

Big Brother: Secret State USA Monitors Protest, Represses Dissent

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As social networking becomes a dominant feature of daily life, the secret state is increasingly surveilling electronic media for what it euphemistically calls “actionable intelligence.”

Take the case of Elliot Madison. The 41-year-old anarchist was arrested in Pittsburgh September 24 at the height of G20 protests.

Madison, a social worker and volunteer with The People’s Law Collective in New York City, was busted by a combined task force led by the Pennsylvania State Police (PSP) and Pittsburgh’s “finest.” The activist was charged with “hindering apprehension or prosecution, criminal use of a communication facility and possession of instruments of crime,” according to [The New York Times](#).

Did the cops uncover a secret anarchist weapons’ cache? Were Madison and codefendant, Michael Wallschlaeger, a producer with the radio talk show “[This Week in Radical History](#)” for the [A-Infos Radio Project](#), about to detonate a “weapon of mass destruction” during last month’s capitalist conclave that witnessed the obscene spectacle of our masters avidly conspiring to impoverish billions of the planet’s inhabitants?

Hardly! In fact, Madison and Wallschlaeger’s “crime” was to set up a communications center in a hotel room that alerted demonstrators to movements by the police, who after all, had viciously attacked protesters—and anyone else nearby—with heavy batons, tear gas and a Long Range Acoustic Device ([LRAD](#)), a so-called “non-lethal” weapon.

Kitted-out with police scanners, computers and cell phones, the intrepid activists used a Twitter account to assist protesters eager to elude a thrashing by some 5,000 heavily armed camo-clad cops who had sealed-off downtown Pittsburgh to keep the area safe—from the First Amendment.

National Lawyers Guild on-scene legal observers [reported](#) an “unwarranted display and use of force by police in residential neighborhoods, often far from any protest activity.” According to the civil liberties’ watchdog group:

Police deployed chemical irritants, including CS gas, and long-range acoustic devices (LRAD) in residential neighborhoods on narrow streets where families and small children were exposed. Scores of riot police formed barricades at many intersections throughout neighborhoods miles away from the downtown area and the David Lawrence Convention Center. Outside the Courtyard Marriott in Shadyside, police deployed smoke bombs in the absence of protest

activity, forcing bystanders and hotel residents to flee the area.

Later, while some protests were ending, riot-clad officers surrounded an area at the University of Pittsburgh, creating an ominous spectacle that some described as akin to Kent State. Guild legal observers witnessed police chasing and arresting many uninvolved students.

Among other questionable tactics, officers from dozens of law enforcement agencies lacked easily-identifiable badges, impeding citizens' ability to register complaints. (National Lawyers Guild, "National Lawyers Guild Observes Improper Use of Force by Law Enforcement at the G-20," Press Release, September 25, 2009)

The *Times* reported that after his arrest the FBI raided the home that Madison shared with his wife, Elena, and conducted an exhaustive 16-hour search of the premises seizing computers, books and a poster (horror of horrors!) of the old mole himself, Karl Marx.

Criminalizing the First Amendment

"Anyone can tweet, but the truth is, sometimes speech can be criminal," John Burkoff, a professor at the University of Pittsburgh School of Law, told [The Pittsburgh Post-Gazette](#).

By that standard, anyone who has the temerity to question the legitimacy of a system that drives millions into poverty, wages preemptive war to secure (steal) other people's resources, destroys the environment or uses "speech" to oppose said crimes against humanity—and cheekily urges others to do the same—is, by definition, guilty, in "new normal" America.

Witold Walczak however, the legal director of the Pennsylvania American Civil Liberties Union told the Post-Gazette, "investigating the government and broadcasting information about it would seem to be a constitutionally protected communication."

The ACLU director elaborated, "If the police want to communicate privately, there are certainly ways to do that, and police radios are not one of those. How can it be a crime? It's not a secure communication."

The good professor had another take on the matter and told the Post-Gazette, "Were they sending it to people simply to protest, or to commit further crimes?"

"Further crimes"? What crime? Oh yes, legally protesting the depredations of the capitalist system, that crime!

That such a statement can be uttered by a purported legal expert is rather rich with unintended irony. Burkoff's maneuver to cast the best possible light on repressive police operations is all the more absurd given the fact that none other than the Obama administration's State Department had stepped-in and pressured Twitter to forego a service upgrade, and downtime, just scant months earlier.

But context as they say, is everything. Champions of other people's freedom (particularly when they are geopolitical rivals), the State Department intervened and told the instant messaging service in no uncertain terms that Iranian protesters relied on Twitter to monitor police movements in Tehran and other cities as protests over disputed elections took center stage in the Islamic Republic.

The New York Times [reported](#) back in June that the U.S. State Department “e-mailed the social-networking site Twitter with an unusual request: delay scheduled maintenance of its global network, which would have cut off service while Iranians were using Twitter to swap information and inform the outside world about the mushrooming protests around Tehran.”

According to [Reuters](#), “Confirmation that the U.S. government had contacted Twitter came as the Obama administration sought to avoid suggestions it was meddling in Iran’s internal affairs as the Islamic Republic battled to control deadly street protests over the election result.”

Twitter said in a blog post it had delayed the firm’s planned upgrade because of its role as an “important communication tool in Iran.”

A day earlier, President Obama had said he believed “people’s voices should be heard and not suppressed”—in Iran.

Message to the American people: Official enemy: Twitter good! Official friend (grifting multinational corporations and the criminals who do their bidding in Washington): Twitter bad! How’s that for an imaginative interpretation of the “new media paradigm”!

“Go massive. Sweep it all up. Things related and not”

Echoing the execrable logic of former Defense Secretary Donald Rumsfeld, America’s premier political police force, the FBI, executed a search warrant on Madison that authorized agents to look “for violations of federal rioting laws,” according to the Times.

Madison’s attorney, Martin Stolar, told the Times that “he and a friend were part of a communications network among people protesting the G-20.” Denouncing the raid, Stolar averred that “there’s absolutely nothing that he’s done that should subject him to any criminal liability.”

On October 2, Stolar argued in Federal District Court in Brooklyn “that the warrant was vague and overly broad. Judge Dora L. Irizarry ordered the authorities to stop examining the seized materials until Oct. 16, pending further orders,” the Times reported.

This is not the first time however, that the secret state has sought to curtail text messaging by activists during large-scale demonstrations.

In 2008, as a result of the heavy repression of legal protests—and subsequent lawsuits by victims—during the far-right Republican National Convention in New York City in 2004, lawyers representing N.Y.’s “finest” demanded that M.I.T. graduate student Tad Hirsch and the Institute of Applied Autonomy, the inventors of TXTmob, turn over all “text messages sent via TXTmob during the convention, the date and time of the messages, information about people who sent and received messages, and lists of people who used the service,” The New York Times [reported](#) last year.

The FBI however, already possess the technological ability to hack into Wi-fi and computer networks as Wired [revealed](#) in April, citing internal Bureau [documents](#) released to the magazine under a Freedom of Information Act request.

According to a follow-up [story](#) by the publication, the Bureau’s Cryptographic and Electronic

Analysis Unit, CEAU, has deployed software called a computer and internet protocol address verifier, or CIPAV, that is “designed to infiltrate a target’s computer and gather a wide range of information, which it secretly sends to an FBI server in eastern Virginia.”

Antifascist Calling [reported](#) in 2008, that when a whistleblower, security consultant Babak Pashar, stepped forward and blew the lid off the Bureau’s massive telecommunications’ surveillance network, the agency’s so-called “Quantico circuit” in Virginia, he revealed that major wireless providers, including AT&T, Sprint and Verizon, had handed the state “unfettered” access to the carrier’s wireless networks, including billing records and customer data “transmitted wirelessly.”

According to Pashar’s [sworn affidavit](#), Verizon provided the FBI with with real-time access to who is speaking to whom, the time and duration of each call as well as the locations of those so targeted.

The Electronic Frontier Foundation ([EFF](#)), the San Francisco-based civil liberties’ watchdog group, has posted Madison’s [motion](#) and his attorney’s supporting [declaration](#) on their web site. It makes for very interesting reading indeed! According to the search warrant obtained by FBI Special Agent Edward J. Heslin from the U.S. District Court, the FBI were allowed to seize:

Computers, hard-drives, floppy discs and other media used to store computer-accessible information, cellular phones, personal digital assistants, electronic storage devices and related peripherals, black masks and clothing, maps, correspondence and other documents, financial records, notes, ledgers, receipts, papers, photographs, telephone and address books, identification documents, indicia of residency and other documents and records that constitute evidence of the commission of rioting crimes or that are designed or intended as a means of violating the federal rioting laws, including any of the above items that are maintained within other closed or locked containers, including safes and other containers that may be further secured by key locks (or combination locks) of various kinds. (Honorable Viktor V. Pohorelsky, Magistrate Judge to FBI Special Agent Edward J. Heslin, United States District Court, Eastern District of New York, Search Warrant, Case Number M-09-962, September 26, 2009)

Madison’s attorney, Martin Stolar averred that “a number of documents and other properties” seized by the FBI have “nothing to do with the governments investigation into what the search warrant characterizes as violations of ‘federal rioting laws’.”

According to Stolar “the seized items include political writings, notes, political associates and ideas, materials protected by the attorney-client and social work privileges, as well as property belonging to other persons residing in the premises which have no connection to any pending or contemplated criminal investigation.” Stolar declared that “the illegality of the search is in the overbreadth of the seizures and the vagueness of the term ‘federal rioting laws’.”

In other words, driftnet surveillance of American citizens is the norm for our secret state minders; an unambiguous sign of America’s slide into an extra-constitutional police state.

Fusion Centers: Leading the Charge

While Madison and Wallschlaeger's arrest came as a result of actions undertaken by the Pennsylvania State Police, one cannot rule out that (a) informants had tipped off the cops to the pair's activities, (b) CEAU had penetrated protest organizer's computer net and therefore, were well aware of what the duo were up to, or (c) through some combination of the above, the FBI and presumably, their local fusion center allies, alerted PSP who then conducted the raid and shut the anarchist's communications center down.

Federal Computer Week [noted](#) September 30, that the Department of Homeland Security "is establishing a new office to coordinate its intelligence-sharing efforts in state and local intelligence fusion centers," and that the secret state's new "Joint Fusion Center Program Management Office will be part of DHS' Office of Intelligence and Analysis."

Among other things, the publication revealed that DHS Secretary Janet Napolitano said the new office will:

- Develop ways to assess threats and trends by gathering, analyzing and sharing local and national information and intelligence through fusion centers.
- Coordinate with state, local and tribal law enforcement leaders to ensure that DHS is providing the correct resources to fusion centers.
- Promote a sense of common mission and purpose at fusion centers through training and other support. (Ben Bain, "DHS established new office for intelligence-sharing centers," Federal Computer Week, September 30, 2009)

Since Bushist-and now, Obama-securocrats designated fusion centers "a central node for the federal government's efforts for sharing terrorism-related information with state and local officials," the federal government has pumped some \$327 million in taxpayer-funded largesse into these spooky "public-private partnerships."

In Pennsylvania for example, the Criminal Intelligence Center (PaCIC), is described by the Electronic Privacy Information Center ([EPIC](#)) as a "component of the Pennsylvania State Police."

Washington Post investigative journalist Robert O'Harrow Jr., the author of [No Place to Hide, revealed](#) that "Pennsylvania buys credit reports and uses face-recognition software to examine driver's license photos" and have "subscriptions to private information-broker services that keep records about Americans' locations, financial holdings, associates, relatives, firearms licenses and the like."

One can only wonder whether these or other intrusive surveillance tools, including the CEAU's CIPAV software were deployed against Madison and Wallschlaeger prior to their Pittsburgh arrest.

But gathering information on fusion centers is often an exercise in Kafkaesque futility. Investigative journalist G.W. Schulz [reported](#) that when the Center for Investigative Reporting ([CIR](#)) attempted to obtain information from the Colorado Information Analysis Center on that state's fusion center, they ran into a brick wall.

CIAC spokesperson Lance Clem refused to release what should be public documents to CIR claiming that releasing the records would be "contrary to the public interest" and "not only would compromise [the] security and investigative practices of numerous law enforcement

agencies but would also violate confidentiality agreements that have been made with private partner organizations and federal, state and local law enforcement agencies.”

As of this writing, it cannot be determined with any certainty what role the Pennsylvania Criminal Intelligence Center played in repressing G20 protests. However, if past fusion center practices in Denver and St. Paul during last year’s Democratic and Republican National Conventions are any guide, their management of pre-G20 intelligence along with their federal partners, was in all probability considerable.

One lesson that can be gleaned however, from the federal witch hunt targeting activists Elliot Madison and Michael Wallschlaeger, is that dissent in post-9/11 America, as during the COINTELPRO-era of the 1960s and ’70s, has been criminalized.

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, his articles can be read on [Dissident Voice](#), [The Intelligence Daily](#), [Pacific Free Press](#) and the whistleblowing website [Wikileaks](#). He is the editor of Police State America: U.S. Military “Civil Disturbance” Planning, distributed by AK Press.

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