

American Police State: FBI Abuses Reveals Contempt for Political Rights, Civil Liberties

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As mass revolt spreads across Egypt and the Middle East and citizens there demand jobs, civil liberties and an end to police state abuses from repressive, U.S.-backed torture regimes, the Obama administration and their congressional allies aim to expand one right here at home.

Last week, the Electronic Frontier Foundation ([EFF](#)) released an explosive new [report](#) documenting the lawless, constitutional-free zone under construction in America for nearly a decade.

That report, "Patterns of Misconduct: FBI Intelligence Violations from 2001-2008," reveals that the domestic political intelligence apparat spearheaded by the Federal Bureau of Investigation, continues to systematically violate the rights of American citizens and legal residents.

A rather ironic state of affairs considering the free passes handed out by U.S. securocrats to actual terrorists who killed thousands of Americans on 9/11, as both [WikiLeaks](#) and FBI whistleblower Sibel Edmonds [disclosed](#) last week.

Although illegal practices and violations were reported by the FBI to the Intelligence Oversight Board (IOB) after an unexplained two-and-a-half-year delay, a further violation of lawful guidelines, lawbreaking continued unabated; in fact, it accelerated as the Bureau was given a green light to do so by successive U.S. administrations.

The IOB is a largely toothless body created in 1976 by the Ford administration in the wake of disclosures of widespread spying and infiltration of political groups by America's secret state agencies during the sixties and seventies.

Reeling from revelations uncovered by Congress, investigative journalists and citizen activists in the wake of the Watergate scandal, Ford's caretaker government was forced to call a halt to the more egregious practices employed by the FBI to keep the lid on and crafted guidelines governing intelligence and surveillance operations.

In fact, the Attorney General's Guidelines regulating both FBI National Security Investigations and Foreign Intelligence Collection ([NSIG](#)) stipulate that "all government intelligence operations occur with sufficient oversight and within the bounds of the Constitution and other federal laws."

While it can rightly be argued these protocols were largely ineffective, and had been breeched more often than not by the 1980s under President Reagan, as revealed during the

Iran-Contra scandal, and that antiwar, environmental and solidarity groups continue to be spied upon and destabilized by [agents provocateurs](#) and right-wing [corporate scum](#), they were thrown overboard entirely by the Bush regime in the aftermath of the 9/11 attacks.

Today the “looking forward, not backward” Obama administration has whole-heartedly embraced Bushist lawlessness while charting an even more sinister course of their own, now asserting they have the authority to assassinate American citizens the Executive Branch designate as “terrorists” anywhere on earth without benefit of due process or court review.

According to EFF, more than 2,500 documents obtained under the Freedom of Information Act revealed that:

- * From 2001 to 2008, the FBI reported to the IOB approximately 800 violations of laws, Executive Orders, or other regulations governing intelligence investigations, although this number likely significantly under-represents the number of violations that actually occurred.

- * From 2001 to 2008, the FBI investigated, at minimum, 7000 potential violations of laws, Executive Orders, or other regulations governing intelligence investigations.

- * Based on the proportion of violations reported to the IOB and the FBI’s own statements regarding the number of NSL [National Security Letter] violations that occurred, the actual number of violations that may have occurred from 2001 to 2008 could approach 40,000 possible violations of law, Executive Order, or other regulations governing intelligence investigations. (Electronic Frontier Foundation, *Patterns of Misconduct: FBI Intelligence Violations from 2001-2008*, January 30, 2011)

But FBI lawbreaking didn’t stop there. Citing internal documents, EFF revealed that the Bureau also “engaged in a number of flagrant legal violations” that included, “submitting false or inaccurate declarations to courts,” “using improper evidence to obtain federal grand jury subpoenas” and “accessing password protected documents without a warrant.”

In other words, in order to illegally spy on Americans and haul political dissidents before Star Chamber-style grand juries, the FBI routinely committed perjury and did so with absolute impunity.

Reviewing the more than 2,500 documents EFF analysts averred that they had “uncovered alarming trends in the Bureau’s intelligence investigation practices” and that the “documents suggest the FBI’s intelligence investigations have compromised the civil liberties of American citizens far more frequently, and to a greater extent, than was previously assumed.”

According to EFF, the “documents show that the FBI most frequently committed three types of intelligence violations—violations of internal oversight guidelines for conducting investigations; violations stemming from the abuse of National Security Letters; and violations of the Fourth Amendment, Foreign Intelligence Surveillance Act (FISA), and other laws governing intelligence investigations.”

“Based on statements made by government officials and the proportion of violations occurring in the released reports,” EFF estimates that “the FBI may have committed as many as 40,000 intelligence investigation violations over the past ten years.”

The civil liberties' watchdogs revealed that the type of violation occurring most frequently involved the Bureau's abuse of National Security Letters (NSLs), onerous *lettres de cachet*, secretive administrative subpoenas with built-in gag orders used by the FBI to seize records from third-parties without any judicial review whatsoever.

Although National Security Letters have been employed by investigators since the 1970s, after 9/11 Congress passed the repressive USA PATRIOT Act which "greatly expanded the intelligence community's authority to issue NSLs."

"During the course of a terrorism or counterintelligence investigation," EFF writes, "NSLs can be used to obtain just three types of records: (1) subscriber and 'toll billing information' from telephone companies and 'electronic communications services;' (2) financial records from banks and other financial institutions; and (3) consumer identifying information and the identity of financial institutions from credit bureaus."

Abuses have been well-documented by the Justice Department's own Office of the Inspector General. In their 2008 [report](#), the OIG disclosed that the FBI issued some 200,000 requests and that almost 60% were for investigations of U.S. citizens and legal residents.

Given the symbiosis amongst American secret state agencies and gifting corporations, EFF discovered that "the frequency with which companies [received] NSLs—phone companies, internet providers, banks, or credit bureaus—contributed to the FBI's NSL abuse."

"In over half of all NSL violations reviewed by EFF, the private entity receiving the NSL either provided more information than requested or turned over information without receiving a valid legal justification from the FBI."

In fact, "companies were all too willing to comply with the FBI's requests, and—in many cases—the Bureau readily incorporated the over-produced information into its investigatory databases."

This too is hardly surprising, given the enormous profits generated by the surveillance state for their corporate beneficiaries. As *The Washington Post* revealed in their investigative series, [Top Secret America](#), more than 800,000 corporate employees have been issued top secret and above security clearances. Beholden to their employers and not the public who foots the bill and is the victim of their excesses, accountability is a fiction and oversight a contemptible fraud.

In a follow-up piece, [Monitoring America](#), investigative journalists Dana Priest and William M. Arkin revealed that the FBI "is building a database with the names and certain personal information, such as employment history, of thousands of U.S. citizens and residents whom a local police officer or a fellow citizen believed to be acting suspiciously."

In other words, in order to "keep us safe" unaccountable securocrats are constructing a Stasi-like political intelligence system that has overthrown the traditional legal concept of probable cause in favor of a regime rooted in fear and suspicion; one where innocent activities such as taking a photograph or attending an antiwar rally now serves as a pretext for opening a national security investigation.

According to Priest and Arkin, the Bureau database "is accessible to an increasing number of local law enforcement and military criminal investigators, increasing concerns that it could somehow end up in the public domain," and used by employers to terminate political

dissidents or other “undesirable” citizens merely on the basis of allegations emanating from who knows where.

As [Antifascist Calling](#) reported in October, “predictive behavior” security firms, generously funded by the CIA’s venture capitalist arm, [In-Q-Tel](#), have increasingly turned to monitoring social media sites such as Blogger, Facebook, Flickr, Twitter and YouTube and are exploiting powerful computer algorithms for their clients—your boss—thereby transforming private communications into “actionable intelligence” that just might get you fired.

In one case, EFF discovered that the FBI “requested email header information for two email addresses used by a U.S. person.” In response, researchers averred “the email service provider returned two CDs containing the full content of all emails in the accounts. The FBI eventually (and properly) sequestered the CDs, notified the email provider of the overproduction, and re-issued an NSL for the originally requested header information; but, in response to the second NSL, the email provider again provided the FBI with the full content of all emails in the accounts.”

To make matters worse, “third-parties not only willingly cooperated with FBI NSLs when the legal justification was unclear, however: they responded to NSLs without any legal justification at all.”

In conclusion, EFF wrote that “while the reports documenting the FBI’s abuse of the Constitution, FISA, and other intelligence laws are troubling, EFF’s analysis is necessarily incomplete: it is impossible to know the severity of the FBI’s legal violations until the Bureau stops concealing its most serious violations behind a wall of arbitrary secrecy.”

This sordid state of affairs is likely to continue given Congress’s utter lack of interest in protecting Americans’ constitutionally-protected right to privacy, free speech and assembly.

With new moves afoot in [Congress](#) to pass a data retention law that requires internet service providers to retain records of users’ online activity or, as in the repressive Egyptian U.S. client state, handing the Executive Branch a “kill-switch” that would disconnect the American people from the internet in the event of a “national emergency,” the U.S. oligarchy is planning for the future.

As the [World Socialist Web Site](#) points out, “The US government is well aware that the Internet provides a forum for rapid communication and organization, as demonstrated by the events in Egypt this week. In an attempt to block communication within Egypt and with the external world, US-backed dictator Hosni Mubarak cut off the country’s access to the Internet altogether.”

“Similarly,” left-wing journalist Patrick Zimmerman writes, “the fundamental goal of the US government in its attempts to gain control of the Internet and monitor user activity has nothing to do with the ‘war on terror’ or prosecuting criminals. Under conditions of growing social inequality, government austerity, and expanding war abroad, the government anticipates the growth of social opposition in the United States.”

The Bush regime’s “preemptive war” doctrine has been fully incorporated into the Obama administration’s “homeland security” paradigm. The formidable police state apparatus that accompanies America’s imperial adventures abroad are now deployed at home where they have devastating effects on an already dysfunctional democracy sliding ever-closer towards

an authoritarian abyss.

Tom Burghardt is a researcher and activist based in the San Francisco Bay Area. In addition to publishing in Covert Action Quarterly and [Global Research](#), an his articles can be read on [Dissident Voice](#), [The Intelligence Daily](#), [Pacific Free Press](#), [Uncommon Thought Journal](#), and the whistleblowing website [WikiLeaks](#). He is the editor of Police State America: U.S. Military "Civil Disturbance" Planning, distributed by [AK Press](#) and has contributed to the new book from [Global Research](#), The Global Economic Crisis: The Great Depression of the XXI Century.

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