry the force of law.

The Snowden revelations in 2013 revealed that the FISA Court had secretly authorized the bulk collection of phone metadata on virtually all Americans under a tortured reading of Section 215 of the PATRIOT Act. The court had, in effect, created a secret body of law authorizing mass surveillance without any public knowledge, debate, or democratic accountability.

7. The Fourth Amendment: Erosion of the Right Against Unreasonable Search

7.1 The 100-Mile Border Zone

U.S. Customs and Border Protection claims authority to conduct warrantless stops, searches, and vehicle inspections anywhere within 100 miles of any U.S. land or coastal border. Under this interpretation, federal agents can stop and question individuals without probable cause, demand immigration documents, and search vehicles without a warrant. This "border exception" to the Fourth Amendment covers an area that encompasses approximately 228 million Americans, including the entirety of Florida, Michigan, Maine, and New York, and the entirety of the Washington D.C. metro area.

Since 2015, the number of warrantless border searches has more than quadrupled, reaching over 46,000 in 2024. This expansion occurred under both Democratic and Republican administrations. In September 2025, the Supreme Court issued a ruling that gave federal agents the authority to engage in geographic, racial, and linguistic profiling during immigration sweeps in Los Angeles, a further erosion of Fourth Amendment protections in the border zone.

7.2 ICE Warrantless Home Entry

In May 2025, ICE issued an internal memo authorizing agents to forcibly enter homes without a judicial warrant, basing the authority on administrative warrants issued by immigration officials rather than federal judges. Administrative warrants do not satisfy the Fourth Amendment's requirement for judicial authorization of home entry. Lower courts had consistently ruled for decades that ICE violates the Fourth Amendment when entering homes without a judicial warrant absent recognized exceptions like consent or exigent circumstances.

The Just Security project documented that the DHS warrantless home entry memo represents a direct Fourth Amendment challenge that has been litigated and resolved against the government repeatedly, but that the Trump administration's posture was to test these boundaries in practice and litigate the resulting cases rather than comply in advance.

7.3 No-Knock Raids

No-knock warrants allow police to enter a home without first announcing their presence. They were originally reserved for rare circumstances where evidence might be destroyed or officers endangered by a knock. As with SWAT teams, they became normalized. The killings of Breonna Taylor in Louisville (2020) and Amir Locke in Minneapolis (2022) during no-knock raids renewed calls for reform. The deaths prompted some cities and states to restrict or ban the practice, but no federal restriction exists.

The expansion of no-knock raids tracks the militarization of police equipment. Departments with armored vehicles and tactical gear are more likely to use them, and the psychological and operational culture of military tactics produces more aggressive domestic law enforcement.

8. The Suppression of Dissent: COINTELPRO's Long Shadow

8.1 COINTELPRO and the FBI's History of Political Repression

The FBI's Counterintelligence Program (COINTELPRO), active from 1956 to 1971, was a systematic program to surveil, infiltrate, discredit, and disrupt American political organizations. Its targets included the Communist Party, the Socialist Workers Party, the NAACP, Dr. Martin Luther King Jr., the Black Panther Party, the American Indian Movement, and various anti-war groups. The FBI used informants, forged documents, fabricated letters, manufactured conflicts between organizations, and coordinated with local police to arrest and imprison leaders.

The Church Committee Senate hearings in 1975 exposed COINTELPRO in detail and resulted in guidelines restricting FBI domestic surveillance. Those guidelines have been weakened repeatedly since 2001. The logic and tactics of COINTELPRO have persisted under different names and programs. The National Lawyers Guild documents ongoing FBI infiltration of protest movements that mirrors COINTELPRO tactics, including the use of informants, provocateurs, and surveillance in digital spaces.

8.2 The Wave of Anti-Protest Legislation

Since January 2024, 103 anti-protest bills have been passed or introduced across the United States. The International Center for Not-for-Profit Law's U.S. Protest Law Tracker documents the scope. Human Rights First identified 20 federal and 65 state-level bills from 2025 alone that, if passed, would curtail the right to protest or assemble. These bills criminalize masking at protests, penalize student activism, expand the legal definitions of rioting and terrorism, and create steep new penalties for blocking traffic or approaching a motor vehicle on a highway.

- New federal proposals create offenses punishable by up to \$10,000 and 15 years in prison for protesters deemed to be "deliberately delaying traffic"
- Oil industry-backed critical infrastructure bills in at least seven states criminalize pipeline protests
- The Protecting Law Enforcement from Doxxing Act, introduced federally, would make publishing the name of an ICE agent a felony punishable by up to five years in prison
- The Safe and Open Streets Act would make obstructing commerce on a public road a federal crime, punishable by up to five years in prison

These laws turn constitutionally protected activity into criminal conduct. Legal scholars note that they are selectively applied, with enforcement patterns that disproportionately target Black and brown activists.

8.3 Press Freedom Under Attack

Freedom of the press in the United States deteriorated significantly in 2025. The U.S. fell from 57th to 64th in the World Press Freedom Index (Reporters Without Borders). The U.S. Press Freedom Tracker documented 32 journalists arrested or detained while covering news events in 2025, nearly all while covering immigration enforcement protests. Attacks on journalists exceeded 170 in 2025, nearly double the prior year and equaling the total of the previous three years combined.

Government-level attacks on press freedom escalated beyond rhetoric. The Trump administration banned the Associated Press from White House briefings for refusing to use Trump's preferred name for the Gulf of Mexico. A federal judge ordered the ban lifted, but an appeals court paused that ruling. Defense Secretary Pete Hegseth issued new Pentagon press rules requiring prior government approval before publication, which virtually all military journalists refused to sign.

Trump sued The New York Times and Wall Street Journal. He extracted financial settlements from ABC News and CBS News in lawsuits over coverage that displeased him. Federal agents arrested journalists Don Lemon and Georgia Fort in 2026 while they were covering immigration protest activity. Press freedom groups described the arrest as an escalation of government suppression of protest coverage.

9. The Weaponized State: Political Prosecution and DOJ Capture

9.1 The Weaponization Working Group

On February 5, 2025, hours after being sworn in as Attorney General, Pam Bondi signed a memorandum establishing the "Weaponization Working Group" at the Department of Justice. The stated purpose was to review "politicized prosecutions." In practice, the group reviewed actions against January 6 Capitol rioters, anti-abortion activists who had blocked clinic access, and alleged FBI targeting of Catholics. The framing represented an explicit effort to redefine the DOJ's role from neutral law enforcement to political instrument.

More than 100 prosecutors and career lawyers resigned from the DOJ in the first months of the second Trump term, far exceeding normal turnover, with many citing political interference, pressure to drop cases against Trump allies, and threats of retaliation for refusing unethical orders. The Wall Street Journal editorial board, not a liberal publication, described the exodus as a "brain drain" that would damage DOJ capacity for years.

9.2 Targeting of Opponents and Dissidents

The Protect Democracy project's Retaliatory Action Tracker documents Trump's use of federal power against perceived political opponents. The President publicly called for investigations or prosecution of James Comey, John Brennan, Beyonce, Oprah Winfrey, Bruce Springsteen, Chris Krebs, and others. The FBI launched an investigation of Comey that led to a September 2025 indictment for allegedly making false statements to Congress. Legal scholars widely described the indictment as the most direct use of a political prosecution against a former senior official in American history.

The International Bar Association documented that the Trump administration's DOJ investigations of political opponents "prompt concerns over independence" and represent conduct that, in other nations, would be unambiguously described as the weaponization of state power. A law review article published in 2025 by the University of Iowa Journal of Gender, Race, and Justice argued that Trump's use of DOJ for retribution exceeded the conduct that led to Nixon's Watergate resignation.

"Trump ended the post-Watergate norm of independence for the Department of Justice and weaponized it to investigate his political opponents, calling them 'scum,' with his administration publicizing actions against local leaders, judges, and federal officials who opposed his agenda."

9.3 Defiance of Federal Courts

In March 2025, federal Judge James Boasberg issued an emergency order blocking deportations under the Alien Enemies Act. While the order was in force, two planeloads of migrants protected by the order departed for El Salvador. The Trump administration acknowledged that the flights occurred but disputed that they violated the order's terms. Judge Boasberg found probable cause to hold the administration in criminal contempt of court.

By August 2025, CNN reported that Trump was "at war with the federal judiciary," with the administration evading court orders, suing judges for alleged misconduct, and actively undermining judicial enforcement mechanisms. House Republicans proposed legislation that

would strip courts of the ability to hold the Trump administration in contempt, a filibuster-proof proposal that would functionally eliminate judicial oversight of executive conduct. Legal scholars warned that the administration's contempt for court orders represented a genuine constitutional crisis.

10. DOGE, Data Consolidation, and the Surveillance Infrastructure of 2025

10.1 DOGE's Access to Federal Databases

The Department of Government Efficiency (DOGE), operating under Elon Musk's leadership within the Trump White House, pursued sweeping access to federal databases containing the personal information of millions of Americans. DOGE personnel obtained access to Treasury Department payment systems processing trillions of dollars in transactions. At least one DOGE employee temporarily received edit access, not just read access, to Treasury systems.

At the IRS, DOGE requested access to the Integrated Data Retrieval System, which contains the tax returns, Social Security numbers, income data, and home addresses of every American taxpayer. Privacy lawsuits were filed immediately. The administration agreed to restrict DOGE to read-only access to anonymized data, but a federal appeals court subsequently allowed broader access. DOGE accessed health information, Social Security numbers, and military records from the Centers for Medicare and Medicaid Services and the Department of Veterans Affairs.

10.2 The Centralized Data Architecture

The Rutherford Institute's 2025 year-end review documented the full scope of what Musk's team was building: "The surveillance state reached a new level of sophistication as government agencies consolidated financial records, biometric identifiers, communications metadata, travel histories, and online behavior into centralized intelligence systems, with artificial intelligence tools generating risk scores and predictive profiles."

The Washington Post reported in May 2025 that DOGE was racing to build a single centralized database with vast troves of personal information about millions of U.S. citizens and residents, in ways that often violate or disregard core privacy and security protections. A Harvard Ash Center analysis described the consolidation as unprecedented in scope and in its disregard for the Privacy Act and other statutory protections on federal data.

10.3 Using Tax Data for Immigration Enforcement

CNN reported in April 2025 that DOGE led a "hostile takeover" of IRS systems specifically to use taxpayer data for immigration enforcement. Under longstanding law, IRS data is confidential and available to law enforcement only through narrow legal channels requiring court orders or formal requests. The Trump administration's approach was to bypass these restrictions by giving DOGE personnel direct system access and then directing the resulting information toward deportation enforcement. Privacy advocates and former IRS officials described the operation as an unlawful use of confidential tax data.

11. America in Global Context: How the U.S. Compares

11.1 Democracy and Freedom Rankings

Multiple international indices have documented dramatic deterioration in American democratic governance in 2025. The Economist Intelligence Unit Democracy Index shows the United States fell from 28th to 34th globally, remaining in the "flawed democracy" category it has occupied since 2016. The Century Foundation's Democracy Meter scored the United States at 57 out of 100, a 28% drop in a single year, describing American democracy as having "collapsed."

CIVICUS, the global civil society alliance, downgraded its assessment of U.S. civic freedoms from "narrowed" to "obstructed" in 2025, citing attacks on press freedom, punishment of protest, intimidation of journalists and lawyers, coercion of universities, and erosion of due process. This placed the United States in the same category as countries like Turkey and Hungary.

Reporters Without Borders dropped the U.S. from 57th to 64th in the 2026 World Press Freedom Index, citing "growing political pressure" on independent journalism. Nordic countries remain at the top of all global freedom indices. The United States once ranked in the top 10.

11.2 Incarceration in Comparative Perspective

No country on Earth imprisons more people than the United States. The U.S. incarceration rate of 664 per 100,000 compares to 77 in Germany, 78 in France, 132 in the United Kingdom, and 145 in Australia. The U.S. rate is more than double that of Russia, which imprisons 330 per 100,000. The U.S. rate is nearly nine times that of Denmark and eight times that of Norway.

Countries with comparable GDP and standard of living imprison a small fraction of the people the United States does. The mass incarceration gap between the U.S. and its peer nations is not explained by higher crime rates. U.S. violent crime rates are higher than Western Europe but not dramatically so; incarceration rates are dramatically higher by a factor of five to nine.

11.3 Police Killings in Comparative Perspective

American police kill people at rates that have no equivalent in comparable wealthy nations. U.S. police kill approximately 3.5 people per million per year. German police kill approximately 0.13 per million. British police kill approximately 0.05 per million. Canadian police, in a country with much higher gun ownership than Europe, kill approximately 0.98 per million. American police are roughly 25 times more likely to kill someone than British police and 36 times more likely than German police.

These gaps exist despite U.S. police having significantly more resources, training budgets, and equipment than police in most comparable nations. The explanation that American police kill more because America is more dangerous does not hold up statistically. Researchers point instead to the culture of militarized policing, the prevalence of qualified immunity, the absence of national use-of-force standards, and the design of American criminal legal institutions.

12. The Constitutional Framework Under Pressure

12.1 The Bill of Rights: Text vs. Reality

The first ten amendments to the U.S. Constitution were designed to protect individual liberty from government overreach. Each of them has been substantially eroded by the structures documented in this report.

- First Amendment: Anti-protest laws, press bans, prosecution of journalists, and infiltration of political organizations
- Second Amendment: Widely enforced selectively, with red flag laws creating warrantless seizures of firearms in some states
- Fourth Amendment: Mass warrantless surveillance, 100-mile border exception, civil forfeiture, administrative warrants used for home entry
- Fifth Amendment: No-knock raids where warnings are not given, coerced plea agreements, civil forfeiture without conviction
- Sixth Amendment: Effective elimination of the right to trial through mandatory minimums and the trial penalty
- Eighth Amendment: Excessive bail keeping poor defendants in pretrial detention for years, conditions in private prisons, use of solitary confinement
- Fourteenth Amendment: Racially discriminatory enforcement documented across every stage of the criminal legal system

12.2 The Structural Argument

Legal theorists from across the ideological spectrum, including libertarian scholars at the Cato Institute, progressive legal scholars at the Brennan Center, and constitutional conservatives at the Rutherford Institute, agree on the basic structural diagnosis: the American constitutional system was designed for a federal government of limited, enumerated powers. The surveillance state, the carceral state, and the militarized executive that have developed over the past five decades operate on a fundamentally different theory: that security and order justify continuous expansion of state power, and that courts, elections, and public opinion will provide adequate checks.

Those checks have not provided adequate restraint. Courts have repeatedly upheld surveillance programs, forfeiture schemes, and police immunity doctrines that allow obvious constitutional abuses to continue. Elections have produced administrations of both parties that have expanded executive power. Public opinion has been divided and manipulated. The result is the system documented in this report.

12.3 The Path Forward: What Reform Would Require

Reform advocates across the political spectrum have identified specific changes that would begin to reverse the police state's expansion. These include but are not limited to:

- Abolish or substantially reform qualified immunity to restore Section 1983 as a meaningful remedy
- Repeal mandatory minimum sentencing laws or restore judicial discretion
- End or substantially reform civil asset forfeiture, requiring conviction before permanent property loss

- Sunset or substantially reform Section 702 and the NSL program with genuine privacy protections
- Repeal or narrow the 1033 Program to prohibit transfer of military weapons and vehicles
- Establish national use-of-force standards and require federal data collection on police killings
- Restore and strengthen the Posse Comitatus Act against domestic military deployment
- End or substantially narrow the 100-mile warrantless search zone
- Pass comprehensive federal facial recognition legislation with meaningful error-rate and bias standards
- Restore DOJ independence through statutory inspector general protections and mandatory recusal rules

Conclusion

The American police state is not a conspiracy theory. It is a documented institutional reality-built piece by piece across five decades and accelerated sharply since 2001 and again since 2025. It rests on: a mass surveillance infrastructure that monitors the communications, movements, and associations of hundreds of millions of people; a militarized police force equipped with battlefield weapons and increasingly trained in military tactics; a carceral system that imprisons more people than any nation in history, with documented racial and class bias at every stage; a civil forfeiture regime that allows property to be seized and kept without criminal conviction; a qualified immunity doctrine that shields officers from accountability for constitutional violations; federal surveillance laws that operate in secrecy and override democratic deliberation; an erosion of Fourth Amendment protections that has accelerated dramatically under immigration enforcement pressures; a campaign of legislated protest suppression that criminalizes constitutional dissent; and a federal executive branch that, in 2025, openly defied court orders, weaponized prosecution, and deployed military force against its own civilian population.

The Economist Intelligence Unit calls the United States a "flawed democracy." CIVICUS calls it a country with "obstructed" civic freedoms. The Century Foundation scored American democracy at 57 out of 100, down 28% in one year. Federal judges appointed by presidents of both parties have found that the Trump administration violated the Constitution, defied court orders, and operated outside the law. International human rights organizations have placed the United States alongside countries it once criticized for authoritarian practices.

"The organization warned that the United States now fits a familiar global pattern: governments consolidate power, discredit critics, punish protests, and weaken courts and oversight bodies until accountability becomes difficult to restore." — Amnesty International, 2025

The machinery is in place. The question of whether it constitutes an irreversible police state or a set of correctable institutional failures depends on whether democratic accountability mechanisms, courts, elections, civil society, and an independent press can function adequately under the current pressure. As of May 2026, those mechanisms are under stress they have not previously experienced in the postwar era.

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