

Green for Danger? FBI collecting data on environmental action groups

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As the George W. Bush administration ratchets up its domestic spying capabilities, the Federal Bureau of Investigation (FBI) is collecting "research" reports on direct-action environmental groups produced by right-wing think tanks.

The revelations are nothing new. In the 1960s and 1970s, the U.S. government spied on a host of civil rights organisations and prominent civil rights leaders, including Dr. Martin Luther King, Jr.

It also scrutinised and infiltrated a number of anti-Vietnam War groups. In the 1980s, Pres. Ronald Reagan's administration spied on groups opposed to its policies in Central America. And during the run-up to the Iraq invasion, government agencies were actively collecting information on opponents of the war.

Recently, the New York Times reported — albeit more than a year after it had uncovered the facts — that in the name of the 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 U.S. citizens and others in the country.

Amid a swarm of criticism from both Republicans and Democrats, Pres. Bush has been criss-crossing the country on another public relations offensive, maintaining that secret electronic eavesdropping is absolutely essential to keep the U.S. safe from terrorists.

"It's important for people to understand that this programme is so sensitive and so important that if information gets out to how we run it or how we operate it, it'll help the enemy," Bush said at a Jan. 26 press conference.

When the Los Angeles Times' James Gerstenzang suggested that the president's justification of his surveillance policy "seem[ed] to sound like something President Nixon once said, which was: 'When the president does it, then that means that it's not illegal,'" Bush responded: "Most presidents believe that during a time of war that we can use our authorities under the Constitution to make decisions necessary to protect us."

He then offered his understanding of the legislation that was passed by Congress after the 9/11 terrorist attacks: "Go ahead and conduct the war. We're not going to tell you how to do it."

"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..."

The Supreme Court disagreed, unanimously ruling that “the Constitution granted the powers he was claiming to judges, not presidents”.

Egelko also pointed out that “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”.

The story of government agencies spying on U.S. citizens apparently has many layers. Recently, the American Civil Liberties Union (ACLU) discovered through a Freedom of Information Act (FOIA) request that the FBI has been collecting information from partisan, ideologically-driven right-wing think tanks that have long had environmental activists in their crosshairs.

A segment of a recent broadcast of National Public Radio’s show Living on Earth called “Big Brother” explored the FBI’s programme that spies on environmental activists. Guest host Jeff Young introduced the piece by noting that the passage of the U.S. Patriot Act had “expand[ed] the government’s power to monitor U.S. citizens in its fight against terrorism”.

Young pointed out that he had noticed — while examining nearly 2,000 pages of documents — that the FBI had been depending “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” for information on Greenpeace, a longtime environmental group involved in peaceful protest activities.

Young’s guest, Ann Beeson, the associate legal director of the ACLU, talked about how right-wing think tanks are providing grist for FBI investigations: “Unfortunately, it’s another bit of information that might lead one to conclude that the FBI is not à just doing this to investigate crimes, but is doing it purposefully to suppress legitimate dissent and criticism of the administration’s policies.”

Beeson pointed out that another FBI document related to the anti-Star Wars activities of Greenpeace appears to indicate that the agency “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.”

“Amongst the nearly 2,000 pages on Greenpeace were documents from the Capital Research Centre and the Washington Legal Foundation,” Deepa Isac, a staff attorney with Greenpeace, told me in a phone interview.

The FBI documents included two issues of CRC’s Organisation Trends, which focused on the “radical tactics of ... ‘direct action’ groups” and 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 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”.

Isac recognised that it was hard to determine how these documents from right-wing think

tanks were used, but she pointed out that that the FBI had “no documents from counter-balancing organisations”.

“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.”

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.

**Bill Berkowitz is a longtime observer of the conservative movement. His WorkingForChange column “Conservative Watch” documents the strategies, players, institutions, victories and defeats of the U.S. Right. (FIN/2006)*

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