

Terrorism in the Age of Surveillance

by Paul Wolf, 28 July 2002

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Introduction

first a few personal notes ...

I've finished one of my summer projects, which was to format Book III of the Church Committee reports of 1975 in html and put it on my website. This 984 page volume covers such topics as: COINTELPRO, Dr. Martin Luther King, Jr., the Black Panther Party, the use of informants, warrantless electronic surveillance, surreptitious entries and microphone installations, domestic CIA and FBI mail opening, the CIA CHAOS program, military surveillance of private citizens, the political use of the IRS, and the Huston Plan. It's online at www.cointel.org.

France Sénécal has invited me back to her show, It's About You! on Monday, July 29, at 8:30 am Pacific Standard Time. (11:30 EST)

"Paul Wolf is suing the CIA and FBI to gain access to documents which may help reveal who killed Jorge Eliecer Gaitan. Gaitan was a populist leader in Colombia in the 1940s, who rallied the masses against the political "oligarquia" as he called it. His April 9, 1948 assassination divided the country and led to a civil war that claimed the lives of some 300,000 people, and to the general use of assassination as a political tool. You can read more about this by visiting <http://www.derechos.net/paulwolf/gaitan/gaitan.htm#wolfvciaandfbi>

Produced and hosted by France Sénécal, It's About You! is a show which features expert guests who discuss issues and events to assist the audience in better defining their personal ethics. You can hear it every Monday at 8:30 am on KDVS 90.3 FM or archived shows any time by visiting www.kdvs.org. Callers are welcome at 530 752-2777.

Oral arguments for the case have been pushed back to August 14th, at 3:00 pm at the Federal Courthouse at 3rd and Constitution in Washington DC, courtroom #6 on the second floor.

We don't expect a ruling on the CIA portion of the case on this date, but are hoping the judge will set a timetable for the release of FBI documents, besides hearing the oral arguments.

Despite House Majority Leader Richard Armey's objection to the TIPS program, it seems that John Ashcroft is still pushing for it. This excerpt from Frank Donner's book, *The Age of Surveillance*, written while the United States was still in the grip of anti-communist paranoia, gives an interesting historical perspective.

- Paul

from *The Age of Surveillance*, by Frank J. Donner, 1980

We begin with the fact that the intelligence constituency cannot function without an enemy, a hostile "they," a "Communist" scapegoat. By the late sixties the fear that anti-communism might be played out as a political strategy had set in motion a drive to reinvigorate the myth of subversion with the emotions that are stirred by social and cultural change. The Nixon administration sought to channel the energy of anti-communism into a Kulturkampf against an enemy who combined in one sinister stereotype all of the then prevalent varieties of protest and dissent. The objective was to associate political nonconformity -- especially opposition to the Vietnam War -- with forms of behavior that touched the most exposed social nerves, and thus to encourage a grass-roots conservative consensus while at the same time strengthening and expanding countersubversive intelligence agencies.

The argument which has historically proved most efficient in legitimizing intelligence as a system -- as well as the most penetrative operational techniques -- is foreign influence and, in particular, the fear of foreign spies. On this espionage ground American Communism has continued to be targeted as a threat to the national security under a "counterintelligence" rubric.

While the foreign espionage fear may be exploited for broadly repressive ends, as in the past, the dynamic of such an expansion requires a more efficient and credible stimulus. The primary contemporary candidate for expanded intelligence operations is terrorism, a phenomenon that has profoundly shocked popular consciousness in all countries in the West, even those that are not so far theaters of terrorism. Its intent as a tactic is to generate fear, and it has unquestionably succeeded. Like the word "subversive," "terrorist" has acquired vague and sinister overtones, which recommend it for use in creating a climate favorable to the renewal of countersubversion. This semantic murkiness is matched by the fact that tactics associated with terrorism (hostage taking, bombing, skyjacking) are used in nonpolitical crimes, and that terror itself may be an intended element of such crimes, as in the case of kidnapping, robbery, extortion, and rape. Thus bank robbery, the seizure of an airplane by a criminal fugitive, or the bombing of a gangster's car sow images that reinforce the consciousness and heighten the fears of political terrorism.

Intelligence propagandists nevertheless insist that the domestic version of terrorism is a manifestation of a worldwide phenomenon rooted in shared ideology. The Baader-Meinhof cells, the Italian Red Brigades, and the PLO are all -- so the argument runs -- constituents of a common conspiracy against "the West," which also embraces domestic groups such as New World Liberation Front (NWLFF), Red Brigade, and Weather Underground, all California-based. Improved channels of communication and financial support (from the Soviet Union) will in the future, it is alleged, establish the now hidden connections between the domestic bombers and their transnational counterparts. Even if the threat is still inchoate, special intelligence initiatives are required to monitor and prevent its emergence; considering the gravity of the danger, it would be foolhardy to wait until it is too late. Ideology satisfies a second, equally important, need: it preserves the expansive rationale of imputation developed by domestic intelligence over the past four decades. A nonterrorist organization can be tagged for surveillance as a terrorist front, or a support group, defender, source of cadres, suspected protector of fugitives, or simply -- because of its failure to denounce terrorism with sufficient vigor -- an apologist.

Nothing more dramatically demonstrates the grip of subversion both as a pretext for protecting the status quo and as a folkish taboo than the congressional reluctance to confront the basic question of the FBI's authority to conduct internal security investigations. The extensive investigations and reports on federal domestic intelligence in the seventies focused primarily on its excesses, the propriety of its standards for initiating an investigation, its scope and techniques. These matters have been the subject of guidelines such as those prescribed by Attorney General Levi in 1976. But it is universally admitted that the FBI today, as in the beginning, lacks authority to engage in domestic intelligence activities. Three years since the last of the probes ended, Congress still refuses to face the issue whether to grant or withhold political intelligence authority, inherently vague and necessarily secretively exercised, beyond established, clearly understood law enforcement jurisdiction. Should the FBI have the power to select targets (groups and individuals) on ideological grounds, accumulate background information on their non-criminal activities, conduct year-long nonstop investigations of key targets, surveil individuals solely because of their association with such targets, and use techniques that violate basic freedoms?

The Bureau and its Justice Department spokesmen have insisted that not the probability of violence (the criminal standard) but the mere possibility of future violence and bombing, however remote, requires legislative approval of domestic intelligence activities. This bid for an internal security mandate is accompanied by assurances of monitoring to prevent the abuses of the past by linking security investigation more closely to criminal law objectives. The need for a special, more extensive authorization is justified primarily on the ground of prevention: advance information will enable the agency to intervene and forestall planned violence. But a GAO report, made public in November 1977, concludes that the Bureau's efforts had yielded "few visible results ... only a few cases produced advance information of planned violent activities useful in solving related criminal investigations." One is left with the GAO's observation that it was possible that the FBI's "continuous coverage" in itself might have prevented the implementation of plans for violence by extremist groups -- a view unreservedly endorsed by the FBI itself, and long pressed by intelligence lobbies. But, by the end of the seventies, a broad consensus supported the view that the predictable abuse of intelligence power in chilling and repressing legitimate dissent far outruns its protective benefits, whether measured in positive or negative terms.

Ashcroft: TIPS Plan Won't Have Central Database
Anti-Terror Information Will Be Passed On, He Tells Committee
by Dan Eggen, *The Washington Post*, 26 July 2002

Attorney General John D. Ashcroft told senators yesterday that he had scrapped plans to include a centralized database as part of a controversial program enlisting millions of Americans as anti-terrorist tipsters.

But Ashcroft defended the Operation TIPS initiative as a valuable way for truck drivers, ship captains and others to identify potential terrorist activities.

"It builds on existing programs that industry groups have," Ashcroft said in testimony before the Senate Judiciary Committee. "You have the ability of people who have a regular perception, who understand what's out of order here, what's different here, and maybe something needs to be looked into."

Ashcroft also warned that "the entire United States of America is a target for terrorist activities."

"I believe that there are substantial numbers of individuals in this country who endorse the al Qaeda agenda," Ashcroft said. "As I observed the events of September 11th, and as we reconstruct it, we found that there was a presence across America of individuals, whether it be from San Diego or Phoenix, or Oklahoma City or Minneapolis or any number of locations, that might not appear to those of us who would say, 'Now, where would you find a terrorist?'"

The attorney general, who has come under fire from Democrats and some Republicans in recent months, also staunchly defended the Justice Department's anti-terrorism tactics as effective and constitutional.

Ashcroft also disagreed with findings by congressional investigators that plans to destroy quickly gun-purchase records would result in more illegal weapons on the streets.

Operation TIPS (Terrorism Information and Prevention System) is under development by the Justice Department as part of President Bush's Citizen Corps initiative, which aims to get citizens involved in homeland security. The program has been criticized by some lawmakers and civil liberties groups, who believe Operation TIPS would encourage citizens to spy on each other and bears uncomfortable similarities to surveillance programs during World War II and other conflicts.

"We don't want to see a 1984, Orwellian-type situation here where neighbors are reporting on neighbors," Sen. Orrin G. Hatch (R-Utah) said during Ashcroft's testimony yesterday.

A government Web site calls Operation TIPS a "national system for reporting suspicious, and potentially terrorist-related activity" involving "millions of American workers who, in

the daily course of their work, are in a unique position to see potentially unusual or suspicious activity in public places."

But Ashcroft said the program is not envisioned to include information garnered from private homes by, for example, a telephone service person. Information reported to TIPS would be passed on to relevant law enforcement agencies such as the FBI, he said.

Ashcroft's Terrorism Policies Dismay Some Conservatives

by Neil A. Lewis, *The New York Times*, 23 Jul 2002

WASHINGTON, July 23 -- Many religious conservatives who were most instrumental in pressing President Bush to appoint John Ashcroft as attorney general now say they have become deeply troubled by his actions as the leading public figure in the law enforcement drive against terrorism.

Their dismay comes as several Bush advisers have begun complaining that Mr. Ashcroft, with his lifelong politician's fondness for attention, has projected himself too often and too forcefully. More significantly, they say privately that he seems to be overstating the evidence of terrorist threats.

Most striking, however, is how some conservatives who were Mr. Ashcroft's biggest promoters for his cabinet appointment after he lost his re-election to the Senate in 2000 have lost enthusiasm. They cite his anti-terrorist positions as enhancing the kind of government power that they instinctively oppose.

"His religious base is now quite troubled by what he's done," said Grover Norquist, a conservative strategist and president of Americans for Tax Reform.

Mr. Norquist, who holds regular lunches with a cross-section of conservative leaders and is influential with White House and Congressional Republicans, said, "If there hadn't been this big- government problem, Ashcroft would have been talked about as the Bush successor. Instead, the talk is that 'too bad we pushed for him.' "

Ken Connor, the president of the Family Research Council, said that while he still applauded Mr. Ashcroft's stands on abortion and child pornography, he and many other religious leaders were dismayed by the changes instituted at the Justice Department.

"It's important that we conservatives maintain a high degree of vigilance," Mr. Connor said. "We need to ask ourselves the question, How would our groups fare under these new rules?"

Beyond the conservatives' concerns, some White House advisers say Mr. Ashcroft and his two closest aides have behaved as if his personal political standing was a central priority. Mr. Ashcroft's chief of staff, David Ayres, and the deputy chief of staff, David Israelite, are known collectively as "the two Davids." Both have political backgrounds; Mr. Ayres was Mr. Ashcroft's chief of staff in the Senate and worked on his short-lived presidential

campaign in 2000. Mr. Israelite was political director of the Republican National Committee.

One close Bush adviser said Mr. Ashcroft had surrounded himself with people "who think they're still running a presidential campaign."

Mr. Ashcroft finds himself in this unlikely situation in part because, as even some of his fellow Republicans say, he is still trying to make the difficult transition from a senator and before that governor, with no one to answer to but the voters. He is now obliged to hew to the role of a loyal courtier with a specific place on the organization chart.

Dan Bartlett, the White House communications director, said Mr. Bush was "very pleased with the job the attorney general is doing in prosecuting the war on terrorism."

Mr. Bartlett also disputed that Mr. Ayres and Mr. Israelite were too political. Praising their work, he said, "we have increased the level of communication between the two offices to make sure that we are able to communicate a unified message."

Mr. Ashcroft declined to be interviewed for this article as did Mr. Ayres and Mr. Israelite.

Since Sept. 11, no administration figure has depicted the threat or argued for the need to accept sweeping changes with as much zeal as John Ashcroft.

In the most recent example, Mr. Ashcroft appeared before a packed Congressional hearing the other day in full dire-warning mode. But when he asserted that Al Qaeda was already within the country and "waiting to strike again," several in the administration shook their heads. White House advisers complained that Mr. Ashcroft was overstating the threat. Law enforcement authorities fear Al Qaeda's presence in the United States, but admit that they have not established it as fact.

While he is a highly visible player in the antiterrorism battle, Mr. Ashcroft has had to adjust to the fact that there are few decisions of importance made in the Justice Department without the explicit approval of the White House and its counsel's office, say officials in the Justice Department and the White House.

Mr. Ashcroft received perhaps his first sharp lesson in what his role was supposed to be when the White House sent its antiterrorist legislation to Congress after the attacks.

As a former senator, he began negotiating with his old colleagues as to what concessions might be made to pass what became the USA Patriot Act, officials said in interviews. But when the White House was informed of his discussions, he was stunned to be told that he was not authorized to make such offers.

Even though the legislation centered on the law enforcement world he headed, Mr. Ashcroft was told that any major decisions would be made by Alberto R. Gonzales, the White House counsel, and his deputy, Timothy Flanigan. Mr. Flanigan, the chief negotiator on the legislation, said in an interview that Mr. Ashcroft was a full partner.

Sometimes Mr. Ashcroft's high profile served the interest of the White House in that he

acted as a lightning rod, attracting and absorbing the criticism that inevitably came from civil liberties advocates over increased law enforcement authority.

But whenever Mr. Ashcroft seemed too independent in performing that role, White House officials let their views be known, as when he began holding regular news conferences last winter, overshadowing Tom Ridge, the president's choice to be the face of antiterrorism. The news conferences quickly became less frequent.

On the morning of June 20, senior Bush aides were stunned as they looked up at their televisions and saw Mr. Ashcroft announcing from Russia the arrest of a man he described as a dangerous terrorist.

The appearance caught many by surprise because Justice Department officials had decided largely on their own to ensure that the attorney general make the first public remarks about the arrest even though he was in Moscow at the time. Adding to the strangeness of the moment, the Russian television studio to which his aides had hurriedly taken him showed him surrounded by an eerie, Armageddon-like red glow.

White House officials put out an alternate, less alarming message about the arrest of Jose Padilla, the man accused of trying to develop a "dirty bomb."

Mr. Ashcroft was also criticized by some in the administration for declaring early on that the case of John Walker Lindh, the Californian who fought for the Taliban, was a major terrorist case. Some officials in the Justice Department believed that the attorney general made needlessly harsh public comments about Mr. Lindh. The case came to an abrupt end last week, when Mr. Lindh pleaded guilty to two felonies and the department dropped the most severe terrorism-related charges against him, treating him as a far less important figure than depicted by the attorney general. Advertisement

Mr. Ashcroft has, in fact, far friendlier relations with the White House than his predecessor, Janet Reno, had with Bill Clinton and maintains a secure place in the administration. His friends say Mr. Ashcroft is devoted to the president, if for no other reason than that he recognizes that Mr. Bush rescued him from political oblivion.

Still, the two men are hardly confidants, possibly because they have such different personalities, a longtime friend of Mr. Bush said.

Mr. Ashcroft is highly formal and does not fit easily into the president's more bantering style. In addition, Mr. Bush is very much from the business wing of the Republican Party while Mr. Ashcroft is more typical of social-issue Republicans who sit in the front pew of the church on Sunday.

Nonetheless, there has been a mutual respect and trust, the friend said. Since Sept. 11, Mr. Ashcroft confers with the president most mornings at the White House at about 8:30, accompanied by Robert S. Mueller III, the director of the F.B.I. The meeting typically follows a private session the president has with George J. Tenet, the director of central intelligence who sometimes remains.

Mr. Ashcroft's current, high-profile role is a remarkable development in the trajectory of a public career in which he was Missouri's attorney general and governor before being elected to the Senate. Less than a year before the attacks, he lost his re-election bid to Gov. Mel Carnahan, who had been killed in a plane crash a month earlier but remained on the ballot.

Losing to a dead candidate is a decidedly unpromising sign about the electoral future and, to many, John Ashcroft's political career seemed over.

But immediately after Election Day, the leaders of the religious right began campaigning to have him appointed attorney general as their reward for supporting Mr. Bush.

In explaining the religious right's newfound unease about Mr. Ashcroft, Paul Weyrich, the president of the Free Congress Foundation, said, "A lot of the social conservatives appreciate the stands he's taken on child pornography and the Second Amendment and a number of social issues. But there is suddenly a great concern that what was passed in the wake of 9-11 were things that had little to do with catching terrorists but a lot to do with increasing the strength of government to infiltrate and spy on conservative organizations."

Mr. Weyrich, a strong supporter of Mr. Ashcroft's presidential bid in 2000, said that during the weekly luncheon of about 60 social conservative groups he holds, the majority expressed concern about Mr. Ashcroft.

"Because of what he's done," Mr. Weyrich said, "the grassroots enthusiasm for him has been tamped down."

Senator Arlen Specter, a moderate Republican from Pennsylvania and a former Judiciary Committee colleague, put it this way: "There are several positions that Attorney General Ashcroft has taken that Senator Ashcroft would vehemently oppose."

Senators grill Ashcroft on tactics of war on terrorism

by Kevin Johnson, *USA Today*, 26 July 2002

WASHINGTON -- Attorney General John Ashcroft got a frosty reception on Capitol Hill on Thursday when Democrats and some Republicans sharply questioned the Justice Department's tactics in pursuing terror suspects. Senate Judiciary Committee members took issue with a proposed Justice program -- dubbed "Operation TIPS" -- that would encourage millions of postal workers, truckers and others to report suspicious activity they might notice during their workday.

Although Ashcroft defended the proposal as a way to promote a national ethic of community service, Sen. Patrick Leahy, D-Vt., committee chairman, suggested the program might encourage a vigilante movement.

"We don't want to see a 1984, Orwellian-type situation here where neighbors are reporting on neighbors," Sen. Orrin Hatch, R-Utah, said. "We want to make sure that this involves

legitimate reports of real concerns that might involve some terrorists activities."

Ashcroft told the senators that raw information provided by citizens would not be kept in a database that could be used to damage the reputations of innocent people.

Troubled by the detention of immigrants during the federal terrorism investigation, Sen. Arlen Specter, R-Pa., also urged Ashcroft to adopt a specific legal standard in cases in which illegal immigrants are held for reasons other than potential immigration violations.

Since Sept. 11, some immigrants have been held for months at a time to allow investigators a chance to review any possible links to terrorist groups.

Meanwhile, Sen. Maria Cantwell, D-Wash., asked that the FBI send more agents to the Seattle area, where U.S. authorities have been probing possible al-Qaeda links to local Muslims. Despite fears about al-Qaeda in Washington state and Seattle's potential vulnerability as a port city, Cantwell said, the FBI had only 60 agents in Washington, fewer than in neighboring states.

Asked about the possible presence of terrorist "sleeper cells" in Seattle, Ashcroft said he preferred to discuss the issue in private. "I don't want to intimate that we have specific information" about a threat to Seattle, he said.

Beware of the leader who bangs of war in order to whip the citizenry into a patriotic fervor, for patriotism is indeed a double edged sword. It emboldens the blood, just as it narrows the mind.

When the drums of war have reached a fervor pitch, and the blood boils with hate and the mind is closed, the leader will have no need in seizing the rights of the citizenry. Rather, the citizenry, infused with fear and blinded by patriotism, will offer up all of their rights unto the leader, and do it gladly so.

How do I know? I know, for this is what I have done.

-- Julius Caesar

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