

## Chilling dissent

The sordid history of the government spying on its own citizens

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### **As the Bush Administration ratchets up domestic spying the FBI is collecting 'research' reports on 'direct action' environmental groups produced by right wing think tanks**

From spying on Dr. Martin Luther King Jr. and other civil right activists, to the Cointelpro program that targeted the Black Panther Party, the American Indian Movement and scores of anti-Vietnam War groups in the 1960s and 1970s, to the Reagan Administration's spying on activists opposed to its Central American wars during the 1980s, to police infiltrating groups protesting at the Republican National Convention in 2000, spying on Americans by assorted government agencies is as American as leaky breast implants, cronies getting jobs in the Bush Administration, unsafe coal mines, and Pat Robertson embarrassing himself on television on a near weekly basis.

The latest chapter in the sordid history of the government spying on its own citizens was made public when the *New York Times* revealed — albeit more than a year after it had discovered the information — that in the name of the so-called war on terrorism the Bush Administration has been using the National Security Agency (NSA), the nation's most secretive spy agency, to eavesdrop, without a warrant, on the conversations of Americans and others in the United States.

President Bush maintains that secret electronic eavesdropping is absolutely essential to keep Americans safe from terrorists. "The president has made clear that he will use his constitutional and statutory authorities to protect the American people from further terrorist attacks," said Brian Roehrkasse, a Justice Department spokesman told the *New York Times*. In an extraordinary Orwellian rhetorical twist, Roehrkasse added that the program provided "a critical tool in the war on terror that saves lives and protects civil liberties at the same time."

A recent analysis performed by the Congressional Research Service, a nonpartisan research arm of Congress, however, found that "President Bush's rationale for eavesdropping on Americans without warrants rests on questionable legal ground, and Congress does not appear to have given him the authority to order the surveillance," the *New York Times* reported in early January.

"Thirty-five years ago," the *San Francisco Chronicle's* Bob Egelko recently wrote, "President Richard Nixon claimed constitutional authority to wiretap Americans' phone calls to protect national security without asking a judge..." In a unanimous decision, the Supreme Court ruled "against Nixon, saying the Constitution granted the powers he was claiming to judges, not presidents."

Egelko also pointed out the “Presidents have approved wiretaps without court orders since the 1940s, but the legality of the practice was thrown into doubt after the Supreme Court ruled in 1967 that electronic eavesdropping was a search, and thus covered by the prohibition on unreasonable searches in the Constitution’s Fourth Amendment.”

Since its elevation to power by the Supreme Court, the Bush Administration has been willing to do, and say, anything — think inventing reasons to go to war in Iraq — in its prosecution of its war on terrorism. While grabbing a fair amount of headlines, and making waves in Washington, the spying on Americans story has yet to be fully played out. Congressional hearings — though much of them may be held in secret — may yet get the attention of the American people.

The story of government agencies spying on the American people has many layers. Through an American Civil Liberties Union (ACLU) Freedom of Information Act (FOIA) request, it was discovered that the FBI has been collecting information from partisan ideologically-driven right wing think tanks that have long had environmental activists in their cross hairs.

Recently National Public Radio’s show *Living on Earth* broadcast a segment called “Big Brother,” that explored the FBI’s program that spies on environmental activists. “Living on Earth” regularly focuses on a broad array of environmental issues, and guest host Jeff Young, sitting in for the regular host Steve Curwood, setup the segment by noting that the passage of the U.S. Patriot Act “expand[ed] the government’s power to monitor U.S. citizens in its fight against terrorism.”

According to FOIA documents obtained by the ACLU, “those expanded powers are being used to monitor environmental and animal rights groups,” Young pointed out.

Young and his guest, Ann Beeson, the associate legal director of the ACLU, talked about how right wing think tanks are providing grist for FBI investigations:

YOUNG: You know, another thing I noticed is in the pages that I would call general background-type information on groups like Greenpeace, the FBI seemed to rely pretty heavily on research done by a couple of think tanks that are very conservative, pro-business, anti-regulation in their mindset and their mission. There’s the Capital Research Center (profile, grants) ... and a couple of others who generated a lot of that information that the FBI apparently relied on. What do you make of that connection there?

BEESON: Well, I think that, unfortunately, it’s another bit of information that might lead one to conclude that the FBI is not, in fact, just doing this to investigate crimes, but is doing it purposefully to suppress legitimate dissent and criticism of the administration’s policies. There’s another example, actually, in one of the Greenpeace-related documents. What the document says is that the FBI is concerned that the protest itself could harm the public image of the missile defense system. Now, to me that sounds very much like the FBI trying to assist the administration in preventing criticism of its positions and programs from getting out there in the public. And that’s a very dangerous job for the FBI to be engaged in.

According to a posting at the ACLU website, the documents they obtained revealed that the FBI and local law enforcement agencies have been monitoring, infiltrating and targeting political, environmental, anti-war and progressive religious groups.

“Amongst the nearly 2,000 pages on Greenpeace, were documents from the **Capital**

**Research Center** (website) and the **Washington Legal Foundation** (WLF – profile, grants, website),” Deepa Isac, a staff attorney with Greenpeace, told Media Transparency in a phone interview from her Washington, D.C. office.

Among the FBI documents were two issues of CRC’s *Organization Trends*, one of the Center’s monthly publications. The reports, which focused on the “radical tactics of ... ‘direct action’ groups,” were the February 2004 issue entitled “Direct Action” or “The Tactics of Radical Activism: Part I — How Environmental Groups Use Violent Tactics to Advance Their Agenda,” and the March issue which was titled “Greenpeace, Earth First!, PETA — Radical Fringe Tactics Move Toward Center Stage.”

Also included was a document from the Washington Legal Foundation, titled “Direct action protest groups not above the law,” written by Glenn G. Lammi, the Chief Counsel of the Legal Studies Division for the Foundation. The WLF is a non-profit, tax-exempt public foundation, which according to its website, was founded in 1977 to “fight activist lawyers, regulators, and intrusive government agencies at the federal and state levels, in the courts and regulatory agencies across the country”

While Isac acknowledged that it was difficult to make an informed judgment about exactly what role these documents played informing FBI decision making as to which groups to spy on, she did point out that “it is clear that FBI was using documents from conservative groups and it appears that they had no documents from counter-balancing organizations.”

“I don’t know the full extent of the FBI’s work, but Greenpeace has always acted non-violently while working to protect the environment,” Isac noted. “It was surprising to discover that it would use counter-terrorism resources to target peaceful groups like Greenpeace.”

Greenpeace has made a point of being open about this since the documents came to light, and “we intend to continue to make the public aware that this is happening.”

At press time, a call to the Capital Research Center had not been returned.

Right wing advocacy and “research” groups attacking environmentalists is nothing new. Apparently, however, since the FBI determined that eco-extremists were a major domestic terrorist threat, it has ratcheted up its spying operations.

Ron Arnold, the so-called father of the wise-use movement, may have also played a role in alerting the FBI to the threat posed by environmentalists.

During the “Living on Earth” interview, the ACLU’s Ann Beeson pointed out “There’s another document that is a history that’s titled ‘A History Background of the Environmental Rights Movement,’ and that document says that, “eco-terror is any crime committed in the name of saving nature.”

That language is pulled directly from the work of Ron Arnold.

For years, Arnold, the Executive Vice-President of the Center for the Defense of Free Enterprise (CDFE – website) and a contributor to Capital Research Center publications, has been warning government agencies about the threat posed by “eco-terrorists.”

In their 2004 book “Banana Republicans,” John Stauber and Sheldon Rampton wrote that

Arnold had been using “the term eco-terrorism for years,” which he defined as “any crime committed in the name of saving nature,” which “includes but it not limited to crimes officially designated as ‘terrorism’ by the Federal Bureau of Investigation.”

In 2003, CDFE announced that Arnold, the author of seven books including “EcoTerror: The Violent Agenda to Save Nature,” was “retained as expert consultant on ecoterrorism for a major study at the University of Arkansas Terrorism Research Center, funded by a grant from the National Institute of Justice (NIJ).”

CDFE’s website has a section devoted to “Ecoterrorism,” which includes updated news stories and an EcoTerror Response Network which “gathers evidence, information and tips concerning crimes committed in the name of saving nature and relays them to the appropriate law enforcement agency

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