

FBI memo encourages local police to spy on protest groups

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2 December 2003

A confidential FBI memorandum sent to over 15,000 local law enforcement agencies in October urged them to “be alert to these possible indicators of protest activity and report any potentially illegal acts to the nearest FBI Joint Terrorism Task Force.” Among the “criminal activities” of protesters catalogued in the memo are “use of the internet to recruit, raise funds, and coordinate their activities prior to demonstrations” as well as “[d]uring the course of a demonstration ... using cell phones or radios to coordinate activities or to update colleagues about ongoing events.”

Other examples of criminal activity cited include using tape recorders and video cameras, which “may be used for documenting potential cases of police brutality and for distribution of information over the internet”; wearing scarves and sunglasses “to minimize the effects of tear gas and pepper spray as well as obscure one’s identity”; and wearing “layered clothing” as a form of “body protection equipment.”

The implications of the memo are sweeping. There is hardly anyone among protest demonstrators who has not worn sunglasses, layered clothing or used a cell phone. By making an amalgam of these commonplace activities with “more aggressive tactics,” including terrorism, the FBI has made millions of people the potential subjects of police surveillance.

The memo, issued on October 15, specifically targeted the mass marches against the occupation of Iraq that took place on October 25 in Washington, DC, and San Francisco. While acknowledging that the FBI had no indication of any violent or terrorist activities being planned in conjunction with the protests, it nonetheless cautioned that “elements of the activist community may attempt to engage in violent, destructive, or disruptive acts.” In the event, the only violent or disruptive acts reported were when the DC Metro police ran their motorcycles into the crowd shoving people around. No

arrests were reported.

When the *New York Times* revealed the existence of the FBI memo in a front-page story on Sunday, November 23, headlined “F.B.I. Scrutinizes Antiwar Rallies,” antiwar and civil liberties groups denounced the initiative. One of the main organizations behind the October 25 demonstrations, International A.N.S.W.E.R., condemned the Bush administration’s “crass intimidation tactics against the antiwar movement.”

American Civil Liberties Union (ACLU) Executive Director Anthony Romero issued a statement saying, “Attorney General [John] Ashcroft has dismissed critics of the Justice Department’s tactics as ‘hysterical’ and has even said that such criticism aids the terrorists. But this bulletin confirms that the federal government is targeting innocent Americans engaged in nothing more than lawful protest and dissent.” He added, “It is troubling that the FBI is advocating spying on peaceful protesters, but even protesters who engage in civil disobedience or other disruptive acts should not be treated like potential terrorists” and warned of “a return to the days of J. Edgar Hoover’s spying tactics.”

Former FBI Director Hoover was known for conducting warrantless wiretaps and other surveillance of political opponents of the government, including such well-known figures as Dr. Martin Luther King, Jr. Rumors continue to circulate about FBI involvement in King’s assassination on April 4, 1968. Extensive spying on anti-Vietnam War groups and others, ranging from the Black Panther Party to the National Association for the Advancement of Colored People (NAACP), was conducted under the FBI operation known as COINTELPRO, for “counterintelligence programs.”

A 1976 US Senate report on intelligence excesses, known as the Church report for the special committee’s chair Frank Church, documented the existence of over 500,000 domestic intelligence files at FBI

headquarters—plus countless more in FBI regional offices—on American citizens and organizations. In 1972 alone, 65,000 such files were created. Each file was likely to cover multiple individuals.

The Church report also documented the existence of a list of at least 26,000 people “on an FBI list of persons to be rounded up in the event of a ‘national emergency.’” The report further cited “unsavory and vicious tactics ... including anonymous attempts to break up marriages, disrupt meetings, ostracize persons from their professions, and provoke target groups into rivalries that might result in death.”

While the COINTELPRO program was formally disbanded and intelligence-gathering guidelines were adopted supposedly to prevent similar abuses in the future, it wasn’t long before the FBI was at it again. A new scandal broke in the mid-1980s when extensive FBI infiltration of the Committee in Support of the People of El Salvador (CISPES) was uncovered. The group opposed President Reagan’s policies in Central America.

Among other activities, CISPES helped to provide sanctuary to Salvadoran refugees seeking to escape government-backed death squads at home responsible for thousands of murders. Such sanctuary violated immigration laws, since under the Reagan administration those fleeing persecution in El Salvador were rarely granted refugee status because of US support for the brutal Salvadoran regime.

In fact, one of the jobs of the FBI informers was to gather names of Salvadorans being sheltered by CISPES, in particular those who, facing personal pressures, found it necessary to make a return visit to El Salvador. The FBI then passed on these names to the notorious Salvadoran National Guard, which organized the death squads and put these names on the list of those to be killed. There were also reports of death squad hit men being sent to the United States to assassinate refugees who had escaped their clutches in El Salvador.

These revelations surfaced at the same time as the Iran-Contra scandal over the illegal sales of weapons to the Islamic government in Iran to finance the Nicaraguan Contras (short for counterrevolutionaries), a US proxy force fighting to overthrow the nationalist regime of Daniel Ortega. New rounds of Congressional hearings were held, and new intelligence guidelines were adopted, also supposedly limiting domestic intelligence gathering to cases where there was evidence of illegal activity.

These guidelines were officially rolled back last year, when Attorney General John Ashcroft issued new ones

giving agents the authority to attend political rallies, mosques, and any event “open to the public.” This relaxation of spying restrictions was justified as necessary to prevent terrorist attacks.

A Fresno, California deputy sheriff, Aaron Kilner, a member of the local FBI-led Joint Terrorism Task Force, was uncovered earlier this year as a spy operating under an assumed name in the group Peace Fresno, of which he attended several meetings, reportedly taking voluminous notes. His cover was blown when he was killed in a motorcycle accident and his picture and obituary appeared in the local newspaper.

Peace Fresno is a pacifist group whose members are largely religious in orientation. It has never been associated with any terrorist acts. The Fresno County sheriff denied that Peace Fresno was the target of any investigation, but he refused to say why his deputy was attending their meetings undercover. Apparently, Kilner was operating under the Ashcroft guidelines, since the meetings were open to the public.

Unnamed FBI officials interviewed by the *New York Times* acknowledged that the agency’s recent strategy towards demonstrations is an outgrowth of the Ashcroft guidelines.

In view of the controversy over the FBI’s October 15 memorandum, the agency took the unusual step of posting it on their web site along with a letter the FBI submitted to the *New York Times*. The FBI letter claims the Ashcroft guidelines permit agents to attend rallies and other public events only “[f]or the purpose of detecting or preventing terrorist activities,” and that “maintaining files on individuals solely for the purpose of monitoring activities protected by the First Amendment” is explicitly prohibited.

Considering the history of FBI abuse, and the current context of the “war on terrorism,” such assurances are laughable. Who is to determine that an agent’s spying was not meant to “detect” terrorist activities? It would be easy as well for an agent to invent a secondary reason to conduct covert surveillance, rather than “solely” to monitor activities protected by the First Amendment.



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