

# Federal Surveillance: The Threat to Americans' Security

by James Bovard

Since the terrorist attacks on 9/11 the Bush administration has launched many new surveillance programs in the name of homeland security. When critics raised questions about the potential abuses of the new powers, some administration supporters insisted that Bush's new surveillance policies were benign because there was no evidence the programs were being abused.

But the key to understanding new government intrusions is that horror stories do not surface in the first 72 hours after a new power is granted. The machinery of government takes time to deploy and expand. It takes time for the impact of precedents to expand, for the agents all along the line to get the message that they are not entitled to go much further than before. We must look to history to see what is likely to happen once the government is unleashed.

In May 2002, after revelations that the FBI missed many warning signs before 9/11, Attorney General John Ashcroft announced that he was effectively abolishing restrictions on FBI surveillance of Americans' everyday life. Those restrictions were first imposed in 1976 after pervasive FBI abuses were revealed. At that time, Attorney General Edward Levi announced guidelines to curtail FBI agents' intrusions into the lives of

Americans who were not criminal suspects.

At his May 30 announcement Ashcroft declared that, after 9/11, "we in the leadership of the FBI and the Department of Justice began a concerted effort to free the field agents—the brave men and women on the front lines—from the bureaucratic, organizational, and operational restrictions and structures that hindered them from doing their jobs effectively."<sup>1</sup> He complained that in the past FBI agents were required "to blind themselves to information that everyone else [was] free to see."

However, as the Center for Democracy and Technology, a Washington non-profit organization, noted, "The FBI was never prohibited in the past from going to mosques, political rallies and other public places, to observe and record what was said, but in the past it had to be guided by the criminal nexus—in deciding what mosques to go to and what political meetings to record, it had to have some reason to believe that terrorism might be discussed."<sup>2</sup> A *New York Times* editorial warned that the new guidelines "could mean that F.B.I. agents will show up at the doors of people who order politically unpopular books on Amazon.com or make phone calls to organizations critical of the government."<sup>3</sup>

Ashcroft's announcement concluded with the mandatory invocation of freedom consecrating each Bush power grab: "These guidelines will also be a resource to inform the American public and demonstrate that we

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seek to protect life and liberty from terrorism and other criminal violence with a scrupulous respect for civil rights and personal freedoms. The campaign against terrorism is a campaign to affirm the values of freedom and human dignity. . . . Called to the service of our nation, we are called to the defense of liberty for all men and women.” When Bush was asked about the new FBI guidelines at a photo opportunity that same day, he declared, “the initiative that the attorney general will be outlining today will guarantee our Constitution.”<sup>4</sup>

Ashcroft talked as if the old guidelines on FBI surveillance were simply the result of a long-ago outbreak of temporary insanity among liberals. Ashcroft declared: “In its 94-year history, the Federal Bureau of Investigation has been . . . the tireless protector of civil rights and civil liberties for all Americans.”<sup>5</sup>

The 1976 guidelines were put in place in response to a report by the Senate Select Committee to Study Governmental Operations that detailed many FBI abuses over the preceding decades. For 15 years, from 1956 to 1971, the FBI ran COINTELPRO (Counterintelligence Programs) to actively subvert groups and people that the FBI considered threats to national security or to the established political and social order. Over 2,300 separate operations were carried out to incite street warfare between violent groups, to wreck marriages, to get people fired, to smear innocent people by portraying them as government informants, to sic the IRS on people, and to cripple or destroy left-wing, black, communist, or other organizations.<sup>6</sup> The FBI let no corner of American life escape its vigilance; it even worked to expose and discredit “communists who are secretly operating in legitimate organizations and employments, such as the Young Men’s Christian Association and Boy Scouts.”<sup>7</sup>

## Burglary Exposes Scandal

Throughout the COINTELPRO period, presidents, congressmen, and other high-ranking federal officials assured Americans that the federal government was obeying the

law and upholding the Constitution. It took a burglary of an FBI office in Media, Pennsylvania, to break the biggest scandal in the history of federal law enforcement. After hundreds of pages of confidential records were commandeered, the “Citizen’s Commission to Investigate the FBI” began passing out the incriminating documents to the media.<sup>8</sup> The shocking material sparked congressional and news investigations that eventually (temporarily) shattered the FBI’s legendary ability to control its own image.

The 1976 Senate report noted that COINTELPRO’s origins “are rooted in the Bureau’s jurisdiction to investigate hostile foreign intelligence activities on American soil” and that the FBI used the “techniques of wartime.” William Sullivan, former assistant to the FBI director, declared, “No holds were barred. . . . We have used [these techniques] against Soviet agents. . . . [The same methods were] brought home against any organization against which we were targeted. We did not differentiate.”<sup>9</sup>

The FBI sought to subvert many black civil-rights organizations, including the Southern Christian Leadership Conference, Student Nonviolent Coordinating Committee, Deacons for Defense and Justice, and Congress of Racial Equality. FBI headquarters ordered field offices to, as the Senate report noted, “exploit conflicts within and between groups; to use news media contacts to disrupt, ridicule, or discredit groups; to preclude ‘violence-prone’ or ‘rabble rouser’ leaders of these groups from spreading their philosophy publicly; and to gather information on the ‘unsavory backgrounds’—immorality, subversive activity, and criminal activity—of group members.” FBI agents were also ordered to develop specific tactics to “prevent these groups from recruiting young people.”<sup>10</sup>

Almost any black organization could be targeted for wiretaps. One black leader was monitored largely because he had “recommended the possession of firearms by members for their self-protection.”<sup>11</sup> At that time, some southern police departments and sheriffs were notorious for attacking blacks who stood up for their civil rights.<sup>12</sup>

The FBI office in San Diego instigated violence between the local Black Panthers and a rival black organization, US (United Slaves Inc.).<sup>13</sup> Agents sent forged letters making accusations and threats to the groups purportedly from their rivals, along with crude cartoons and drawings meant to enrage the recipients. Three Black Panthers and one member of the rival group were killed during the time the FBI was fanning the flames. A few days after shootings in which two Panthers were wounded and one was killed, and in which the US headquarters was bombed, the FBI office reported to headquarters: "Efforts are being made to determine how this situation can be capitalized upon for the benefit of the Counterintelligence Program."

The FBI office bragged shortly thereafter: "Shootings, beatings, and a high degree of unrest continues to prevail in the ghetto area of southeast San Diego. Although no specific counterintelligence action can be credited with contributing to this overall situation, it is felt that a substantial amount of the unrest is directly attributable to this program."<sup>14</sup>

The FBI set up a Ghetto Informant Program that continued after COINTELPRO and that had 7,402 informants, including proprietors of candy stores and barbershops, as of September 1972. The informants served as "listening posts" "to identify extremists passing through or locating in the ghetto area, to identify purveyors of extremist literature," and to keep an eye on "Afro-American type bookstores" (including obtaining the names of the bookstores' "clienteles"). The informants' reports were stockpiled in the FBI's Racial Intelligence Unit.<sup>15</sup>

## King Targeted

For most of the last five years of his life Martin Luther King was "the target of an intensive campaign by the Federal Bureau of Investigation to 'neutralize' him as an effective civil rights leader," the Senate report noted. King's "I Have a Dream" speech in Washington in August 1963 was described by the FBI's Domestic Intelligence Division as evidence that King had become "the most

dangerous and effective Negro leader in the country." King's home and office were wiretapped and, on 16 occasions, the FBI placed wiretaps in King's motel rooms, seeking information on the "private activities of King and his advisers" to use to "completely discredit" them. The FBI sent a copy of one tape recording directly to King along with a note "which Dr. King and his advisers interpreted as a threat to release the tape recording unless Dr. King committed suicide," the Senate report noted. The FBI offered to play tapes from the hotel rooms for "friendly" reporters. It also sought to block the publication of articles that praised King. An FBI agent intervened with Francis Cardinal Spellman to seek to block a meeting between King and the pope.<sup>16</sup>

FBI informants also "set up a Klan organization intended to attract membership away from the United Klans of America. The Bureau paid the informants' personal expenses in setting up the new organization, which had, at its height, 250 members." During the six years Gary Rowe spent as an FBI informant with the Klan, he, along with other Klansmen, had "beaten people severely, had boarded buses and kicked people off; had went [sic] in restaurants and beaten them with blackjacks, chains, pistols." Rowe testified how he and other Klansmen used "baseball bats, clubs, chains, and pistols" to attack Freedom Riders.<sup>17</sup>

The FBI continually expanded its racial-surveillance investigations, eventually targeting white people who were "known to sponsor demonstrations against integration and against the busing of Negro students to white schools." The FBI also created a national "Rabble Rouser" Index, a "major intelligence program . . . to identify 'demagogues.'"<sup>18</sup>

From 1967 to 1972 the FBI paid Howard Berry Godfrey to be an informant with a right-wing paramilitary group in the San Diego area known as the Secret Army. The Senate committee discovered that Godfrey or the Secret Army was involved in "fire-bombing, smashing windows . . . propelling lug nuts through windows with sling shots, and breaking and entering." Godfrey took a

Secret Army colleague with him to conduct surveillance of the home of a left-wing San Diego State University professor; the colleague fired several shots into the home, badly wounding a woman inside. The Senate report noted “even this shooting incident did not immediately terminate Godfrey as an [FBI] informant.” Godfrey subsequently sold explosive material to a subordinate in the Secret Army who bombed the Guild Theater in San Diego in 1972.<sup>19</sup>

One FBI informant infiltrated an antiwar group and helped it break into the Camden, New Jersey, Draft Board in 1970. The informant later testified: “Everything they learned about breaking into a building or climbing a wall or cutting glass or destroying lockers, I taught them. I taught them how to cut the glass, how to drill holes in the glass so you cannot hear it and stuff like that, and the FBI supplied me with the equipment needed. The stuff I did not have, the [FBI] got off their own agents.”<sup>20</sup> That sting led to a press conference in which J. Edgar Hoover and Attorney General John Mitchell proudly announced the indictment of 20 people on an array of charges. After learning of the FBI’s role in the crime, a jury refused to convict any of the defendants.

Some COINTELPRO operations targeted the spouses of political activists, sending them letters asserting that their mates were unfaithful. “Anonymous letters were sent to, among others, a Klansman’s wife, informing her that her husband had ‘taken the flesh of another unto himself,’ the other person being a woman named Ruby, with her ‘lust filled eyes and smart aleck figure’; and to a ‘Black Nationalist’s’ wife saying that her husband ‘been maken it here’ with other women in his organization ‘and that he gives us this jive bout their better in bed then you.’”<sup>21</sup>

One FBI field office bragged that one such letter to a black activist’s wife produced the “tangible result” and “certainly contributed very strongly” to the marriage’s demise. The FBI targeted the women’s liberation movement, resulting in “intensive reporting on the identities and opinions of women who attended” women’s lib meetings. One FBI

informant reported to headquarters of a meeting in New York: “Each woman at this meeting stated why she had come to the meeting and how she felt oppressed, sexually or otherwise. . . . They are mostly against marriage, children, and other states of oppression caused by men.” Women’s lib informants were instructed to “go to meetings, write up reports . . . to try to identify the background of every person there . . . [and] who they were sleeping with.” The Senate report noted that “the intensive FBI investigation of the Women’s Liberation Movement was predicated on the theory that the activities of women in that Movement might lead to demonstrations and violence.”<sup>22</sup>

The Senate report also described the “snitch jacket” technique—neutralizing a target by labeling him a “snitch” or informant so that he would no longer be trusted—which was used in all COINTELPRO operations. The methods ranged from having an authentic informant start a rumor about the target member, to anonymous letters or phone calls, to faked informants’ reports. . . . The “snitch jacket” is a particularly nasty technique even when used in peaceful groups. It gains an added dimension of danger when it is used—as, indeed, it was—in groups known to have murdered informers.<sup>23</sup>

## Shotgun Approach

The FBI took a shotgun approach toward protesters partly because of its “belief that dissident speech and association should be prevented because they were incipient steps toward the possible ultimate commission of an act which might be criminal.” Some FBI agents may have viewed dissident speech or protests as a “gateway drug” to blowing up the Washington Monument. The Senate report noted:

The clearest examples of actions directly aimed at the exercise of constitutional rights are those targeting speakers, teachers, writers or publications, and meetings or peaceful demonstrations. Approximately 18 percent of all approved

COINTELPRO proposals fell into these categories. The cases include attempts (sometimes successful) to get university and high school teachers fired; to prevent targets from speaking on campus; to stop chapters of target groups from being formed; to prevent the distribution of books, newspapers, or periodicals; to disrupt news conferences; to disrupt peaceful demonstrations, including the SCLC's Washington Spring Project and Poor People's Campaign, and most of the large antiwar marches; and to deny facilities for meetings or conferences.<sup>24</sup>

An FBI memo warned that "the anarchist activities of a few can paralyze institutions of learning, [conscript] induction centers, cripple traffic, and tie the arms of law enforcement officials, all to the detriment of our society." The FBI declared: "The New Left has on many occasions viciously and scurrilously attacked the Director [J. Edgar Hoover] and the Bureau in an attempt to hamper our investigation of it and to drive us off the college campuses."

The FBI ordered field offices in 1968 to gather information illustrating the "scurrilous and depraved nature of many of the characters, activities, habits, and living conditions representative of New Left adherents."<sup>25</sup> The headquarters directive informed FBI agents across the land: "Every avenue of possible embarrassment must be vigorously and enthusiastically explored. It cannot be expected that information of this type will be easily obtained, and an imaginative approach by your personnel is imperative to its success." One FBI internal newsletter encouraged FBI agents to conduct more interviews with antiwar activists "for plenty of reasons, chief of which are it will enhance the paranoia endemic in these circles and will further serve to get the point across that there is an FBI agent behind every mailbox."<sup>26</sup>

A major goal of the COINTELPRO against the New Left operations was to "counter the widespread charges of police brutality that invariably arise following student-police encounters."<sup>27</sup> The FBI was

especially incensed at criticisms that Chicago policemen used excessive force when they attacked demonstrators during the 1968 Democratic National Convention. The FBI thus launched an illegal program to smear people the FBI believed had made false assertions of police misconduct.

As COINTELPRO continued, the FBI targeted more and more groups and used increasingly vicious tactics. The Senate report noted:

The White Hate COINTELPRO [that focused primarily on the Klan] used comparatively few techniques which carried a risk of serious physical, emotional, or economic damage to the targets, while the Black Nationalist COINTELPRO used such techniques extensively. The New Left COINTELPRO, on the other hand, had the highest proportion of proposals aimed at preventing the exercise of free speech. Like the progression in targeting, the use of dangerous, degrading, or blatantly unconstitutional techniques also appears to have become less restrained with each subsequent program.

The FBI continually discovered new enemies. Nixon aide Tom Charles Huston testified of the program's tendency "to move from the kid with a bomb to the kid with a picket sign, and from the kid with the picket sign to the kid with the bumper sticker of the opposing candidate. And you just keep going down the line."<sup>28</sup>

Other federal agencies also trampled citizens' privacy, rights, and lives during the late 1960s and early 1970s. The IRS used COINTELPRO leads to launch audits against thousands of suspected political enemies of the Nixon administration. The U.S. Army set up its own surveillance program, creating files on 100,000 Americans and targeting domestic organizations such as the Young Americans for Freedom, the John Birch Society, and the Anti-Defamation League of B'Nai B'rith.<sup>29</sup>

The Senate report on COINTELPRO concluded: "The American people need to be assured that never again will an agency of

the government be permitted to conduct a secret war against those citizens it considers threats to the established order. Only a combination of legislative prohibition and Departmental control can guarantee that COINTELPRO will not happen again.”<sup>30</sup>

The Ford administration derailed legislative reforms in 1976 by promising an administrative fix. Now, 26 years later, Attorney General Ashcroft has thrown the restraints out the window, pretending there was never a valid reason to rein in the FBI.

The more information government gathers on people, the more power it will have over them. The more power it has to monitor their peaceful activities, the more intimidated Americans will become. Regardless of the Bush administration's intentions in its war on terrorism, the new federal powers threaten the rights and personal security of American citizens. □

ate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, April 14, 1976.

7. Ibid.

8. Mark Wagenfeld, “25 Years Ago, before Watergate, a Burglary Changed History,” *Philadelphia Inquirer*, March 10, 1996.

9. “COINTELPRO: The FBI's Covert Action Programs against American Citizens,” Final Report of the Senate Committee to Study Governmental Operations with Respect to Intelligence Activities, April 23, 1976.

10. Both quotes taken from *ibid.*

11. Ibid.

12. Robert J. Cottrol and Raymond T. Diamond, “The Second Amendment: Toward an Afro-Americanist Reconsideration,” *Georgetown Law Journal*, December 1991, p. 309.

13. “The FBI's Covert Action Program to Destroy the Black Panther Party,” Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans, Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities United States Senate, Book III, April 23, 1976.

14. Ibid.

15. All quotes taken from “The Use of Informants in FBI Domestic Intelligence Investigations”—Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans—Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate, April 23, 1976.

16. All quotes from “Intelligence Activities and the Rights of Americans: Dr. Martin Luther King, Jr., Case Study,” Book III of the “Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities United States Senate,” April 23, 1976.

17. All quotes taken from “The Use of Informants.”

18. All quotes taken from *ibid.*

19. Ibid.

20. Ibid.

21. “Intelligence Activities and the Rights of Americans.”

22. “COINTELPRO.”

23. Ibid.

24. Ibid.

25. Ibid.

26. Wagenfeld.

27. “COINTELPRO.”

28. Ibid.

29. “Intelligence Activities and the Rights of Americans.”

30. Ibid.

1. “Remarks of Attorney General John Ashcroft,” Justice Department Office of Public Affairs, May 30, 2002.

2. Jerry Berman and James X. Dempsey, “CDT's Guide to the FBI Guidelines: Impact on Civil Liberties and Security—The Need for Congressional Oversight,” Center for Democracy and Technology, June 26, 2002.

3. Editorial, “An Erosion of Civil Liberties,” *New York Times*, May 31, 2002.

4. “Remarks By President George W. Bush during Photo Opportunity at Cabinet Meeting,” Federal News Service, May 30, 2002.

5. “Remarks of Attorney General John Ashcroft,” Justice Department Office of Public Affairs, May 30, 2002.

6. “Intelligence Activities and the Rights of Americans,” Sen-

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