

California transit agency cuts cell phone service to silence protests

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In a blatant violation of democratic rights, Bay Area Rapid Transit (BART)—a commuter rail agency for California’s San Francisco Bay Area—cut cell service as a preemptive strike against a protest over police brutality last week.

The cutoff of service occurred on August 11. BART officials were monitoring online communications about a planned protest against the police murder of Charles Hill, a homeless man, on one of its platforms. Determining that the protest would likely utilize cell phones for communication, the decision was then made to cut service for several hours at all San Francisco stations.

The decision provoked popular outrage and quickly garnered international attention. BART officials continue to defend their decision and have said that they would do it again. The officials argue that because they own the cell phone antennas inside its network and rent the space to cell phone companies, they have the legal right to shut off cell phone service.

As though the rights of the public did not exist, BART spokesman Linton Johnson has explained that BART’s contracts with cell providers give the agency the authority to cut off service whenever it wants. In the agencies view, BART is not the property of the public but rather the private fiefdom of the agency heads to be run in the best interests of local elites, giving them carte blanche to use its powers and resources against any section of its users.

To justify the decision, Johnson appealed to the non-existent constitutional “right to safety.” “A lot of people are forgetting the fact that there are multiple constitutional rights and are focusing solely on one,” he declared on Monday, “BART is obligated to protect them all.” This statement, a repetition of the basic argument of any authoritarian measure—that safety must

trump freedom—only demonstrates the legal ignorance and contempt for democratic rights of the BART officials.

As a matter of Constitutional law, the US government, much less BART, has no right to cut cell phones to prevent free speech, particularly with regard to preventing political speech and protest.

Moreover, there is no basis for the suggestion of “violence” or “safety” as an issue. On this point, the corporate media has totally distorted reality by covering up the fact that every protest against the murder of Charles Hill has been peaceful.

Hill was shot and killed by BART police officer James Crowell on July 3. Surveillance video shows Crowell exiting a train that Hill was also on, backing up and firing three times. Police later claimed that Hill wielded a 4-inch knife in a threatening manner.

Despite a number of witnesses and powerful evidence demonstrating the police had absolutely no justification for the killing, BART’s police chief Kenton Rainey has declared that he was “comfortable” with his officer’s performance. The agency subsequently withheld part of the video of the incident. Crowell and Myron Lee, another officer on the scene, have returned to work after a few days of leave.

Many people were so deeply moved by the killing that they began a small but energetic protest campaign under the banner of “Justice for Charles Hill,” modeled on the campaign organized after BART police murdered another man, Oscar Grant, on a platform in 2009.

As was true in the protests against Oscar Grant’s murder, the most violent and aggressive element at every protest against the murder of Charles Hill has been the police.

Initially, there was a virtual silence from politicians at

all levels of government to BART's cutoff of phone service. Locally, the Bay Area's block of police, local media and politicians against the citizenry that showed itself in the wake of the New Years Day 2009 murder of Oscar Grant, quickly reared its ugly head.

A very small non-violent protest scheduled for Monday was met with rows of riot police arrayed at BART stations throughout the city. Police quickly ejected the few dozen protestors with placards excoriating BART for its attack on First Amendment rights.

For its part, local media made its best effort to legitimize BART's decision, while quickly shifting the focus of attention from BART's authoritarian measures on to a "hactivist" group "anonymous." The group allegedly hacked a commercial section of BART's website, revealing user information to the public in retaliation for BART's attack on speech.

No local official spoke out to denounce BART's action, with a few expressing concern only after the action drew international attention.

In an attempt to quell the public anger over the decision, the Federal Communications Commission issued a limp announcement that it would be "assessing the situation." FCC spokesman Neil Grace explained: "We are continuing to collect information about BART's actions and will be taking steps to hear from stakeholders about the important issues those actions raised." In other words, they are going to feign concern until the issue blows over.

The move by BART to shut off cell phone service is part of a number of attempts by state authorities to disrupt communications in order to suppress dissent. BART protesters have begun to refer to the transit authority as MuBARTek, a reference to the Egyptian dictator who cut off Internet access for the entire country during the mass demonstrations in February. The British government has proposed cutting young people off from messaging services as one of a series of police state measures to be implemented in the aftermath of the riots earlier this month.

BART's actions will no doubt be utilized as a precedent for similar measures throughout the US, as the ruling class prepares for the inevitable social upheavals to come.



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