

Agitate

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THE WATCHERS

Are you being spied on? If you are one of hundreds of millions of law abiding Americans the best you can answer is, "I don't know." If, however, you are a member of an activist organization or espouser of radical philosophy, then the answer is, "most likely," or closer to "probably."

Of course, if you are a terrorist, intent on doing harm to the United States and its citizens, it is best to just assume that you are being watched and to take necessary precautions. If, as a terrorist, you have any aptitude for your sinister work, you have most likely developed the means to operate beneath the surveillance radar. In fact, you are almost certainly taking advantage of the vast expansion of "intelligence" infrastructure and bureaucracy established to invade the privacy of average Americans, yet leaving large holes for legitimate terrorists to operate. Therefore, the only people really subject to surveillance are...incompetent criminals and law abiding citizens.

Ours is increasingly an intelligence and surveillance society. Concepts of privacy that have been cultivated over the last hundred years or so now exist only as a comfortable illusions. The state of technology, information tracking and surveillance, as well as the prevailing political-economy, trumps true privacy. But this invasion of privacy is a one way street. In the social hierarchy, the cameras are all aimed downward, leaving the power elite on the wrong side of the lens. Thus, the contemporary power elite are also the surveillance elite.

Gathering information on individuals without their knowledge or consent, AKA spying, is an expanding, and in many ways profitable, tool of the power elite. And spying is not necessarily the sole prerogative of the state. The corporate aristocracy is a major component of the surveillance infrastructure and an active partner of the so called "intelligence community." The eyes that are watching us in the post modern world are not necessarily the probing gazes of federal agents, but more likely the opportunity seeking predators of the free market.

And we are all aware of the ubiquity of spies. We all have certain knowledge that if we believe in certain ways, or participate in certain activities, or write certain words, or even speak these words (bomb) into the telephone, we could face dire consequences. Thus we curb our behavior. Not necessarily the criminal behavior, but the political and critical social behavior that may lead to activism and unsettling the status quo. It is such actors who are, and have always been, the target of surveillance.

State Spying

From 1956 until 1971 the United States government had an extensive system for spying on and intimidating "radical elements" who were dangerous to the status quo. COINTELPRO (Counter Intelligence Program) was a domestic spying program targeted at activists who questioned the government and pursued social and political . This group of

domestic spies and saboteurs was established after the excesses of McCarthyism inspired the Supreme Court to define such activities as unconstitutional. So COINTELPRO operated outside of the law to continue the work done by McCarthy and his ilk. Examples of enemies

of the state targeted by COINTELPRO were Martin Luther King, Cesar Chavez, the SNCC and other groups and individuals working toward social change.

The program finally came to light in the 1970's when The Citizens' Commission to Investigate the FBI broke into an FBI office in Pennsylvania and disseminated COINTELPRO documents to the media. The Church Committee investigating the abuses of the FBI confirmed that, "many of the techniques used would be intolerable in a democratic society..." (Church Committee Report) and COINTELPRO disappeared—which did not necessarily mean it, or something like it, no longer existed.

In 1978 Congress created FISA, or the Foreign Intelligence Surveillance Act. With as much press as FISA has received and

the emphasis on revising the law to make it relevant to the post 9/11 age of terror, the original FISA was mostly a joke that did nothing to protect the privacy of individuals. It's reported intent was to protect "United States Persons" from being subject to surveillance without a warrant. But the wording of the act made it possible to perform such surveillance on "agents of a foreign power" which could, arguably, include a US citizen.

In essence, FISA required the FBI to get a warrant within 24 hours of initiating surveillance on an American citizen. The warrant was intended to be a check on the ability of the FBI to spy on law abiding citizens who were doing nothing more dangerous than exercising their Constitutional rights. But it was no such thing. FISA courts almost never turned down such warrants. They rubber stamped domestic warrants with nary a nod. In 2007, for instance, the Department of Justice reports that only 1 out of 2731 warrant requests was denied and that about 4790 US citizens were subject to FISA surveillance (FISA Annual Report to Congress 2007). Since surveillance could be conducted for 24 hours without a warrant, one might wonder how much larger that final number really was. Now, spies can conduct surveillance without a warrant for as much as three days (FISA Amendment 2008). At best FISA offered the institutional pre-requisite for legitimizing the very abuses of COINTELPRO.

Of course, the existence of a law, even a lame one, does nothing to guarantee its observance. Since its inception, every administration has weakened the already anemic FISA law to the point of irrelevance. The most pernicious attacks on FISA have come from the Bush Administration with the Patriot Act, the Protect America Act and the 2008 FISA Amendment, Bush and Congress have essentially gutted the few

The Surveillance Elite: The concept of a Surveillance Elite answers the question, "who watches the watchers?" The answer is, of course, nobody. To be in an elite position means privilege, or having access to resources that other people do not. In this case, the resource is personal information, or the ability to access personal information on others. A distinguishing feature of a Surveillance Elite is that such access is mostly one way. Most people do not have the resources through which to access personal information of those of privileged position. Such a lopsided arrangement is antithetical to a democratic society, but is the hallmark of fascism and corporatocracy.

protections that FISA did provide. Of course, this does not matter, because The Bush Administration has demonstrated its willingness to ignore the law (or any law) it does not like...and it hates FISA. What can we do when the very people in charge of enforcing the law are breaking it?

After 9/11, of course, the government was able to use fear of attack to justify its trespasses against the rights of the individual. Iran Contra criminal John Poindexter, convicted of lying to Congress, was put in charge of his scary little brainchild...Total Information Awareness. TIA's audacious plan was to create a computer driven file on every single American citizen. The program would flag certain subversive activities, and bring them to the attention of intelligence officials.

This Orwellian program was too much even for the addled and cautious 9/11 American. Perhaps because TIA was reminiscent



of...oh, I don't know...the Gestapo. Congress, in a rare moment of serving the interests of American citizens, ended funding

Is TIA defunct, or has it been shifted to the NSA as reports suggest. The problem with a surveillance elite is that we never really know.

for TIA. Total Information Awareness disappeared. Once again, this should not be confused with being eliminated. The core technologies of TIA were sim-

NSA where it was funded covertly...by Congress (National Journal).

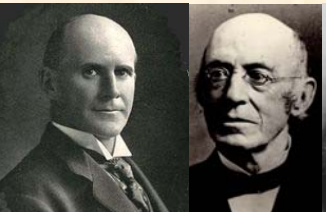
Private Sector Spying

As one would expect in any political economy, or as some have called it, corporatocracy, our political institutions are not alone in wielding technologies of social control. Our economic institutions are also interested in maintaining close surveillance on individuals and groups who may not be so friendly to free market principles. What's more, political and economic institutions are in collusion with the state for providing information on the average citizen.

With the state of technology as it is, it is not difficult for corporations to insinuate themselves into the surveillance elite. Let alone the cameras that are a ubiquitous part of the modern agora, almost all economic transactions are logged and collated. Once you swipe your card you are adding information to a wide network of information engines that record your personal history. Every purchase that you make, and where and when you make it, is recorded and tracked. Even if you are paying in cash, the clerk in many large companies will ask for a telephone number before completing the transaction. The marketplace is awash with information about you. Your new car has ONSTAR and GPS, your cell phone pings nearby towers and records information that triangulates your whereabouts twenty-four hours a day. Every time you swipe your card or access a computer or make a call...which for most Americans is very often, a record is kept somewhere.

Yes...but is this really spying, or is it just record keeping? The lines become blurred upon inspection. The answer to this question might hinge on what the company is doing with this information. Corporations are not just collating data for better marketing strategies and advertising. Private enterprise is also actively involved in domestic surveillance and espionage very much like COINTELPRO of old. Corporations have even sent spies to infiltrate civic organizations like Greenpeace and others (Washington Post 6/22/08, Mother Jones). And because of government contracts and an increased demand for spying, private intelligence firms are a growth industry.

Cops and Former Secret Service Agents Run Black Ops on Green Groups, Mother Jones, 4/11/08
 Corporate Espionage Detailed in Documents, Washington Post, 6/22/08
 Church Committee Report, See Website for link
 Defense Agency Proposes Outsourcing More Spying, Washington Post, 8/19/07
 FISA, See Website for link
 Spy Who Billed Me, Mother Jones, 2/2005
 TIA Lives on, National Journal, 2/23/06



Political and Economic Collusion

And where does all of this information about you go? Well, that information is, by law, the property of the corporation that gathers it. Yes, the fact of your most intimate purchases belongs to Wal Mart, or Exxon Mobile, or Amazon.com (that's how they make such accurate recommendations for you). What they do with that information is, literally, their business.



CACI is one of many new intelligence companies taking advantage of our culture of fear. They rake in millions of taxpayer dollars and yet, as a private corporation, are immune from the same accountability as government organizations. What are consequences of contracting spies? Are such firms really a national asset?

In the spirit of the free market, they sell your history. They may sell your information to other corporations, but they can also sell your personal file to the government. Thus, corporate America becomes an accomplice to illegal and immoral surveillance of the state. So here we have your tax dollars being spent on purchasing your information without your knowledge and often without a warrant. Despite the complicity in illegal activity, however, you as a citizen have no recourse. According to the recent FISA Amendment, Corporations that cell your communications information to the government are immune from prosecution, even when this activity is determined to violate your Constitutional rights.

Then there are the companies who receive your tax dollars to do the very spying your government is doing. This is the age of privatization, after all. Government intelligence agencies are now contracting out to private industry, placing the responsibility of spying squarely in private hands (Washington Post 8/19/07). These private companies, with the impetus of their multi-million dollar contracts, then lobby the government to continue to support these contracts. And since the free market is spurred by growth economies, there's great pressure among lobbyists to expand the surveillance market...meaning even more spying in the future...all at the taxpayer's expense.

With the awesome infrastructure of the US government, combined with the far reaching data collection of the corporate market, any sense of privacy in the United States is an illusion. It's not just the possibility that the power elite can amass great stores of information and knowledge about your activities, but rather the certainty that they can at any given moment. The state and the market work together to govern the behavior of citizens and consumers.

What's more, there are no checks and balances to regulate the use of surveillance, and no accountability when this incredible power is abused. The result is a surveillance elite, a hierarchy of plutocratic peeping Toms serving their own class interests. This is not being done in the name of the protection of citizens, or in the name of national defense. Indeed, it's just on more layer of autocracy for the power elite.

Take Action!

Many groups are involved in protecting the privacy and dignity of American citizens. Among them are the ACLU and the Electronic Frontier Foundation. See the JMS Activism page for links. Also, stay informed about trends in surveillance with Surveillance and Society. But one thing is certain. We can no longer assume that our actions and beliefs are private matters. The most important thing social activists and critics can do is to **SPEAK OUT ANYWAY**. We must be willing to act in the open if we have any hope of preserving our privacy.

