

COINTELPRO and Domestic Spying

Slippery Slope towards police state methods. Mukasey Loosens Guidelines

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The waning months of the Bush administration can be characterized by an avalanche of changes to long-standing rules governing domestic intelligence operations.

The revisions proposed by U.S. Attorney General Michael Mukasey and other top administration officials, represent the greatest expansion of executive power since the Watergate era and should be viewed as an imminent threat to already-diminished civil liberties protections in the United States.

The slippery slope towards open police state methods of governance may have begun with the 2001 passage of the USA PATRIOT Act, but recent events signal that a *qualitative* acceleration of repressive measures are currently underway. These changes are slated to go into effect with the new fiscal year beginning October 1, and are subject neither to congressional oversight nor judicial review.

Bush allies in Congress kicked-off the summer with the shameful passage by the House and Senate of the FISA Amendments Act, an unconstitutional domestic spying bill that gutted Fourth Amendment protections. With broad consensus by both capitalist political parties, the FISA Act eliminates meaningful judicial oversight of state surveillance while granting virtual immunity to law-breaking telecoms.

Despite posturing by leading Democrats, including the party's presumptive presidential nominee, Sen. Barack Obama, the FISA legislation legalized the Bush administration's warrantless wiretapping program and set the stage for further assaults on the right to privacy and dissent.

Further attacks were not long in coming.

In the last month alone, mainstream media have reported that the FBI illegally obtained the [phone records](#) of overseas journalists allegedly as part of a 2004 "terrorism investigation."

Other reports documented how the Department of Homeland Security asserts the right to [seize](#) a traveler's laptop and other electronic devices for an unspecified period of time and without probable cause.

Still other reports revealed that the administration has [expanded](#) the power of the Office of the Director of National Intelligence (ODNI) to issue "overarching policies and procedures" and to coordinate "priorities" with foreign intelligence services that target American citizens and legal residents.

And on Wednesday, [*The Washington Post*](#) exposed how the federal government has used “its system of border checkpoints to greatly expand a database on travelers entering the country by collecting information on all U.S. citizens crossing by land, compiling data that will be stored for 15 years and may be used in criminal and intelligence investigations.” Ellen Nakashima writes,

The disclosure of the database is among a series of notices, officials say, to make DHS’s data gathering more transparent. Critics say the moves exemplify efforts by the Bush administration in its final months to cement an unprecedented expansion of data gathering for national security and intelligence purposes. (“Citizens’ U.S. Border Crossings Tracked,” *The Washington Post*, August 20, 2008)

The *Post* also revealed that the information will be linked to a new database, the Non-Federal Entity Data System, “which is being set up to hold personal information about all drivers in a state’s database.” Posted at the Government Printing Office’s [website](#), the notice states that the information may even be shared with federal contractors or consultants “to accomplish an agency function related to this system of records.”

But perhaps the most controversial move towards increasing the federal government’s surveillance powers were unveiled by the Justice Department in late July. According to [*The Washington Post*](#), “a new domestic spying measure...would make it easier for state and local police to collect intelligence about Americans, share the sensitive data with federal agencies and retain it for at least 10 years.”

New rules for police intelligence-gathering would apply to any of the 18,000 state and local police agencies that receive some \$1.6 billion each year in federal grants. These proposed changes, as with other administration measures, were quietly [published](#) July 31 in the Federal Register.

The *McClatchy Washington Bureau* reported August 13, that Mukasey confirmed plans to “loosen post-Watergate restrictions on the FBI’s national security and criminal investigations,” under cover of improving the Bureau’s “ability to detect terrorists.” Marisa Taylor [wrote](#),

Mukasey said he expected criticism of the new rules because “they expressly authorize the FBI to engage in intelligence collection inside the United States.” However, he said the criticism would be misplaced because the bureau has long had authority to do so.

Mukasey said the new rules “remove unnecessary barriers” to cooperation between law enforcement agencies and “eliminate the artificial distinctions” in the way agents conduct surveillance in criminal and national security investigations. (“FBI to Get Freer Rein to Look for Terrorism Suspects,” *McClatchy Washington Bureau*, August 13, 2008)

While the Justice Department’s draft proposals have been selectively leaked to the media, and DoJ is expected to release its final version of the changes within a few weeks, even then the bulk of these modifications will remain classified on grounds of “national security.”

Under the new regulatory regime proposed by Mukasey, state and local police would be

given free rein to target groups as well as individuals, and to launch criminal intelligence investigations based on the “suspicion” that a target is “engaged in terrorism.” The results of such investigations could be shared “with a constellation of federal law enforcement and intelligence agencies, and others in many cases,” according to *Post* reporters Spencer S. Hsu and Carrie Johnson.

With probable cause tossed overboard, domestic intelligence as envisaged by the Bush Justice Department is little more than a fishing expedition intended to cast a wide driftnet over Americans’ constitutional rights, reducing guarantees of free speech and assembly to banal pieties mouthed by state propagandists.

These changes are intended to lock-in Bush regime surveillance programs such as warrantless internet and phone wiretapping, data mining, the scattershot issuance of top secret National Security Letters to seize financial and other personal records, as well as expanding a security index of individuals deemed “terrorist threats” by the corporatist state.

Simultaneous with the release of new DoJ domestic spying guidelines, the Bush administration’s “modernization” of Reagan-era Executive Order 12333, as [*The Washington Post*](#) delicately puts it, also calls for intensified sharing of intelligence information with local law enforcement agencies.

In addition to consolidating power within the ODNI, E.O. 12333 revisions direct the CIA “and other spy agencies,” in a clear violation of the Agency’s charter, to “provide specialized equipment, technical knowledge or assistance of expert personnel” to state and local authorities.

The latest moves to expand executive power follow close on the heels of other orders and rule changes issued by the Bush regime. As researcher and analyst Michel Chossudovsky [reported](#) in June, the Orwellian National Security Presidential Directive 59/Homeland Security Presidential Directive 24 (NSPD 59/HSPD 24), entitled “Biometrics for Identification and Screening to Enhance National Security,” is directed against U.S. citizens. Chossudovsky wrote,

NSPD 59 goes far beyond the issue of biometric identification, it recommends the collection and storage of “associated biographic” information, meaning information on the private lives of US citizens, in minute detail, all of which will be “accomplished within the law.”

The directive uses 9/11 as an all encompassing justification to wage a witch hunt against dissenting citizens, establishing at the same time an atmosphere of fear and intimidation across the land.

It also calls for the integration of various data banks as well as inter-agency cooperation in the sharing of information, with a view to eventually centralizing the information on American citizens. (“Big Brother” Presidential Directive: “Biometrics for Identification and Screening to Enhance National Security,” Global Research, June 11, 2008)

Indeed, NSPD 59/HSPD 24 creates the framework for expanding the definition of who is a “terrorist” to include other categories of individuals “who may pose a threat to national security.”

In addition to al Qaeda and other far-right Islamist terror groups, many of whom have served as a cat's paw for Western intelligence agencies in the Middle East, Central and South Asia, and the Balkans, NSPD 59/HSPD 24 has identified two new categories of individuals as potential threats: "Radical groups" and "disgruntled employees."

In other words, domestic anarchist and socialist organizations as well as labor unions acting on behalf of their members' rights, now officially fall under the panoptic lens of federal intelligence agencies and the private security contractors who staff the 16 separate agencies that comprise the U.S. "intelligence community."

These moves represent nothing less than an attempt by the Bush administration to return to the days of [COINTELPRO](#) when the Bureau, acting in concert with state and local police "red squads" targeted the left for destruction.

"After 9/11, the gloves come off"

Since the 9/11 terrorist attacks, the U.S. national security state has ramped-up its repressive machinery, targeting millions of Americans through broad surveillance programs across a multitude of state and private intelligence agencies.

While the FBI, CIA, NSA, the Defense Intelligence Agency (DIA), the Department of Homeland Security (DHS) may be the federal "tip of the spear" of current intelligence operations, they certainly are not alone when it comes to domestic spying.

Outsourced contractors from communications, defense and security corporations such as AT&T, Booz Allen Hamilton, Lockheed Martin, Boeing, Verizon Communications, Northrop Grumman, Science Applications International Corporation (SAIC), L-3 Communications, CACI International and many more, have collaborated with Bush regime war criminals in fashioning a hypermodern, high-tech police state.

That these corporations have staked-out "homeland security" as a niche market to expand their operations has been explored by *Antifascist Calling* in numerous articles. As I have previously reported, it is estimated that some 70% of the personnel employed by U.S. intelligence agencies are now private contractors holding top secret and above security clearances.

Unaccountable actors virtually beyond congressional scrutiny, outsourced intelligence agents first and foremost are employees answerable to corporate managers and boards of directors, not the American people or their representatives. Chiefly concerned with inflating profit margins by overselling the "terrorist threat," the incestuous relationships amongst corporate grifters and a diminished "public sector" demonstrate the precarious state of democratic norms and institutions in the U.S.

New rules governing FBI counterintelligence investigations will allow the Bureau to run informants for the purpose of infiltrating organizations deemed "subversive" by federal snoops. Many of the worst abuses under COINTELPRO, the CIA's Operation CHAOS and the U.S. Army's deployment of Military Intelligence Groups (MIGs) for illegal domestic operations during the 1960s, employed neofascists as infiltrators and as nascent death squads.

While the Bureau may have eschewed close collaboration with fascist gangs, will sophisticated, high-tech private security corporations now play a similar role in Bureau counterintelligence and domestic security operations?

If history is any judge, the answer inevitably will be “yes.”

Currently equipping the “intelligence community” with electronic specialists, network managers, software designers and analysts, will defense and security corporations bulk-up the Bureau and related agencies with “plausibly deniable” ex-military and intelligence assets for targeted infiltration and “disruption” of domestic antiwar and anticapitalist groups?

It can't happen here? *Why its happening already!* As investigative journalist James Ridgeway [revealed](#) in April, a private security firm,

organized and managed by former Secret Service officers spied on Greenpeace and other environmental organizations from the late 1990s through at least 2000, pilfering documents from trash bins, attempting to plant undercover operatives within groups, casing offices, collecting phone records of activists, and penetrating confidential meetings. According to company documents provided to **Mother Jones** by a former investor in the firm, this security outfit collected confidential internal records—donor lists, detailed financial statements, the Social Security numbers of staff members, strategy memos—from these organizations and produced intelligence reports for public relations firms and major corporations involved in environmental controversies. (“Cops and Former Secret Service Agents Ran Black Ops on Green Groups,” Mother Jones, April 11, 2008)

The firm, Beckett Brown International (later called S2i) provided a range of services for corporate clients. According to Ridgeway, the private snoops engaged in “intelligence collection” for Allied Waste; conducted background checks and “performed due diligence” for the Carlyle Group; handled “crisis management” for the Gallo wine company and Pirelli; engaged in “information collection” for Wal-Mart. Also listed as BBI/S2i records as clients were Halliburton and Monsanto.

Mike German, a former FBI agent and whistleblower who is now the policy counsel for the American Civil Liberties Union, said that once proposed changes are implemented, police may collect intelligence even when no underlying crime is suspected. This is nothing less than “preemptive policing” and a recipe for tightening the screws on dissent. The *Post* averred,

German, an FBI agent for 16 years, said easing established limits on intelligence-gathering would lead to abuses against peaceful political dissenters. In addition to the Maryland case [that targeted antiwar and death penalty opponents], he pointed to reports in the past six years that undercover New York police officers infiltrated protest groups before the 2004 Republican National Convention; that California state agents eavesdropped on peace, animal rights and labor activists; and that Denver police spied on Amnesty International and others before being discovered.

“If police officers no longer see themselves as engaged in protecting their communities from criminals and instead as domestic intelligence agents working on behalf of the CIA, they will be encouraged to collect more information,” German said. “It turns police officers into spies on behalf of the federal government.” (Spencer S. Hsu and Carrie Johnson, “U.S. May Ease Police Spy Rules,” The Washington Post, August 16, 2008)

In a related [report](#) on Fusion Centers, that German coauthored with Jay Staley for the ACLU, they documented how so-called “counterterrorist” national collection agencies are “characterized by ambiguous lines of authority, excessive secrecy, troubling private-sector and military participation, and an apparent bent toward suspicionless information collection and data mining.”

As I [reported](#) earlier this month, citing research from German and Staley’s report, U.S. Marine Corps officers, enlisted personnel and an analyst with U.S. NORTHCOM, pilfered intelligence files and shared them with private defense contractors in hope of securing future employment.

Money talks, particularly in a political culture where the business of government is, after all, business!

With little oversight from a compliant Congress, and an “opposition” party in league with their “constituents”—multinational corporate grifters out to make a buck—the final nails are being hammered into the coffin of America’s former democratic Republic.

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