The American Surveillance State

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—Roberto J. González, Professor and Chair of the Anthropology Department at San José State University

The American Surveillance State

How the U.S. Spies on Dissent

David H. Price

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Contents

Preface vii
Acknowledgments x
Abbreviations and Codenames xii

Introduction: Contextualizing Old Patterns and New Shifts in American Surveillance 1

PART I THE LONG VIEW: HISTORICAL PERSPECTIVES OF AMERICAN SURVEILLANCE

1. J. Edgar Hoover and the FBI's Institutionalization of Surveillance 17
2. Memory's Half-life: Notes on a Social History of Wiretapping in America 29
3. The New Surveillance Normal: Government and Corporate Surveillance in the Age of Global Capitalism 55

PART II LANTING THOSE WITH A COMMUNIST TAINT

4. The Dangers of Promoting Peace during Times of [Cold] War: Gene Weltfish, the FBI, and the 1949 Waldorf Astoria's Cultural and Scientific Conference for World Peace 69
5. Tribal Communism under Fire: Archie Phinney and the FBI 84
6. The FBI's History of Undermining Legal Defenses: From Jury Panel Investigations to Defense Lawyer Surveillance Programs 98
7. Agents of Apartheid: Ruth First and the FBI's Historical Role of Enforcing Inequality 115

PART III MONITORING PIONEERS AND PUBLIC INTELLECTUALS

8. How the FBI Spied on Edward Said 129
9. Seymour Melman and the FBI's Persecution of the Demilitarization Movement 139
10. Traces of FBI Efforts to Deport a Radical Voice: On Alexander Cockburn's FBI File 149
11. *Medium Cool*: Decades of the FBI's Surveillance of Haskell Wexler 165
12. Blind Whistling Phreaks and the FBI's Historical Reliance on Phone Company Criminality 177
13. The FBI and Candy Man: Monitoring Fred Haley, a Voice of Reason during Times of Madness 184
14. David W. Conde, Lost CIA Critic and Cold War Seer 200

PART IV POLICING GLOBAL INEQUALITY

15. E.A. Hooton and the Biosocial Facts of American Capitalism 217
16. Walt Whitman Rostow and FBI Attacks on Liberal Anti-Communism 224
17. André Gunder Frank, the FBI, and the Bureaucratic Exile of a Critical Mind 238
18. Angel Palerm and the FBI: Monitoring a Voice of Independence at the Organization of American States 253
19. The FBI's Pursuit of Saul Landau: Portrait of the Radical as a Young Man 272

Conclusion: Unbroken Chain—Connecting Seven Decades of American Surveillance and Harassment of Progressives Activists, Visionaries, and Intellectuals 290

Notes 307
Bibliography 330
Index 346

Introduction: Contextualizing Old Patterns and New Shifts in American Surveillance

Throughout the last quarter century, I have used the Freedom of Information Act (FOIA) to declassify tens of thousands of pages of government documents held by the U.S. Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), National Security Agency (NSA), State Department, Office of Strategic Services and other government agencies. When I began this research, I was trying to learn more about anthropologists' contributions to the Second World War and Cold War, but as records were slowly released I became increasingly interested in other aspects of these agencies' surveillance of other Americans. This research led to the release of several hundreds of FOIA documents on interactions between anthropologists and intelligence agencies, on the impacts of McCarthyism on the development of American anthropology, on anthropological contributions to the Second World War, and anthropological Cold War and terror war collaborations with the CIA and Pentagon.[1] Over time, my interest broadened to studying the impacts of FBI surveillance of public intellectuals and others challenging the circumscription of free thought in American society at large. FOIA was an invaluable tool in pursing these endeavors, and *The American Surveillance State* uses FOIA released documents to examine how surveillance culture has shaped and limited American discourse and democratic movements challenging American power structures.

Florian Henckel von Donnersmarck's 2006 film, *The Lives of Others*, explores how the process of surveillance impacts the watchers, as Stasi agents' lives are transformed by their spent time spying on East German dissidents. The act of entering the private spheres of these dissidents transforms these watchers as they come to understand their political positions from others' per-

spectives. During my decades of FOIA work, I looked for clues in FBI files suggesting similar transformations among the FBI or CIA's watchers, but found few relics indicating such transformations, yet my own engagement with this historical research changed me; it changed my understanding of state surveillance systems, of the citizenry subjected to this scrutiny, and heightened my understanding of how limited American freedoms are. In some ways reading these declassified files radicalized me. Anthropologists have long recognized a natural tendency for researchers to come to identify with those they study. When we spend extended periods of time in towns, cities, villages, and communities, anthropologists frequently come to empathetically appreciate the hopes, dreams, and values of the people we live with. Two and a half decades of historical research on FBI surveillance of dissident anthropologists and public intellectuals of the mid-twentieth century changed my reactions to these invasive surveillance campaigns, most generally in ways increasing my own sympathetic alignments with those subjected to these state intrusions. This work gave me a sober appreciation of the dangers Americans faced with the Bush administration's terror war and the Obama, Trump, and Biden administrations expansions of secrecy and dogged persecution of whistleblowers. What I learned from studying the FBI's attacks on anthropologist activists for racial equality during the 1940s and 1950s, and the other later activist scholars whose files are examined here, radicalized my analysis and my own politics; and it taught me the dangers of silence. What I learned about the workings of the National Security State elevated my concerns of the threats this apparatus presents to the privacy necessary for the fostering of democratic ways of life.

THE STATE OF SURVEILLANCE IN THE AMERICAN SURVEILLANCE STATE

Anthropologists studying states have at times focused on cultural notions of surveillance, whether in classical models of cultural evolutionary theory focusing on taxation systems needed for monitoring and control, or more postmodern approaches drawing on notions of panopticons and biopower. Elements of state surveil-

lance are as old as the state itself because states are built not on some imagined Hobbesian bargain of shared gains, but upon the coercion and threats of armed bullies wielding force on the masses they subsume. In the 1950s, Karl Wittfogel's work on despotic, ancient central state irrigation systems directed anthropological attentions to the totalitarian tendencies of state systems capable of monitoring, corralling, and controlling circumscribed populations to construct and manage massive irrigation works. James Scott explored how states demand legibility, and modern states incorporate surveillance as tools of control. State legibility measures are linked to schemes of taxation, regulating commerce, and quelling resistance.[2] Nation states try to socialize citizens to accept forms of surveillance and identity standardization as necessary components of the socially constructed notions of "freedom," as these measures reduce the freedoms these states claim to preserve.

As social formations, all national intelligence agencies share some basic characteristics. Modern states share similar needs they hope surveillance can fulfill. While states' divergent ideological commitments to markets or collectivism, or professed values of individual liberties and privacy may vary in deeply significant ways between nations, there are shared commonalities of state surveillance systems when monitoring identified "enemy" or "potential threats" within a domestic population. The intelligence needs of Stasi, FBI, CIA, KGB, Mossad, M15, M16, NSA, CONTROL, or SAVAK share similar patterns, as do the basic means of electronic and human intelligence. While the size, scale, and informer base of Stasi sets it apart from the tactics of the FBI during the Red Scare of the 1950s, in some anthropological sense these differences in tactics or scale, while rendering them unique specimens of surveillance culture, do not mark them as being wholly unique.

I have toured the KGB's official museum in Moscow and the FBI's museum at their headquarters in Washington, DC and found each presented sanitized Disneyfied historical accounts of their operations and glories. Each intelligence agency presented differing narratives, and each misled their audience in unique and similar ways—ways that erased references to their own atrocities, while gloating about successful missions performed against enemies, complete with captured trophies taken from enemy spies and

ridiculously elaborate gear that seemed to come out of a Bond film or a *Mad Magazine* Spy vs Spy cartoon panel. While differences of scale and atrocity exist, these agencies' institutional approaches to problems of individual and mass surveillance shared similarities. Of course, the Soviet excesses, from Pavlik Morozov, denunciations, public mood reports, and disappearances were of another order of magnitude of betrayal than those practiced in the United States,[3] the motifs, ploys, and theatrics shared many familiar properties with American Cold War practices. McCarthy's show trials may not have led their victims to a vast geography of gulags, but they shattered lives and isolated victims in other ways.

All states face tremendous bureaucratic problems when monitoring and tracking ideologies of dissent. The problems associated with creating post hoc cross-indexes for massive databases in the pre-computer age vexed military and intelligence agencies around the world. Devising ways of quickly retrieving and analyzing data in meaningful ways shaped the functioning of various civilian and military intelligence agencies. During the Cold War, America developed different cataloging systems in their internal (FBI) and external (CIA, NSA) intelligence agencies, though both achieved similar ends. The Soviet Union's KGB, and East German Stasi developed complex cross-referenced indexing systems linking individual files and reports from different agencies. In her book *Stasiland*, Anna Funder's interviews with former Stasi agents compiles stories of ruthless state surveillance, where the state went to absurd lengths gathering information and artifacts (underwear stolen and stored in jars so tracking dogs could follow the scent if needed at some future date).[4] Such blind collecting for unknown future possible uses is a practice commonly fetichized by surveillance states. During the early Cold War, under the CIA secret "Graphic Register" program, the Agency curated a massive collection of somewhat random photographs collected by Agency employees during vacations and other travels, collected for unknown imagined future use.[5] Such desire to collect objects and information for unknown future uses runs deep within all state intelligence agencies; and these collections forced innovations in the development of organizing the retrieval systems. During the Cold War, the British intelligence service MI5 made impressions of,

then meticulously catalogued and kept copies of every residential and office key its agents encountered, just in case at some unknown future date they might need to surreptitiously enter a building.[6] In the United States, during the 1930s FBI Director J. Edgar Hoover invented an ingenious cross-indexed record system allowing the Bureau to index individuals and organizations mentioned in FBI files, and to connect these references to information in files held in cabinets in field offices across the country. Hoover's filing system had roots in his years spent working his way through law school at the U.S. Library of Congress.[7]

These intelligence agencies' obsessive-blind-collection-drives reveal traces of a seldom bluntly stated "duty" these agencies apparently feel to try and become—as Norman Mailer claimed, the "mind of America."[8] As if the massive collection of unconnected objects itself could provide answers to questions that no one had yet asked, or even more absurd, that this "mind" could emerge through a nearly aimless process of this particularist collecting project. Such blind conceits helped rationalize outrageous invasions of privacy from the early twentieth century to the more contemporary invasive NSA and CIA monitoring programs revealed by Edward Snowden.

It was the compilation and collection of information, co-mixing truth and rumor to form dossiers that empowered Hoover and FBI in mid-twentieth century America. These dossiers mixed hearsay with Better Business Bureau credit reports, employment records and interviews to concoct narratives that took on lives of their own. As Don DeLillo observed of these emerging dossiers,

> in the endless estuarial mingling of paranoia and control, the dossier was an essential device … The dossier was a deeper form of truth, transcending facts and actuality. The second you placed an item in the file, a fuzzy photograph, and unfounded rumor, it became promiscuously true. It was a truth without authority and therefore incontestable.[9]

Through such processes, the "truth" of the file became a powerful force. It mattered little that this "truth" was frequently based on lies and agents' sloppy work, it became a force changing lives simply

because of the power of the dossier. Insofar as things like FBI files exist as secret, classified, objects, there is little chance that the errors and half-truths within these files will be corrected. In most cases a process of reification passing as verification occurs as file details are recirculated in new file entries even though a recirculated detail may have no basis in fact; yet this detail's reality seems to be confirmed though endless processes of recirculation in new reports.

It is important to understand that the reason why surveillance is so problematic isn't because it doesn't work. Surveillance often does work, but it is so reprehensible because it works by violating basic trusts. It can be a very effective way to find out what people are really thinking, especially in guarded situations. In public settings where observers are obvious, people are more guarded in what they say, doubly so if they know their remarks are being recorded. There is a profound moment illustrating this in Peter Jackson's 2021 documentary *Get Back*, where viewers have watched hours of footage showing the Beatles' dysfunctional dynamics, aggressive, passive aggressive, and unacknowledged hostility recorded by the ever-present documentary crew. At one point Lennon and McCartney forbid the film crew to follow them to a cafeteria, where unbeknownst to them their conversation was secretly recorded by a microphone hidden in a flower arrangement. In just a few minutes of dialogue, the audience hears a frank exchange between John Lennon and Paul McCartney laying bare dynamics hidden from view. These two minutes of surveillance tape shed more light on what's happening than the previous three hours of film. And while the film does not explore the costs of such invasions of privacy, and we the viewers are seduced by access to this private moment of a certain type of truth, there is a prurient sickness in such spying—albeit, an attractive sickness, and it is this attractiveness that exposes the dangerous alure of surveillance. This alure is the common currency of state surveillance systems.[10]

George Orwell's vision of totalitarian states' oppressive centralized governments correctly described but one part of the coming modes of surveillance. Orwell's postwar historical vantage point revealed a coming rise of oppressive state power, but he missed concurrent developments in the ascendency of corporate power

that would develop similar modes of panoptical monitoring and profiling. Orwell did not foresee the central roles that corporations would play, as they would be vested with human rights, and once harnessed to the power of computers these corporations would be given full access to our private reading habits, political discourse, consumption patterns, physical movements, online lives and even our private electronic communications. Our world became one where the public is monitored to gain assurances that we live and think within parameters of a certain, yet shifting, matrix of orthodoxy.

Growing up in the United States during the 1960s, I learned Cold War horror stories focusing on the oppressive nature of Soviet life. These stories often focused on features of daily Soviet routines, illustrating the totalitarian nature of life under centralized communist rule in very effective ways, making me and classmates thankful we did not live in a world where both parents worked at jobs requiring them to leave their children during the workday at (state-subsidized) childcare centers where, we were told, an army of Grandmothers watched them, or state surveillance systems monitored the phone conversations and tracked the networks of associations used by its citizens. We were told of Soviet dissidents monitored by the centralized state, reporters arrested for documenting state abuses, intellectuals espousing unpopular views faced difficulties finding proper employment or were fired from teaching positions. Dissidents' names appeared on lists maintained by secretive policing agencies that limited their abilities to easily travel; there were secret prisons, and those detained were denied forms of due process common in Western law since the Magna Carta. Forms of torture and punishment produced confessions from enemies of the state.

The many convergences between what was once comfortably identified as totalitarian monitoring and controlling of citizens, and the now routine practices by corporations and the American government are striking. There are obviously important differences between the Soviet's state surveillance apparatus and America's post-9/11 surveillance methods, yet it is striking not only to find some general parallel developments, but also how rapidly the American public so easily adapted to accept new forms of surveil-

lance and denial of due process. While accepting some basic forms of monitoring and surveillance, Americans also have deep cultural roots fostering attitudes of suspicion of state or federal systems monitoring American citizens. A generation ago, significant numbers of Americans resisted basic efforts to use Social Security Numbers as universal markers for federal, state, or corporate databases. But with dogged efforts by governmental and corporate forces, the American public was coaxed to accept ongoing surveillance and monitoring at a level that would have been unthinkable two decades earlier. Technological enticements coupled with the fear campaigns of post-9/11 America ushered in new levels of surveillance acceptance. One result of this is that I now routinely encounter smart, well-adapted college students in my classes who comfortably embrace Orwellian arguments, claiming that if the government didn't undertake massive surveillance under programs such as the NSA's PRISM program, their own rights to safety and privacy would be violated by those opposing these programs. The surveillance state feeds on itself. Its hunger knows no limits, and assumptions that this hunger serves the public good become an unstated premise of contemporary electronic life in America.

But even while the American surveillance state appears to now be growing at exponential rates, increasing surveillance need not necessarily be our future. History provides examples of surveillance states being dismantled or curtailed, and their collected materials made public. One example is found in the 600 million pages of Stasi files made public (albeit, these documents were released in a largely disarticulated, unindexed difficult to use form) after the collapse of the German Democratic Republic. In postwar Europe, some regions that had been occupied by the Nazis, such as the Netherlands, revised their telephone billing systems so that specific numbers dialed could no long be identified in the billing process. Though such events are historically rare and tend to mark the end of regimes. Twentieth century America had its own short-lived but real revolutionary moments of relative transparency and accounting marking brief regime shifts. One such moment occurred during the mid-1970s as the world glimpsed a brief post-Watergate view inside the machinations of CIA and FBI secrecy as the Church and Pike Committees revealed shocking FBI and CIA

practices.[11] During this period the Freedom of Information Act had a moment of forceful power before the Reagan administration again weakened FOIA's power, as did most of the presidents who followed. As Otto Kirchheimer observed over half a century ago, "one might nearly be tempted to define a revolution by the willingness of the regime to open the archives of its predecessor's political police. Measured by this yard-stick, few revolutions have taken place in modern history."[12]

While technologies of surveillance and the American public's acceptance of surveillance significantly changed during the last several decades, there are thematic continuities connecting governmental campaigns targeting activists and other deviants challenging features of American capital that connect past and present.[13] During recent years, the FBI investigated members of the Occupy Movement, at times searching homes or harassing protestors and organizers.[14] This followed the old established pattern of American political surveillance: with increased domestic critiques of capitalism's failures came increased domestic surveillance under absurd claims of terrorist investigations, with broad reductions of civil rights as the FBI reprises its role from the days of J. Edgar Hoover: monitoring, infiltrating, and harassing legal, domestic, democratic movements threatening the economic interests of American elites.

HOOVER'S FBI AND THE INSTITUTIONALIZATION OF SURVEILLANCE

The creation of something like J. Edgar Hoover's FBI, and the abusive history of surveillance that he spawned, was an inevitable development of twentieth century capitalism; regardless of whether Hoover, very much the architect of the system, ever existed. Anthropologist Leslie White's (1900–75) determinist theory of culture described culture as something external to our wills and power to control. White's version of cultural determinism all but eliminated the possibility of individual agency; essentially relegating the possibility of individual's impacting change to issues of timing. He identified cultural forces and external conditions setting the stage on which individuals performed roles provided to them by historical forces. White rejected notions that history was

the product of Great [wo]Men, insisting that history's prominent individuals merely embodied the nexus of converging historical forces.[15] If we play with White's deterministic vision of culture, we can see J. Edgar Hoover's rise to unchecked power at the FBI not simply as the obsessive persecutions of a solitary man directing a powerful government agency with little oversight, but as structural responses to the needs of an invasive bureaucratic capitalist system—a system devoted to protecting the inherent inequalities of Capital and the American political economic system on which it rested.

While it might be tempting to blame the development of much of the FBI's long history of violations of civil liberties, anti-communist hysteria, racist practices, and suppression of democratic peoples' movements simply on the many personal shortcomings of longtime FBI director, J. Edgar Hoover, following a Whiteian view of culture we can see Hoover as effectively fulfilling a significant predetermined need of American capitalism. While Hoover's personal shortcomings made him comfortable with using the FBI for such tasks, the structural forces favoring the creation of the surveillance network he established at the FBI had a greater significance on the establishment of these practices than his personal quirks. Certainly, Hoover's personality and unchecked power aligned in ways that made him an ideal person for the job. It seems fair to assume that a less ruthless and less megalomaniacal individual, or one more concerned with civil liberties, would not have maintained the Directorship for nearly half a century, but if we consider the cultural forces at work during this period of capitalism's Cold War America, I can easily imagine that the system itself would have evolved in much the same way had Hoover never been born. While Hoover planted and nurtured the roots of the modern American surveillance state, I assume it would have developed in some form had he never directed the FBI. To be sure, Hoover had unusual dark talents that made him well suited for this job, but the nature of this job was shaped by the political economy in which it was embedded and whose interests the Bureau served, far more than it was shaped by the oppressive habits of this unusual man.

Right or wrong, such a pseudo-essentialist vision of the FBI's history, insisting the Bureau's dark history flowed as it did for

reasons beyond the will of Hoover or any other individuals, can help us consider the Bureau functioning as a particular sort of arm (and ear) of American capital. After his years running agents abroad as a CIA officer, Philip Agee came to understand that his own role in the Agency had been something like this when he declared that the CIA functioned as the "secret police of American capitalism, plugging up leaks in the political dam night and day so that shareholders of U.S. companies operating in poor countries can continue enjoying the rip-off."[16] While the CIA polices American capital interests abroad, the FBI's jurisdiction remains primarily domestic, both serving the same shareholders.

Just as the FBI's penchant for policing the private political beliefs and practices of others cannot be reduced to Hoover-the-man, the last two decades' expansion of America's domestic surveillance apparatus cannot be reduced to the attacks of 9/11. The PATRIOT Act did not so much bring wholly new forms of monitoring the private lives of Americans as it brought bold new methods and approaches to the old sort of deviant hunting techniques preferred by J. Edgar Hoover in the mid-twentieth century. We can find historical continuity of themes if we substitute the word "terrorist" for "communist" and update the technology of surveillance to the computer age. There are continuities of basic themes of the propagation of fear, and acquiescence to the state's desires to monitor, assess, and control reemerged after 9/11, with not only the FBI, but the CIA (which was suddenly authorized by the PATRIOT Act to engage in domestic surveillance and to infiltrate legal domestic political groups) Homeland Security, and other intelligence agencies.

Forty-five days after the 9/11 terror attacks, Congress adopted Public Law 107-56, titled the United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, better known under the acronym: USA PATRIOT Act. As America's leaders panicked, there was no public discussion of who the authors were of this complex 132-page legislative passkey for intelligence agencies; and there were no real debates over its impact on expectations of privacy in America. The USA PATRIOT Act removed limitations on the FBI and police departments' abilities to conduct surveillance operations on domestic

political groups, and it expanded the abilities of the CIA to work with domestic investigatory operations. The USA PATRIOT Act opened the door for broad forms of domestic electronic surveillance of American citizens. It invited the FBI back into American libraries, and librarians and their professional associations did little to directly obstruct the FBI's access to patron's private records. The USA PATRIOT Act's Section 215 required American bookstores and libraries to surrender to the FBI lists of books or other materials that customers or patrons accessed. Libraries were soon instructed under order of law to not disclose the FBI's presence or interest in the reading habits of particular patrons. Alerting patrons, or the public of the occurrence of an FBI library visit brought threats of arrest. Some libraries initially adopted a policy of hanging signs in library entry ways declaring "The FBI has not visited here today," with assumptions that these signs would be removed upon an FBI visit. But the socialization processes desensitizing Americans to the new normalities of surveillance culture were ongoing, and with time these warning signs disappeared from protesting libraries as Americans became absorbed into the new surveillance normal; these removals marked American public libraries' acquiescence to our new world where we are always half-aware of any transaction that might be monitored as part of the new surveillance normal.

This underacknowledged omnipresence of government and corporate surveillance, or sometimes even just the *possibility* of being monitored has become a background feature of our lives today. That this remains largely underacknowledged on a daily basis even after Edward Snowden's revelations, or the daily bombardments of highly personalized ads greeting us as we log onto the web, is a monument to how normalized our surrender has become. It now goes without saying that anything we say, do, purchase, search for, contemplate, or aspire to become *could* be tracked and added to some record in the clouds—a status of profane phenomena that just a few generations ago could only be interpreted within the context of the sacred.

While the presence of such monitoring technologies is well known, even assumed, today, what is missing from popular understanding of this world is how governmental agencies have recurrently used surveillance data to monitor, harass, and criminalize

American radicals and progressives advocating for economic or social changes challenging core features of American capitalism. This book provides some historical context for understanding the growth and trajectory of the American surveillance state, and the case studies that follow provide historical context to understand how the FBI, CIA, and other U.S. agencies have historically viewed progressives as dangerous threats to society.

Because those who try to predict the future are generally doomed to failure, I don't pretend to know exactly what developments come next with American surveillance; but I do know it is vital to understand how we got to the present and what this past suggests about our current and coming predicaments. The long trajectory of political surveillance of progressive activists deserves our attention if we are at least going to make sense of how we got here, who is watching, why they watched in the past, and what they did with their catch. While the particulars of a future yet to be woven are necessarily unknown, so long as America's future is embedded in capitalism—even with unimaginable forms of yet to be realized surveillance—I assume the critics of this system will be targeted in ways that thematically connect to those discussed in these pages.