

500 Years of History Shows that Mass Spying Is Always Aimed at Crushing Dissent

By [Washington's Blog](#)

Global Research, January 10, 2014

[Washington's Blog](#) 9 January 2014

Theme: [Intelligence](#), [Police State & Civil Rights](#)

It's *Never* to Protect Us From Bad Guys

No matter which government conducts mass surveillance, they also do it to crush dissent, and then give a false rationale for why they're doing it.

For example, the U.S. Supreme Court [noted](#) in *Stanford v. Texas* (1965):

While the Fourth Amendment [of the U.S. Constitution] was most immediately the product of contemporary revulsion against a regime of writs of assistance, its roots go far deeper. Its adoption in the Constitution of this new Nation reflected the culmination in England a few years earlier of a struggle against oppression which had endured for centuries. The story of that struggle has been fully chronicled in the pages of this Court's reports, and it would be a needless exercise in pedantry to review again the detailed history of the use of general warrants as instruments of oppression from the time of the Tudors, through the Star Chamber, the Long Parliament, the Restoration, and beyond.

What is significant to note is that this history is largely a history of conflict between the Crown and the press. It was in enforcing the laws licensing the publication of literature and, later, in prosecutions for seditious libel, that general warrants were systematically used in the sixteenth, seventeenth, and eighteenth centuries. In Tudor England, officers of the Crown were given roving commissions to search where they pleased in order to suppress and destroy the literature of dissent, both Catholic and Puritan. In later years, warrants were sometimes more specific in content, but they typically authorized of all persons connected of the premises of all persons connected with the publication of a particular libel, or the arrest and seizure of all the papers of a named person thought to be connected with a libel.

By "libel", the court is referring to a critique of the British government which the King or his ministers didn't like ... they would label such criticism "libel" and then seize all of the author's papers.

The Supreme Court [provided interesting historical details](#) in the case of *Marcus v. Search Warrant*(1961):

The use by government of the power of search and seizure as an adjunct to a system for the suppression of objectionable publications ... was a principal instrument for the enforcement of the Tudor licensing system. The Stationers' Company was incorporated in 1557 to help implement that system, and was empowered

“to make search whenever it shall please them in any place, shop, house, chamber, or building or any printer, binder or bookseller whatever within our kingdom of England or the dominions of the same of or for any books or things printed, or to be printed, and to seize, take hold, burn, or turn to the proper use of the aforesaid community, all and several those books and things which are or shall be printed contrary to the form of any statute, act, or proclamation, made or to be made. . . .

An order of counsel confirmed and expanded the Company’s power in 1566, and the Star Chamber reaffirmed it in 1586 by a decree

“That it shall be lawful for the wardens of the said Company for the time being or any two of the said Company thereto deputed by the said wardens, to make search in all workhouses, shops, warehouses of printers, booksellers, bookbinders, or where they shall have reasonable cause of suspicion, and all books [etc.] . . . contrary to . . . these present ordinances to stay and take to her Majesty’s use. . . .”

Books thus seized were taken to Stationers’ Hall where they were inspected by ecclesiastical officers, who decided whether they should be burnt. These powers were exercised under the Tudor censorship to suppress both Catholic and Puritan dissenting literature.

Each succeeding regime during turbulent Seventeenth Century England used the search and seizure power to suppress publications. James I commissioned the ecclesiastical judges comprising the Court of High Commission

“to enquire and search for . . . all heretical, schismatical and seditious books, libels, and writings, and all other books, pamphlets and portraitures offensive to the state or set forth without sufficient and lawful authority in that behalf, . . . and the same books [etc.] and their printing presses themselves likewise to seize and so to order and dispose of them . . . as they may not after serve or be employed for any such unlawful use. . . .”

The Star Chamber decree of 1637, reenacting the requirement that all books be licensed, continued the broad powers of the Stationers’ Company to enforce the licensing laws. During the political overturn of the 1640’s, Parliament on several occasions asserted the necessity of a broad search and seizure power to control printing. Thus, an order of 1648 gave power to the searchers

“to search in any house or place where there is just cause of suspicion that Presses are kept and employed in the printing of Scandalous and lying Pamphlets, . . . [and] to seize such scandalous and lying pamphlets as they find upon search. . . .”

The Restoration brought a new licensing act in 1662. Under its authority, “messengers of the press” operated under the secretaries of state, who issued executive warrants for the seizure of persons and papers. These warrants, while sometimes specific in content, often gave the most general discretionary authority. For example, a warrant to Roger L’Estrange, the Surveyor of the Press, empowered him to “seize all seditious books and libels and to apprehend the authors, contrivers, printers, publishers, and dispersers of them,” and to

“search any house, shop, printing room, chamber, warehouse, etc. for seditious, scandalous or unlicensed pictures, books, or papers, to bring away or deface the same, and the letter press, taking away all the copies. . . .]”

Although increasingly attacked, the licensing system was continued in effect for a time even after the Revolution of 1688, and executive warrants continued to issue for the search for and seizure of offending books. The Stationers' Company was also ordered

“to make often and diligent searches in all such places you or any of you shall know or have any probable reason to suspect, and to seize all unlicensed, scandalous books and pamphlets. . . .”

And even when the device of prosecution for seditious libel replaced licensing as the principal governmental control of the press, it too was enforced with the aid of general warrants — authorizing either the arrest of all persons connected with the publication of a particular libel and the search of their premises or the seizure of all the papers of a named person alleged to be connected with the publication of a libel.

And [see this](#).

General warrants were largely declared illegal in Britain in [1765](#). But the British continued to use general warrants in the American colonies. In fact, the Revolutionary War was [largely launched](#) to stop the use of general warrants in the colonies. King George gave various excuses of why general warrants were needed for the public good, of course ... but such excuses were all hollow.

The New York Review of Books [notes](#) that the American government did not start to conduct mass surveillance against the American people until long after the Revolutionary War ended ... but once started, the purpose was to crush dissent:

In the United States, political spying by the federal government began in the early part of the twentieth century, with the creation of the Bureau of Investigation in the Department of Justice on July 1, 1908. In more than one sense, the new agency was a descendant of the surveillance practices developed in France a century earlier, since it was initiated by US Attorney General Charles Joseph Bonaparte, a great nephew of Napoleon Bonaparte, who created it during a Congressional recess. Its establishment was denounced by Congressman Walter Smith of Iowa, who argued that “No general system of spying upon and espionage of the people, such as has prevailed in Russia, in France under the Empire, and at one time in Ireland, should be allowed to grow up.”

Nonetheless, the new Bureau became deeply engaged in political surveillance during World War I when federal authorities sought to gather information on those opposing American entry into the war and those opposing the draft. As a result of this surveillance, many hundreds of people were prosecuted under the 1917 Espionage Act and the 1918 Sedition Act for the peaceful expression of opinion about the war and the draft.

But it was during the Vietnam War that political surveillance in the United States reached its peak. Under Presidents Lyndon Johnson and, to an even greater extent, Richard Nixon, there was a systematic effort by various agencies, including the United States Army, to gather information on those involved in anti-war protests. Millions of Americans took part in such protests and the federal government—as well as many state and local agencies—gathered enormous amounts of information on them. Here are just three of the numerous examples of political surveillance in that era:

- In the 1960s in Rochester, New York, the local police department

launched Operation SAFE (Scout Awareness for Emergency). It involved twenty thousand boy scouts living in the vicinity of Rochester. They got identification cards marked with their thumb prints. On the cards were the telephone numbers of the local police and the FBI. The scouts participating in the program were given a list of suspicious activities that they were to report.

- In 1969, the FBI learned that one of the sponsors of an anti-war demonstration in Washington, DC, was a New York City-based organization, the Fifth Avenue Peace Parade Committee, that chartered buses to take protesters to the event. The FBI visited the bank where the organization maintained its account to get photocopies of the checks written to reserve places on the buses and, thereby, to identify participants in the demonstration. One of the other federal agencies given the information by the FBI was the Internal Revenue Service.

The National Security Agency was involved in the domestic political surveillance of that era as well. Decades before the Internet, under the direction of President Nixon, the NSA made arrangements with the major communications firms of the time such as RCA Global and Western Union to obtain copies of telegrams. When the matter came before the courts, the Nixon Administration argued that the president had inherent authority to protect the country against subversion. In a unanimous decision in 1972, however, the US Supreme Court rejected the claim that the president had the authority to disregard the requirement of the Fourth Amendment for a judicial warrant.

Much of the political surveillance of the 1960s and the 1970s and of the period going back to World War I consisted in efforts to identify organizations that were critical of government policies, or that were proponents of various causes the government didn't like, and to gather information on their adherents. It was not always clear how this information was used. As best it is possible to establish, the main use was to block some of those who were identified with certain causes from obtaining public employment or some kinds of private employment. Those who were victimized in this way rarely discovered the reason they had been excluded.

Efforts to protect civil liberties during that era eventually led to the destruction of many of these records, sometimes after those whose activities were monitored were given an opportunity to examine them. In many cases, this prevented surveillance records from being used to harm those who were spied on. Yet great vigilance by organizations such as the ACLU and the Center for Constitutional Rights, which brought a large number of court cases challenging political surveillance, was required to safeguard rights. The collection of data concerning the activities of US citizens did not take place for benign purposes.

Between 1956 and 1971, the FBI operated a program known as COINTELPRO, for Counter Intelligence Program. Its purpose was to interfere with the activities of the organizations and individuals who were its targets or, in the words of long-time FBI Director J. Edgar Hoover, to "expose, disrupt, misdirect, discredit or otherwise neutralize" them. The first target was the Communist Party of the United States, but subsequent targets ranged from the Reverend Martin Luther King, Jr. and his Southern Christian Leadership Conference to organizations espousing women's rights to right wing organizations such as the

National States Rights Party.

A well-known example of COINTELPRO was the FBI's planting in 1964 of false documents about William Albertson, a long-time Communist Party official, that persuaded the Communist Party that Albertson was an FBI informant. Amid major publicity, Albertson was expelled from the party, lost all his friends, and was fired from his job. Until his death in an automobile accident in 1972, he tried to prove that he was not a snitch, but the case was not resolved until 1989, when the FBI [agreed to pay](#) Albertson's widow \$170,000 to settle her lawsuit against the government.

COINTELPRO was eventually halted by J. Edgar Hoover after activists broke into a small FBI office in Media, Pennsylvania, in 1971, and released stolen documents about the program to the press. The lesson of COINTELPRO is that any government agency that is able to gather information through political surveillance will be tempted to use that information. After a time, the passive accumulation of data may seem insufficient and it may be used aggressively. This may take place long after the information is initially collected and may involve officials who had nothing to do with the original decision to engage in surveillance.

Indeed, during the Vietnam war, the [NSA spied on](#) Senator Frank Church because of his criticism of the Vietnam War. The NSA also spied on Senator Howard Baker.

Senator Church – the head of a congressional committee investigating Cointelpro – [warned](#) in 1975:

[NSA's] capability at any time could be turned around on the American people, and no American would have any privacy left, such is the capability to monitor everything: telephone conversations, telegrams, it doesn't matter. There would be no place to hide. [If a dictator ever took over, the N.S.A.] could enable it to impose total tyranny, and there would be no way to fight back.

This is, in fact, what's happened ...

Initially, American [constitutional law experts say](#) that the NSA is doing exactly the same thing to the American people today which King George did to the Colonists ... using "general warrant" type spying.

And it is clear that the government is using its massive spy programs in order to track those who question government policies. See [this](#), [this](#), [this](#) and [this](#).

Todd Gitlin – chair of the PhD program in communications at Columbia University, and a professor of journalism and sociology – [notes](#):

Under the Freedom of Information Act, the [Partnership for Civil Justice Fund](#) (PCJF) has unearthed documents showing that, in 2011 and 2012, the Department of Homeland Security (DHS) and other federal agencies were busy surveilling and worrying about a good number of Occupy groups — during the very time that they were missing actual warnings about actual terrorist actions.

From its beginnings, the Occupy movement was of considerable interest to the DHS, the FBI, and other law enforcement and intelligence agencies, while true terrorists were slipping past the nets they cast in the wrong places. In the fall

of 2011, the DHS specifically [asked](#) its regional affiliates to report on “Peaceful Activist Demonstrations, in addition to reporting on domestic terrorist acts and ‘significant criminal activity.’”

Aware that Occupy was overwhelmingly peaceful, the federally funded Boston Regional Intelligence Center (BRIC), one of 77 coordination centers known generically as “fusion centers,” was [busy monitoring](#) Occupy Boston daily. As the investigative journalist Michael Isikoff [recently reported](#), they were not only tracking Occupy-related Facebook pages and websites but “writing reports on the movement’s potential impact on ‘commercial and financial sector assets.’”

It was in this period that the FBI received the second of two Russian police warnings about the extremist Islamist activities of Tamerlan Tsarnaev, the future Boston Marathon bomber. That city’s police commissioner later testified that the federal authorities did not pass any information at all about the Tsarnaev brothers on to him, though there’s no point in letting the Boston police off the hook either. The ACLU has uncovered documents showing that, during the same period, they were [paying close attention](#) to the internal workings of...Code Pink and Veterans for Peace.

In Alaska, Alabama, Florida, Mississippi, Tennessee, and Wisconsin, intelligence was not only pooled among public law enforcement agencies, but shared with private corporations — and vice versa.

Nationally, in 2011, the FBI and DHS were, in the words of Mara Verheyden-Hilliard, executive director of the Partnership for Civil Justice Fund, “treating protests against the corporate and banking structure of America as potential criminal and terrorist activity.” Last December using FOIA, [PCJF obtained](#) 112 pages of documents (heavily redacted) revealing a good deal of evidence for what might otherwise seem like an outlandish charge: that federal authorities were, in Verheyden-Hilliard’s words, “functioning as a de facto intelligence arm of Wall Street and Corporate America.” Consider these examples from PCJF’s summary of federal agencies working directly not only with local authorities but on behalf of the private sector:

- “As early as August 19, 2011, the FBI in New York was meeting with the New York Stock Exchange to discuss the Occupy Wall Street protests that wouldn’t start for another month. By September, prior to the start of the OWS, the FBI was notifying businesses that they might be the focus of an OWS protest.”
- “The FBI in Albany and the Syracuse Joint Terrorism Task Force disseminated information to... [22] campus police officials... A representative of the State University of New York at Oswego contacted the FBI for information on the OWS protests and reported to the FBI on the SUNY-Oswego Occupy encampment made up of students and professors.”
- An entity called the Domestic Security Alliance Council (DSAC), “a strategic partnership between the FBI, the Department of Homeland Security, and the private sector,” sent around information regarding Occupy protests at West Coast ports [on Nov. 2, 2011] to “raise awareness concerning this type of criminal activity.” The DSAC report contained “a ‘handling notice’ that the information is ‘meant for use primarily within the corporate security community. Such messages shall not be released in either written or oral form to the media, the general public or other personnel...’ Naval Criminal Investigative Services (NCIS) reported to DSAC on the relationship between OWS and organized labor.”
- DSAC gave tips to its corporate clients on “civil unrest,” which it defined as

running the gamut from “small, organized rallies to large-scale demonstrations and rioting.” ***

- The FBI in Anchorage, Jacksonville, Tampa, Richmond, Memphis, Milwaukee, and Birmingham also gathered information and briefed local officials on wholly peaceful Occupy activities.

- In Jackson, Mississippi, FBI agents “attended a meeting with the Bank Security Group in Biloxi, MS with multiple private banks and the Biloxi Police Department, in which they discussed an announced protest for ‘National Bad Bank Sit-In-Day’ on December 7, 2011.” Also in Jackson, “the Joint Terrorism Task Force issued a ‘Counterterrorism Preparedness’ alert” that, despite heavy redactions, notes the need to ‘document...the Occupy Wall Street Movement.’”

In 2010, [the American Civil Liberties Union of Tennessee](#) learned ... that the Tennessee Fusion Center was “highlighting on its website map of ‘Terrorism Events and Other Suspicious Activity’ a recent ACLU-TN letter to school superintendents. The letter encourages schools to be supportive of all religious beliefs during the holiday season.”

Consider an “intelligence report” from the North Central Texas fusion center, which in a 2009 “Prevention Awareness Bulletin” described, [in the ACLU’s words](#), “a purported conspiracy between Muslim civil rights organizations, lobbying groups, the anti-war movement, a former U.S. Congresswoman, the U.S. Treasury Department, and hip hop bands to spread tolerance in the United States, which would ‘provide an environment for terrorist organizations to flourish.’”

And those Virginia and Texas fusion centers were hardly alone in expanding the definition of “terrorist” to fit just about anyone who might oppose government policies. According to a 2010 report in the [Los Angeles Times](#), the Justice Department Inspector General found that “FBI agents improperly opened investigations into Greenpeace and several other domestic advocacy groups after the Sept. 11 terrorist attacks in 2001, and put the names of some of their members on terrorist watch lists based on evidence that turned out to be ‘factually weak.’” The Inspector General called “troubling” what the Los Angeles Times described as “singling out some of the domestic groups for investigations that lasted up to five years, and were extended ‘without adequate basis.’”

Subsequently, the FBI continued to maintain investigative files on groups like Greenpeace, the Catholic Worker, and the Thomas Merton Center in Pittsburgh, cases where (in the politely put words of the Inspector General’s report) “there was little indication of any possible federal crimes... In some cases, the FBI classified some investigations relating to nonviolent civil disobedience under its ‘acts of terrorism’ classification.”

[In Pittsburgh](#), on the day after Thanksgiving 2002 (“a slow work day” in the Justice Department Inspector General’s estimation), a rookie FBI agent was outfitted with a camera, sent to an antiwar rally, and told to look for terrorism suspects. The “possibility that any useful information would result from this make-work assignment was remote,” the report added drily.

“The agent was unable to identify any terrorism subjects at the event, but he photographed a woman in order to have something to show his supervisor. He told us he had spoken to a woman leafletter at the rally who appeared to be of Middle Eastern descent, and that she was probably the person he photographed.”

The sequel was not quite so droll. The Inspector General found that FBI officials, including their chief lawyer in Pittsburgh, manufactured postdated “routing slips” and the rest of a phony paper trail to justify this surveillance retroactively.

Moreover, at least one fusion center has involved military intelligence in civilian law enforcement. In 2009, a military operative from Fort Lewis, Washington, [worked undercover](#) collecting information on peace groups in the Northwest. In fact, he helped run the Port Militarization Resistance group’s Listserv. Once uncovered, he told activists there were others doing similar work in the Army. How much the military spies on American citizens is unknown and, at the moment at least, unknowable.

Do we hear an echo from the abyss of the counterintelligence programs of the 1960s and 1970s, when FBI memos — I have some in my own heavily redacted files obtained through an FOIA request — were routinely copied to military intelligence units? Then, too, military intelligence operatives spied on activists who violated no laws, were not suspected of violating laws, and had they violated laws, would not have been under military jurisdiction in any case. During those years, more than 1,500 Army intelligence agents in plain clothes were spying, undercover, on domestic political groups (according to Military Surveillance of Civilian Politics, 1967-70, an unpublished dissertation by former Army intelligence captain Christopher H. Pyle). They posed as students, sometimes growing long hair and beards for the purpose, or as reporters and camera crews. They recorded speeches and conversations on concealed tape recorders. The Army lied about their purposes, claiming they were interested solely in “civil disturbance planning.”

Yes, we hear echoes to the [Cointelpro program](#) of the 60s and 70s ... as well as King George’s General Warrants to the Colonies ... and the Star Chamber of 15th century England.

Because - whatever governments may say - mass surveillance is *always* used to crush dissent.

Notes:

1. Spying is also aimed at [keeping politicians in check](#).
2. The East German Stasi obviously used mass surveillance to [crush dissent and keep it’s officials in check](#) ... and falsely claimed that spying was [necessary to protect people against vague threats](#). But poking holes in the excuses of a communist tyranny is too easy. The focus of this essay is to show that the British and American governments have used this same cynical ruse for over 500 years.
3. For ease of reading, we deleted the footnotes from the two Supreme Court opinions.

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