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The racial state of emergency: creating state capacity for surveillance

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Thesis

**THE RACIAL STATE OF EMERGENCY:
CREATING STATE CAPACITY FOR SURVEILLANCE**

by

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“Ultimately, if people lose their willingness to recognize that there are times in our history when legality becomes distinct from morality, we aren't just ceding control of our rights to government, but our agency in determining our futures”.

Edward Snowden, *Reddit*, 2015¹

¹ Gillespie, Nick. “Edward Snowden’s Libertarian Moment: We “Will Remove from Governments the Ability to Interfere with [Our] Rights.”” Reason.com, 24 Feb. 2015, reason.com/2015/02/24/edward-snowdens-libertarian-moment-we-wi/. Accessed 11 Apr. 2023.

DEDICATION

I would like to dedicate this work to my mother, who worked tirelessly to establish my value system and my pathway to success, and to my father, who instilled in me my passion for knowledge and my work ethic to expand it.

Special thanks go out to Dr. Marcus Walton for overseeing and guiding this process every step of the way.

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ABSTRACT

As the Twin Towers fell on September 11th of 2001, so fell the U.S. domestic citizenry's Fourth Amendment right to search, seizure, and general privacy. Beyond the Fourth Amendment, various legal barriers put up to protect citizens' rights through the advancement of surveillance technology throughout the twentieth century would also fall, succumbing to just one piece of legislation and its subsequent restructuring of government powers: the USA PATRIOT Act. This expansion was explained through the lens of state-of-emergency during war time. The precedence of states-of-emergency as a period when legal and bureaucratic boundaries can be crossed to serve the greater good allowed for the execution of drastic surveillance measures which would previously be confined by the boundaries of law, and to a grieving public and a government scrambling for some sense of national security, this seemed to be the appropriate course of action. But simple state-of-emergency or war-time operations cannot serve to explain the existing capacity for conducting surveillance that the U.S. government seemed to already have within their arsenal, ready to employ on a wide scale. The analysis of domestic surveillance history to follow raises a particular kind of state-of-emergency, a racial state-of-emergency. This notion involves domestic, racial groups and organizations, disenfranchised from legality through perceptions of race, that may serve as playgrounds for surveillance development

outside of public scrutiny. It is through these instances, when the existence of racial hierarchies allows for the framing of the political nonconformity of certain racial groups as a valid threat to national safety, that surveillance capacity may be expanded; it is the culmination of instances which allow for surveillance institutions to possess the capability to enact a full-force surveillance state without delay or barrier.

PREFACE

In the spring of 2005, my family was getting ready to sell their home. My parents were still fairly new immigrants in the country. They had arrived just shortly before my birth, and purchased a cramped and worn-down multi-family home from an older relative. As I grew, the apartment began to seem smaller and smaller. With enough money scraped together for a down payment, they broke the news to me that we would move somewhere where I could have my own room to sleep in and my own backyard to play in.

I was young, too young to know of anything besides the excitement of the move and the curiosity towards the visiting strangers who would file in and out for our open house. My mother and I greeted them, her sharing small anecdotes about our family and our home, and me sharing my big, gap-toothed grin. The conversations about kitchen dimensions and appliance sales quickly bored me, and I began to wander around the home. I had noticed two men, dressed casually, who ducked into our doorway to greet my mother. I had noticed them because they seemed much less friendly than the other visitors around them, and ignored my little grin and wave as they took a very stern look at the apartment around them. I noticed my parents glance over at them as they ventured around without doing much to acknowledge them. They peered into bedroom doorways and carefully read the clippings on our refrigerator, but didn't seem all too interested in the details I had heard the other strangers ask about.

Eventually, I retired to the kitchen table. My mother, preoccupied with her guests, and my father, preoccupied with our realtor, drifted away from the front of the home and

into the hallway. It was at this moment that the two men, who had been standing in the kitchen and looked particularly involved in their conversation, had found a side door to the second-floor apartment and vanished up the stairs. This was our neighbor's home. He was a beloved man from our local mosque who led our Arabic school lessons and took us on little field trips. I followed shortly after and peered a curious set of eyes through the doorframe to find the upstairs apartment door wide open, and the two men standing inside staring intently at a bulletin of pamphlets and flyers from the mosque that our neighbor always kept hanging by his doorway. My father found me peeking through the doorway and quickly told me that my mother missed me, and I should go find her in a hurry. As I skipped away, I watched my father go up the stairs to meet the two men above.

Later that night, I asked my father if he knew who those two men were. "No," he replied, "but they were just some friends of our neighbor. He must have kept his front door open for them to visit". Satisfied with that answer, I went to bed excited for more open houses to come.

In 2013, the news broke that former NSA subcontractor Edward Snowden had blown the whistle on various surveillance abuses on the part of federal government agencies. I went home that night enraged, but not surprised. I had seen the justification for this surveillance every day in my classmates' hateful comments and in their parents' judgemental eyes. As my father got home from work and settled down, I asked him if he could believe what they were doing. After a long and knowing gaze, he asked me whether I remembered those two men who visited our open house back in the spring of 2005.

“Yes,” I replied, unsure of what he was about to say. “We didn’t know him and they didn’t know us. They were police officers that had come to investigate our neighbor”.

He began to explain that he found them rummaging through drawers, that they had him on a list of leaders within our local mosque. He explained that his door wasn’t unlocked at all that day; that, in fact, my father had made sure that it was locked before the open house began. I remembered my younger self watching them open drawers and old shoeboxes in our closets while the guests around them examined our windows and our bathroom tile. All at once in my mind, those judgemental eyes who I had grown accustomed to watching me in school hallways every day multiplied, and began burning holes in my back.

Anecdote from the author, Taima El-mejjasy

“Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America”.

George Bush, Statement by the President in His Address to the Nation, 2001²

This line came as part of George W. Bush’s Address to the Nation on the infamous and tragic events of the 9/11 attack on the Twin Towers in Manhattan, New York City. With rescue and recovery efforts drawing on for almost a year prior to the

² “Statement by the President in Address to the Nation.” [georgewbush-Whitehouse.archives.gov, georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010911-16.html#:~:text=This%20is%20a%20day%20when](http://georgewbush-Whitehouse.archives.gov/georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010911-16.html#:~:text=This%20is%20a%20day%20when).

attack, it may have been difficult for the American public, at this moment, to see how the insurmountable physical loss and the damage caused to the American spirit by this event could be recovered. President Bush's words, though, would prove largely accurate. Almost immediately following the fall of the towers, the strength of the American foundation could be seen in its mobilization. The wide array of well-funded first response systems (police, fire, EMT) sprang to the scene almost immediately. Various departments, led by the New York City Department of Design & Construction were able to gather resources and begin the clean-up process without bureaucratic delay. Relief funds set up across the country were able to subsidize the cost of the tragedy for both the city and for victims' families. Collaborations between local and federal governments allowed for the investigation and flow of information regarding the attack to be carried out almost seamlessly. The American public was indeed shaken, and held the widespread sentiment that these events could never be forgotten. It was the strength of the foundations of these various aspects of crisis recovery, however, that granted a grieving state the ability to see a point in time during which we could move forward.

These aforementioned foundations of crisis recovery could not reasonably be pulled to question. The expanding infrastructures for police, fire, city planning, and interstate financial funding could be tracked in their development through time. This rings especially true for a city as big and as pivotal as New York City. However, parallel to these regional efforts, there began a federal effort to expand surveillance as a counter-terrorism measure. In the matter of one month, the PATRIOT Act was passed in order to effectively legalize forms of domestic surveillance which were previously illegal. The

National Security Agency would very suddenly be granted unfettered surveillance powers over the American people, but specifically in an effort to target policing at the Muslim-American population at large. The later formation of the Department of Homeland Security would collapse 22 federal departments into one large entity, in order to ease the tediousness (and transparency) of bureaucratic exchange. All of these shifts of power existed in order to shade surveillance action from legal oversight. Thus, a pressing question remained with President G.W. Bush's mention of "the foundation of America". With every mobilizing effort to follow 9/11, even the rapid militarization towards war in the Middle East, can be tracked through historical precedence, where did the precedence lie for the government's ability to exercise surveillance on a national level almost overnight? With policy enactments and department changes granting surveillance powers, when was surveillance capacity developed? Through which means did this surveillance capacity become as robust as that seen of the post-9/11 surveillance state, while simultaneously laying dormant under the restraint of previous illegality? This paper aims to investigate these questions in conjunction with a broader historical inquiry: What explains the expansions of the U.S. surveillance state since the twentieth century?

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LIST OF ABBREVIATIONS

ACLU.....	American Civil Liberties Union
AETA.....	American Enterprise Terrorism Act
ALF.....	Animal Liberation Front
ALPR.....	automatic license plate readers
CAIR.....	Council on American-Islamic Relations
CIA.....	Central Intelligence Agency
COINTELPRO.....	(FBI) Counterintelligence Program
DHS.....	International Standards Organization
ELF.....	Earth Liberation Front
FBI.....	Federal Bureau of Investigation
FISA.....	Foreign Intelligence Surveillance Act
FISC.....	Foreign Intelligence Surveillance Court
FOIA.....	Freedom of Information Act
IAP.....	Intelligence Assessment Program
INS.....	Immigration and Naturalization Service
JACL.....	Japanese American Citizens League
KKK.....	Ku Klux Klan
NOI.....	Nation of Islam
NSA.....	National Security Agency
NYPD.....	New York Police Department
OAAU.....	Organization of Afro-American Unity

ODNI.....Office for the Director of National Intelligence
ONI..... Office of Naval Intelligence
PRISM..... Planning Tool for Resourceful Integration, Synchronization and Management
SCLC.....Southern Christian Leadership Conference
SNCC.....Student Nonviolent Coordinating Committee
SSCS..... Sea Shepherd Conservation Society
TSA..... Transportation Security Administration
TSP..... Terrorist Surveillance Program
USA PATRIOT..... Uniting and Strengthening America by Providing Appropriate Tools
.....Required to Intercept and Obstruct Terrorism

GLOSSARY

domestic surveillance	the monitoring and gathering of behavior, activities and information of domestic citizens of the U.S. with the goal of control or persecution ³ .
foreign-domestic nexus	the constructed intersection of foreign and domestic threats in which there lies a real or perceived ideological overlap between a declared foreign enemy and a perceived domestic threat.
McCarthyism	also known as the second Red Scare; the political repression and persecution of left-wing individuals through publicized accusations of disloyalty or subversion with insufficient regard to evidence. This era of the late 1940's through the 1950's and was centered around spreading fear of alleged communist and socialist influence on American institutions and of Soviet espionage in the United States ⁴ .
racialization	a political process of ascribing ethnic or racial identities to an ethnic or racial group that did not identify itself as such for the purpose of domination and social exclusion ⁵ .
second-class citizenship	a person belonging to a political or social group whose rights are inferior to the dominant group in a society, despite their nominal status as a citizen or legal resident ⁶ .
state capacity	the ability of a government to accomplish policy goals, particularly relating to the physical capability to conduct surveillance established by existing surveillance planning, tools, training and technology ⁷ .

³ Lyon, David (2001). *Surveillance Society: Monitoring in Everyday Life*. Philadelphia: Open University Press.

⁴ Storrs, Landon R. Y. (July 2, 2015). "McCarthyism and the Second Red Scare". *American History*.

⁵ Omi, Michael; Winant, Howard (1986). *Racial Formation in the United States / From the 1960s to the 1980s*. Routledge & Kegan Paul. p. 64.

⁶ "Definition of SECOND-CLASS CITIZEN". [merriam-webster.com](https://www.merriam-webster.com/dictionary/second-class%20citizen). / "the definition of second-class citizen". [Dictionary.com](https://www.dictionary.com).

⁷ Dincecco, Mark; Wang, Yuhua (2023). "State Capacity". *The Oxford Handbook of Historical Political Economy*.

CHAPTER ONE

Section One: A Review of Literature

Existing literature regarding the expansion of U.S. domestic surveillance has relied largely on a homogenous argument which places Cold War McCarthyism at the center of domestic surveillance practice. Many provide considerations for colonial surveillance against slave and Native populations as a foundational point to the expansion of the twentieth and twenty-first centuries, but with this surveillance being highly rudimentary and unorganized by nature, it does little to explain the vast institutional expansions which would operate outside of the confines of the law in the centuries to follow.

Authors like Theoharis (2010)⁸, Coyne and Hall (2018)⁹, and Price (2022)¹⁰ jump from this colonial overview to the Cold War era and resulting McCarthyism which mobilized to track and extinguish political subversion and dissent which came in the form of anti-war or pro-communist sentiment. This inward turn of surveillance is expressed, or justified, through the threat of Soviet espionage within U.S. borders. Authors who begin their timeline of surveillance expansion a bit earlier, like Harris (2010)¹¹ and Greenberg (2012)¹², cite this same war-time need for heightened national security measures in the years during and following World War I. Both of these authors begin their arguments at

⁸ Theoharis, Athan. *Abuse of Power*. Temple University Press, 29 Apr. 2011.

⁹ Coyne, Christopher J. *Tyranny Comes Home: The Domestic Fate of U.S. Militarism*. Stanford University Press, 2018.

¹⁰ PRICE, DAVID H. *The American Surveillance State*. 20 Nov. 2022.

¹¹ Harris, Shane. *The Watchers: The Rise of America's Surveillance State*. New York, Penguin Books, 2011.

¹² Greenberg, Ivan. *Surveillance in America: Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

this point in order to illustrate the pivotal transition from previously informal colonial-era surveillance to the then-formalized war-time surveillance which became necessitated by the U.S. first major involvement in global conflict. While this standpoint does explain domestic surveillance, which seemingly faces the inconsistent expansion born of domestic conflicts with citizens' rights, as a reflection of foreign surveillance, which can be seen as ever-increasing without the limits of legality in times of foreign conflict, Harris and Greenberg still go on to center the Cold War as the most notable turning point of domestic surveillance.

Some of these authors offer nuance to this Cold War argument, with Coyne and Hall mentioning increasing militarization, for one. This stance explains domestic surveillance permissance as a result of the fusion of militarism with American culture and its effect on normalizing infringements on citizens' rights. While this may be the case, this point does not contribute definitive answers to the physical capacity required to launch expansive surveillance measures against the domestic citizenry. Another offered nuance in Greenberg (2012)'s work includes mention of the FBI's COINTELPRO, which marked the first formal federal surveillance operation. Even this mention misses key historical points, as the author frames the spirit of this operation as discriminatory of political beliefs over any other factor, assuming indiscriminate surveillance against any organization which could be defined as politically subversive.

All of the aforementioned authors subscribe to this sentiment of surveillance expansion to be initiated against all political subversion without inconsistency, which this paper proves unreflective of true historical patterns of surveillance expansion. These

authors also collectively base their arguments off of the notion that war-time expansion of national security yields a parallel expansion of domestic surveillance as part of these national security measures, which this paper also aims to prove inconsistent. With this existing literature citing the Cold War as the first major turning point in the domestic potential for surveillance, and 9/11 as a second major turning point due to the establishment of data collection by widespread use of technology¹³, other instances of domestic surveillance, along with other nuances related to the targets of this surveillance are left unaccounted for, and may serve to prove the post-9/11 surveillance state to be both a major turning point and a culmination of domestic surveillance practices in the U.S. thus far.

Section Two: Introduction

When do states expand domestic surveillance? While some scholars have argued that state capacity for surveillance expands with technology, legal structures, or contexts of war, significant variation of domestic surveillance can exist within the same state and time period. Citizens, political movements, or organizations operating simultaneously may experience significantly different intensity and scale of state surveillance in ways that the current literature cannot sufficiently explain. I argue that while structural features and context are important, more attention should be paid to the construction of political threats,

¹³ While the existence of increased technology may seem to be an answer in and of itself to the question of why surveillance has increased in recent decades, it does little to explain expansions of surveillance. Technology does indeed provide a widespread vessel through which to conduct surveillance, but the capacity to conduct surveillance cannot rely alone on technology, nor do patterns of surveillance resurgence align with patterns of technological development.

and the state's active role in producing surveilled (or surveillable) 'subjects' as opposed to simply reacting to objective political threats.

In this thesis I expand on this argument by focusing on the United States, a country with a long well known history of increased measures of domestic surveillance during the 20th and 21st century. The US also exemplifies many of these same inconsistencies of surveillance between groups and organizations within the same time period. Using this case I ask, what explains the expansions of the US surveillance state since the 20th century? I argue that the US relied on two distinct factors: the construction of a 'foreign' threat and the use of pre-existing systems of second-class citizenship (to overcome potential political hurdles, backlash, and questions of legality). In this way, the constructed intersection between foreign and domestic threats (what I call a 'foreign-domestic nexus') was used as a means of expanding the US surveillance state on some groups or organizations of color as opposed to similar white led organizations.

I demonstrate this argument by focusing on pairs of ostensibly similar political groups or organizations in three different time periods. In each time period (early, mid, and late 20th century) one group of color was the subject of significant state surveillance, while their white-led counterpart appeared to receive significantly less attention. In each case, the expansion of US surveillance cannot simply be accounted for by racial difference alone, but is instead a product of how the 'foreign-domestic nexus' was successfully mapped on to existing social or racial hierarchies, in many cases exacerbating these distinctions for the purpose of political order.

By viewing the US surveillance system as being strengthened through these conditions, we may better understand the extent to which the history of American governance cannot be separated from the history of race. It is this feature that helps us navigate the rise of the American surveillance state post 9/11, as well as its roots within a longer history of racialized governance.

Section Three: Methods

This paper takes a historical institutionalist standpoint in the matter of answering the question of what explains the expansions of the US surveillance state since the 20th century. This paper seeks to understand not only the exact moments of time when domestic surveillance is seen to have been expanded, but also which present conditions within each respective moment in time necessitated (either justified or unjustified necessitation) these broad expansions of national surveillance. It is important to understand that not every instance of employed surveillance may be relevant to this timeline, as it is only the institutional expansions of capacity for surveillance that are relevant to the question at hand.

With this in mind, the answer to this question lies within the realm of causal inference: in particular, a causal process-tracing method. The investigation of surveillance expansion relies on two distinct timelines. One timeline, which tracks all recorded instances of institutional capacity for American surveillance being expanded, consists of evidence of department establishments and expansions, operation deployments, tactical

developments and deployments, as well as legal expansions and limits (all as they relate to the use of surveillance on the domestic citizenry). A second, parallel timeline is formed to track all of the historical events which serve as a real or perceived threat to American national security, and which have definitively or seem to have necessitated the activation of surveillance powers. A cross-reference of these two timelines gives way to an analysis of surveillance expansions in conjunction with their respective current events. Pattern tracing across those “threatening” events which see mobilized, extralegal surveillance as a justified response would then explain which conditions yield activation and subsequent development of surveillance apparatuses which would otherwise be assumed to lay dormant and undeveloped within their otherwise legal confines. The following argument presents the preceding surveillance to Japanese Internment (~1920–1940), select instances of surveillance during the Civil Rights Movement (~1960–1970) and the epitomized case of the post 9/11 surveillance state (~2001–2013). With these three periods illustrating the highest levels of institutional mobilization of surveillance, three parallel counter-cases of national security threat which portray comparative lack of targeted surveillance absent of key causal factors were selected as follows: Nazi mobilization in the U.S. (~1930–1940), KKK mobilization in the U.S. (~1960–1970) and the rise of eco-terrorism (~1990–2010).

With case selection being based off of these key points of intersection between expanded surveillance practice and perceived threat to the American way of life, two key causal mechanisms of surveillance expansion arise: the existence of a domestic threat which is, or can be, connected to relevant foreign conflict/threat, and the existing patterns of racialization surrounding these “threatening” domestic groups.

CHAPTER TWO: THE YELLOW PERIL

Section One: The Origins of Organized Surveillance

To form an understanding of the timeline of the institutional development of federal surveillance, it is not all forms of police surveillance (which include those of the colonial era) that must be included, but rather, those instances of implementation of surveillance into federal practice. This consideration exists not to minimize the impact of colonial surveillance on populations of color, but rather to remain consistent with institutional precedence as flowing downstream from federal to state, rather than upstream from state to federal. It is also pertinent to remember these precedents as being organized efforts to push the boundaries of legality as it intersects with government surveillance use, as the case-by-case instances of surveillance use at the state level prior show no tangible impact on the overall expansion of surveillance powers and capabilities. With this notion established, it is easy to see how these tactics become implemented through war. As Coyne and Hall (2018) note, it has become commonplace for the U.S. to treat conflict on foreign soil as a sort of soft-launch for fascist practices that may become normalized through war-time and then easily re-implemented into American society. We see this as the case in the increased militarization of local police departments. This point cannot, however, be broadly implemented onto conceptions of surveillance expansions without fallacy. While institutionalized surveillance does find its roots in war-time mobilization, as elaborated upon below, this does not override the inconsistency of subsequent surveillance expansion with conventional war-time excuses.

In the year 1898, the Spanish-American War marked a critical encounter that denoted the ascent of the United States as a dominant power on an international level. This war was fought between Spain and America, with implications encompassing territories both in the Pacific and Caribbean regions. Preceding this conflict, there existed limited capacity for uncovering intelligence by means of technology employed by the US government.

Rather, such intelligence relied heavily on human sources that remained at its disposal. However, throughout this war period, surveillance could be attributed to playing a crucial role in fostering favorable outcomes during combat situations.

Multiple forms of observation were utilized by America in order to gain strategic superiority over Spanish forces - these included espionage in the form of reconnaissance operations and signal intelligence tools. Alongside these efforts was an effective use of reconnaissance strategies which facilitated real-time monitoring and recording of essential data points from opposing camps. Aerial surveillance aided in understanding Spain's troop movements and fortification systems while naval-based tracking mechanisms gave clarity when locating high-value targets¹⁴.

Utilizing signal intelligence proved to be a significant factor in the United States' victory during the Spanish-American War. Intercepting and interpreting Spanish telegraph communications gave valuable insights into enemy plans and whereabouts. Not only that, but the U.S. Navy's ability to communicate with their own vessels through radio allowed

¹⁴ "Spies during the Spanish-American War." Warfare History Network, warfarehistorynetwork.com/article/spies-during-the-spanish-american-war/. Accessed 11 Apr. 2023.

them to coordinate interceptions of Spanish transmissions successfully. Perhaps most importantly, decoding Spanish Admiral Pascual Cervera's message informing his fleet's whereabouts led to engagement in one of the war's key battles¹⁵.

In paving the way for the integration of intelligence gathering in future conflicts and amplifying surveillance practices determining U.S. security policy, wartime surveillance solidified its place as a foundational precedent. It is from this pivotal launchpoint that the U.S. government could begin to integrate surveillance tactics into its national security playbook, with many of the same methods which spurred victory in the Philippines being seen in later domestic examples of surveillance-based policing.

Section Two: The First to be Interned

“On December 7, 1941, Sumi Okamoto, then 21, was busy getting ready for her wedding. Oblivious to the reports of bombs falling on faraway Pearl Harbor, Sumi put on her white dress and headed to the Grant Street Methodist Church in Spokane, Washington. Her family and friends, hoping not to spoil her wedding day, tried to keep the bad news from her—that is, until FBI agents crashed the reception to arrest several of her Issei guests” - Wallace (2017)¹⁶

¹⁵ “Spanish-American War -.” www.faqs.org/espionage/Se-Sp/Spanish-American-War.html. Accessed 11 Apr. 2023.

¹⁶ “Of Spies and G-Men: How the U.S. Government Turned Japanese Americans into Enemies of the State.” *Densho: Japanese American Incarceration and Japanese Internment*, 29 Sept. 2017, densho.org/catalyst/of-spies-and-gmen/.

Within the timeline of American transgressions on citizens' rights, there exists an accepted timeline which skips from the turn of the twentieth century straight through Prohibition, the "roaring 20's", the Great Depression, and lands on the immediate developments of World War I and their connections to Japanese Internment. This is a timeline which largely introduces the Empire of Japan as a relevant foreign enemy only within the context of their involvement in World War I. Historical analysis otherwise proves American combatance with the Empire of Japan as beginning within the global struggle for territory incited by the U.S.'s Spanish-American War excursions into the Indo-Pacific Islands¹⁷. Further, it is only through an analysis of surveillance expansion that a second timeline towards Japanese Internment is unveiled: one which proves decades of targeted tracking of Japanese communities on the west coast which culminated in the events of the Internment. Thus, Japanese Americans would be racialized and surveilled, not as a protective measure against a second Pearl Harbor-style attack, but rather in precedence to a deepening conflict with a foreign competitor for hegemony.

The importation of the surveillance of the Spanish-American War can largely be attributed to one man: John Dewitt. Through the merit of his work in the Office of Naval Intelligence in the Philippines just two decades prior, DeWitt would be appointed to engineer a surveillance program against the Japanese-Americans of Hawaii in the early

¹⁷ "Guardians on the Periphery: The US Army in Hawaii." The National WWII Museum | New Orleans, www.nationalww2museum.org/war/articles/us-army-hawaii-pearl-harbor.

1920's¹⁸. The surveillance measures employed on Japanese Americans living in Hawaii prior to World War II were rooted in two driving values - racial discrimination and national security.

Japanese Americans in Hawaii experienced targeted surveillance from government entities throughout their history. To monitor and control these immigrants that were considered as potential threats to national security (due to their Japanese origins and to the proximity of their residence on the west coast to the island of Japan), the FBI amassed copious volumes of data throughout the 1920's in a comprehensive database of Japanese American persons of interest¹⁹. The compiled information ranged from personal details like names and birth dates to familial ties, employment records as well as political connections. This top-secret program involved gathering information on various aspects of targeted individuals' lives such as language skills, education, military service, criminal activity and potentially subversive activities²⁰. This category of targeted individuals encompassed supposed spies, radicals, and other individuals believed to be involved in activities of subversion. In truth, the program, spearheaded by John Dewitt's comprehensive Joint Defense Plan²¹ aimed at monitoring *all* Japanese immigrants and their descendants living

¹⁸ "A Brief History of Government Surveillance: The NSA, FBI, CIA and GCHQ." Comparitech, www.comparitech.com/vpn/a-brief-history-of-government-surveillance-spying/.

¹⁹ "Persons of interest" in this case, as in most cases of all-encompassing and racially discriminatory policing, could refer to any American of Japanese descent, regardless of valid suspicion. While this collection of FBI files would prove to include a few Japanese agents of espionage living within the U.S., it largely consisted of the names and backgrounds of ordinary citizens who would prove to pose no verified threat to national security.

²⁰ "Subversive activity" in this context may consist of a wide range of activities: individuals who could be observed to take advantage of fishing journeys to hold meetings with Japanese citizens on the island would be included into the same list of individuals who, say, owned and operated a Japanese dojo within the United States.

²¹ This Joint Defense Plan,

in Hawaii. It was one single push, dubbed “Project ORANGE”, which primarily allowed the Army’s Military Intelligence Division to gather the extent of intelligence on Japanese activities in Hawaii as it did.

Within the framework of Project ORANGE, both civilian informants and military personnel were assigned with the mission of collecting information regarding Japanese organizations, entities, and persons²². Furthermore, this program entailed supervising Japanese-language newspapers and radio broadcasts to detect any tendencies towards anti-American attitudes or potential threats along with personal mail and telegrams.

Collaborating closely with additional governmental bodies such as The Immigration and Naturalization Service (INS), The Federal Bureau of Investigation (FBI) dedicated significant effort towards assisting engineers of Project ORANGE²³.

Exploiting this vast reservoir for harnessing actionable intelligence permitted the FBI to actualize an all-encompassing database which would include information on all people from Japan residing within the borders of Hawaii²⁴. Searches conducted by agents often involved unwarranted suspicion-based investigations into private property belonging to descendants of Japan; these actions consequently led to unnecessary persecution agendas which posed notable difficulties for wholly blameless members of society²⁵.

²² “A Brief History of Government Surveillance: The NSA, FBI, CIA and GCHQ.” Comparitech, www.comparitech.com/vpn/a-brief-history-of-government-surveillance-spying/.

²³ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

²⁴ “Guardians on the Periphery: The US Army in Hawaii.” The National WWII Museum | New Orleans, www.nationalww2museum.org/war/articles/us-army-hawaii-pearl-harbor.

²⁵ Fox, Stephen C. “General John DeWitt and the Proposed Internment of German and Italian Aliens during World War II.” *Pacific Historical Review*, vol. 57, no. 4, 1 Nov. 1988, pp. 407–438, <https://doi.org/10.2307/3640375>. Accessed 25 June 2021.

The plight of Japanese Americans during World War II extended far beyond the infamous internment camps established across America. The military had their eyes set on Japanese American communities throughout Hawaii as well, with particular focus on the fishermen population who could serve as prime sources of intelligence or potential saboteurs should war escalate in the region.

In response to this constructed sense of threat, the Office of Naval Intelligence would directly implement much of the aerial and communication technology of the Spanish-American War²⁶. While FBI files held the names and relationships of Japanese-American communities, one of the first widespread uses of wiretapping in the country's history allowed community organizations to be infiltrated while aerial mappings worked to pinpoint their locations. Even those Japanese-Americans serving in the armed forces did not escape close monitoring, with unfounded narratives of the "traitorous" Japanese putting those Japanese-Americans at consistent risk of harm by their fellow army men²⁷. The (unfortunate) success of this program in Hawaii, the FBI and its supplemental departments could look ahead to even wider implementation on the mainland U.S.A.

Section Three: The Fate of the Fishermen

In California before WWII, a unique type of surveillance focused specifically on Japanese American fishermen residing along the coast. This specific kind of investigation aimed at tracking their actions in ships fueled by both ethnicity-based discrimination

²⁶ "John DeWitt | Densho Encyclopedia." Densho.org, 2019, encyclopedia.densho.org/John_DeWitt/.

²⁷ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

coupled with growing pre-war security issues. Similar to the program in Hawaii, monitoring operations in California would revolve around publication investigations (Japanese language newspapers), human sources of data collection (informant planting) and physical movement monitoring (aerial mapping). Extensive supervision activities were led by federal authorities such as the Office of Naval Intelligence and the Federal Bureau of Investigation²⁸.

In this case, the FBI's monitoring efforts were far-reaching and exhaustive; and joining into Japanese American organizations, such as the Chamber of Commerce and the Japan Association, became as inhospitable as ever. Issuing preemptive raids and search warrants on both residences and places of business alike became commonplace as the FBI sought out proof of threats to national security from within the community. Meanwhile, officials at the Office of Naval Intelligence paid particular attention to Japanese American fishermen, believing they may have provided opportunities for enemy submarines seeking intel or an inconspicuous cover for planned acts of sabotage right off California's shores²⁹.

Using the variety of intelligence-gathering approaches listed above, the ONI relentlessly tracked Japanese American fishermen's movements throughout WWII; evidenced by material present in its expansive Californian Fisherman Files³⁰. Data gathered here again pertained to key personal details such as names and locations — reinforced by photographic data — alongside specific technical attributes of their boats plus equipment

²⁸ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

²⁹ “Guardians on the Periphery: The US Army in Hawaii.” The National WWII Museum | New Orleans, www.nationalww2museum.org/war/articles/us-army-hawaii-pearl-harbor.

³⁰ “John DeWitt | Densho Encyclopedia.” Densho.org, 2019, encyclopedia.densho.org/John_DeWitt/.

used whilst working at sea. State and municipal authorities also participated in their own observation strategies outside of governmental bodies.

The creation of the "Special Squad" by the Los Angeles Police Department was aimed at closely monitoring and controlling the activities of Japanese Americans in the city. This collaboration with other government agencies like the FBI and Immigration and Naturalization Service enabled them to gather information effectively for census data³¹. The outcome of the "California Fisherman Files", along with its predecessor of files collected on the Hawaiian Japanese-American population, would form the means of Japanese Internment almost two decades before its onslaught; these mass data collections could be seen to have been carried through with internment in mind far before the perhaps-valid threat of World War I would necessitate it³².

Section Four: The Obstacle of Civil Liberty

The pre-World War II era saw the Federal Bureau of Investigation (FBI) monitoring various civic associations and executing surveillance on Japanese American groups -- those advocating for civil liberties and equal representation made extra appearances on their watchlists. Among them was The Japanese American Citizens League, a staunch advocate for these ideals dedicated to improving conditions for Japanese Americans and pushing their integration into mainstream America. In line with these efforts, the FBI conducted an

³¹ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

³² "Judgment without Trial: Japanese American Imprisonment during World War II [PDF] [522h7odfb730]." Vdoc.pub, vdoc.pub/documents/judgment-without-trial-japanese-american-imprisonment-during-world-war-ii-522h7odfb730. Accessed 11 Apr. 2023.

extended examination of the JACL, who they saw as posing a significant threat to national security.

With efforts throughout the 1920's being focused largely on Hawaii and the California coastline, various responsible government agencies could look ahead to more vast implementation across various states. FBI Director J. Edgar Hoover authorized this program in 1939 which officially sought out personal details of members, such as names and addresses along with their political leanings³³. In a rather new strategy, however, the FBI would begin to enlist existing members of the JACL (and other groups like it) as informants, with feigned guarantees of exemption from persecution. Cultivating informants from within would become a central aspect of the FBI's investigation into the JACL. Drawing on a network of trusted insiders, these informants fed information back to law enforcement officials about their fellow members' involvement in various activities or discussions. Using this method and others alike, FBI agents gathered intelligence about these organizations for several years before incarceration commenced. The impact of this practice was significant; it created a pervasive climate of uncertainty and mistrust among Japanese Americans generally, inhibiting wider activism and advocacy work undertaken by organizations such as JACL.

As World War II commenced, evaluations of Japanese American loyalty would become as pertinent as ever for federal authorities. This included an intense focus on the JACL, with agents from the FBI regularly attending its meetings and conferences while

³³ "Guardians on the Periphery: The US Army in Hawaii." The National WWII Museum | New Orleans, www.nationalww2museum.org/war/articles/us-army-hawaii-pearl-harbor.

keeping tabs on its correspondence and published materials. Additionally, undercover informants from within the organization were hired by the FBI to gather sensitive information regarding its members and operations. All such measures were indicative of wider government efforts to control Japanese American communities in ways that later led to their unjust incarceration.

Even still, it is not enough to explain the unjustness of this incarceration and the surveillance which permitted it. In answering the question of surveillance capacity, two key features of these processes, which are drawn out here through the mention of Hawaii, California, and the JACL, involve the interaction of existing Japanese racialization with the ongoing foreign conflict between the U.S. and mainland Japan. The heavy racialization of Japanese Americans would track far before the participation of Japan in World War I; this is a trend which began when Japanese laborers first arrived in the country³⁴. Sentiments regarding the loyalty of Japanese Americans would be combined with the parallel sentiments regarding Chinese Americans into one all-encompassing “Yellow Peril”. The justifications through which to surveil Japanese American populations were rooted in nineteenth century fear of Asian immigrants. However, the importance of the combination of causal mechanisms stands out here. While Japanese and Chinese Americans shared the same categorical racialization, Chinese Americans would be entirely excluded from pre-war surveillance, lacking the justification of conflict with mainland China. And, on the other end, while the events of both World Wars may have placed German or Italian

³⁴ “Judgment without Trial: Japanese American Imprisonment during World War Ii [PDF] [522h7odfb730].” Vdoc.pub, vdoc.pub/documents/judgment-without-trial-japanese-american-imprisonment-during-world-war-ii-522h7odfb730. Accessed 11 Apr. 2023.

Americans under risk of persecution (and not without want, as John Dewitt himself cites the potential to expand pre-internment surveillance to German and Italian populations), these populations would go entirely untouched by the invasiveness of surveillance³⁵. If not for a lack of existing racialization against German and Italian Americans which placed them in complete opposition to all other kinds of white populations in the country, these populations may have faced the same fate. Through these cases and counterfactuals, it can be concluded that Japanese American surveillance and internment can be attributed to a critical conjunction between racialization and the aforementioned foreign-domestic nexus.

Section Five: When Nazism Operated Freely

It has been established above that there did not exist any level of surveillance against German Americans throughout the U.S.'s involvement in either of the World Wars. While there existed a clear foreign-domestic nexus, its accompanying racialization did not. But, within the same time period as the above cases regarding Japanese surveillance, it may be reasonably assumed that these vast surveillance implementations could work jointly against any present threat to national security. If this had been the case, claims of targeted Japanese surveillance may be generalized and attributed to simple war-time measures. To address this potential counterargument, evaluating the case of German-American violence becomes important.

³⁵ Fox, Stephen C. "General John DeWitt and the Proposed Internment of German and Italian Aliens during World War II." *Pacific Historical Review*, vol. 57, no. 4, 1 Nov. 1988, pp. 407–438, <https://doi.org/10.2307/3640375>. Accessed 25 June 2021.

As tensions mounted between America and Germany prior to World War II, some members of the German-American community formed an organization called the American German Bund. While ostensibly focused on celebrating their cultural heritage, this group's overtly pro-Nazi beliefs aroused concern among many Americans who feared sympathizers existed within their own country.

The period leading up to World War II saw efforts by the Nazi Party to cultivate favor among Americans of German descent residing in the United States. The Nazis themselves viewed these individuals as potentially useful allies both politically and financially, thereby seeking to appeal to a shared sense of national belonging between these Americans and their ancestral homeland.

Specifically targeting prominent groups within this community, such as the pro-German organization known as the German American Bund, Nazi operatives worked diligently towards furthering their own agenda while simultaneously bolstering conservative influences in America. German Americans were lured by the Nazis through a strategic emphasis on German culture and tradition³⁶.

The Nazis posed as guardians of German identity and dignity, portraying Jews and other minority groups as threats to the nation's heritage and values. During the Great Depression, the National Socialists capitalized on the anxieties and concerns of their American counterparts, holding minorities responsible for both Germany's and the U.S.'s financial woes.

³⁶ "Nazis in America - Americans and the Holocaust - United States Holocaust Memorial Museum." Exhibitions.ushmm.org, exhibitions.ushmm.org/americans-and-the-holocaust/main/nazis-in-america.

In addition to hosting public events that highlighted aspects of German culture, individuals associated with organizations like the German American Bund bolstered their ranks through extensive outreach strategies, often launched through German language media outlets³⁷.

In response to mounting global tensions, particularly those involving Nazi Germany in the 1920s and 1930s, several pro-Nazi groups emerged in America. Leading this charge was Fritz Kuhn's German American Bund (formerly known as Friends of New Germany), which staunchly stood behind Hitler's agenda. Through its efforts to propagate fascist ideologies across America during this period, Kuhn forged himself an infamous reputation that endures to this day.

While ostensibly formed to celebrate German culture and advocate for those with German roots in America, members of the German American Bund were actually tied closely to Nazi ideology. Not only did they openly support Adolf Hitler as their leader – who espoused ideas about creating a master race – but they also pushed virulently anti-Semitic beliefs.

Indeed, it is impossible not to view their massive rally at Madison Square Garden in February 1939 without putting it into this greater context. With a gathering of more than 30,000 individuals, the rally was filled with swastika banners, Nazi salutes, and anti-Semitic speeches. The press extensively covered this event and stimulated shock and indignation throughout the entire nation. Moreover, in imitation of the Hitler Youth in Nazi

³⁷ “Nazis in America - Americans and the Holocaust - United States Holocaust Memorial Museum.” Exhibitions.ushmm.org, exhibitions.ushmm.org/americans-and-the-holocaust/main/nazis-in-america.

Germany, German American Bund had set up youth associations whose intention was to instill the Nazi belief system in young people and create lasting loyalty towards Hitler and his party. At the heart of Nazi indoctrination was a two-pronged approach, targeting both boys and young men³⁸.

This took shape in the form of the Jungvolk, designed for boys ages 10-14, and the Hitlerjugend for those aged 14 to 18. Comprising rigorous physical training, military instruction and indoctrination in Nazi ideology, these groups offered unbridled exposure to anti-Semitic beliefs along with rallies that mirrored similar events held by the German American Bund.

In addition, summer camps were set up by this same organization as part of a greater attempt at insulating young Americans from all manner of outside influence. Despite the knowledge of the government regarding the existence of German American Bund's youth groups and summer camps, it wasn't until the infamous Madison Square Garden rally in 1939 that the monitoring of these groups would commence. Though monitoring efforts remained limited, as evidenced by one of the most egregious incidents of German espionage of this era.

In 1942, Nazi saboteurs from Germany would arrive at Long Island Port. FBI investigation led to their swift detection, apprehension, and eventual execution on charges related to their actions against targets in America³⁹. Though these investigations revealed

³⁸ "Nazis in America - Americans and the Holocaust - United States Holocaust Memorial Museum." Exhibitions.ushmm.org, exhibitions.ushmm.org/americans-and-the-holocaust/main/nazis-in-america.

³⁹ "Nazis in America - Americans and the Holocaust - United States Holocaust Memorial Museum." Exhibitions.ushmm.org, exhibitions.ushmm.org/americans-and-the-holocaust/main/nazis-in-america.

conspiratorial links between these individuals and members affiliated with the German American Bund, no domestic citizen was subsequently indicted or questioned for any role they may have played. In analyzing various features integral to monitoring activities carried out by Bund officials through their group's finances during this period under review, several irregularities — including fraudulent conduct — came into focus thanks primarily due to collaboration with agencies like the Internal Revenue Service (IRS). William Sebold, an German American informant, was recruited with the purpose of providing information on the financial activities and plans of the German American Bund organization. The goal was to arrest some leaders on charges related to fraud. However, this approach failed to address the entire nature of the organization itself.

Furthermore, all members would be absolved of guilt after America's entry into WW2, with no non-financial charges being leveraged against them⁴⁰. The evidential value of the wiretapped information monitored by the FBI was primarily focused on fraud, with a minimal attention placed by government entities on the organization's anti-democratic conspiracy⁴¹. Following the arrest of a few notable members, most of the Bund's leaders and members went underground.

Despite an increasing incidence of fascist and Nazi ideologies taking hold in the country and fighting against Nazism abroad, former group members were permitted to surreptitiously join other white supremacist or far-right organizations, thereby escaping

⁴⁰ "Nazis in America - Americans and the Holocaust - United States Holocaust Memorial Museum." Exhibitions.ushmm.org, exhibitions.ushmm.org/americans-and-the-holocaust/main/nazis-in-america.

⁴¹ Greenberg, Ivan. Surveillance in America : Critical Analysis of the FBI, 1920 to the Present. Lanham, Maryland, Lexington Books, 2014.

FBI scrutiny. There, the various attacks perpetrated by Nazis across America such as physical assault on minorities including Jews and destruction of Jewish premises could continue without continued association with the German state.

While this ideological infiltration posed a threat to democratic principles in America at large during this time period, intelligence gathering on these groups did not become a priority until the onset of WWII. Even still, there is no evidence to point towards an organized effort to conduct surveillance on German Americans, apart from those few individuals who would be convicted of financial fraud. These cases were treated rather similarly to those cases of financial fraud levied against mobsters of the time, without racial or national security-related undertone. It seems that, while the FBI and partnering departments conducted mass surveillance on Japanese Americans prior to validating any sense of national threat, a very real and largely ignored sense of national threat existed among German and Nazi Americans. If expansions of surveillance could indeed be summarized through war-time mobilization, it would seem that the direct interference of Nazi Germany, the country's chief rival in the war, in the domestic organization of German Americans would pose the highest level of national security risk imaginable. Though, through the absence of effective racial othering of German Americans up to this point, Nazism would be allowed to operate freely within the U.S..

CHAPTER THREE

Section One: Pursuing the Nation of Islam

In regards to the topic of American domestic surveillance, one of the most pertinent examples lies within the Civil Rights Movement. It has been broadly understood that branches of the FBI, in heavy collaboration with local law enforcement agencies, centered their operation throughout the mid-twentieth century around functions of black repression. The CIA, still a developing agency at the time, drove much of this early development through major collaborations (with the FBI) of counterintelligence targeted specifically towards black communities (the majority of surveillance conducted during this time would fall under COINTELPRO: a series of covert and illegal operations and strategies designed to effectively enact war against black mobilization). This targeting of counterintelligence towards black mobilization, by definition, would prove to be an overreach. The intensity and breadth of tactics utilized following the devastation of WWII would have been designed for use against the developed intelligence powers of opposing nations, but were instead practiced and sharpened against primarily black, grassroots organizations with no organized intelligence powers of their own.

With Black Americans being consistently excluded from American capitalist structures for centuries, the socialist or communist-leaning foundations of rhetoric for many Black liberation of the time period should not have come as a surprise. However, it is this communism-inspired rhetoric that would also form the foundation of intelligence against them. To the disadvantage of Black mobilization, the height of the Civil Rights Movement would fall parallel to the height of the Cold War. This was a time when

maintaining the prevailing American political structure through any means necessary was a widely accepted (and rather un-democratic) feature of American democracy. Further, with black mobilization of any time period being consistently framed as anti-American or unfoundedly violent by nature, an all-encompassing notion of Black liberation as woven together with the overarching threat of communism could be very easily implanted into public perception. Thus, figures like Malik el-Shabazz (formerly Malcolm Little, then Malcolm X)⁴², Kwame Ture (formerly Stokely Carmichael)⁴³, John Lewis, Huey P. Newton and Bobby Seale, as well as organizations such as the Nation of Islam (NOI), the Student Nonviolent Coordinating Committee (SNCC), and the Black Panther Party (BPP), would all fall subject to identical attributions of violent communism, despite vast differences across these individuals in political ideology and in approaches to violence vs. nonviolence and liberation vs. integration. Black civil rights movements, more than any other movement which may have fallen victim to the anti-communist control mechanisms of COINTELPRO, would uniquely fall victim to the dually necessary conditions of established racialization (through attributed aggression, treachery, insentience, or insatiability) and the foreign-domestic nexus (with communism as a common denominator between domestic Black liberation and foreign Soviet threat).

The Civil Rights Movement saw the US government engaging in overly intrusive behavior towards civil right activists through unjustifiable surveillance practices. Their

⁴² Malik el-Shabazz, or “Malcolm X”, has processed several name changes throughout his lifetime. Because of this, and for the purpose of maintaining familiarity, the name “Malcolm X” will be used to refer to him from this point on, as this is the most widely recognized of his names.

⁴³ Alternatively, Kwame Ture, or “Stokely Carmichael” has processed a single and widely recognized name change. Given the general familiarity of the name Kwame Ture, this chosen name will be respected and maintained in reference to him throughout this paper.

primary objective stood to effectively demobilize the Black Civil Rights Movement through various techniques accompanied by COINTELPRO (Counter Intelligence Program). This undercover operation wholly ignored legal precedents while it worked entirely covertly under the guidance of FBI director J. Edgar Hoover, targeting any group he deemed a hazard to national security⁴⁴. Some of these most egregious tactics would be later deemed unethical at best, and extralegal at worst.

It would be during the height of Civil Rights mobilization that a parallel height of COINTELPRO mobilization may be observed through FBI documentation. Agents would take on a multi-pronged approach, conducting wiretaps, intercepting mail and telegram, placing microphones within facilities hosting the meetings of civil rights leaders. The U.S. Post Office itself would be directed to indiscriminately open mail addressed to certain civil rights organizations and activists of interest. While the majority of this conduct was carried out without warrant, those operations which did seek warrant did so through the promotion of incorrect or misleading reasonings of threat to national security or feigned ongoing criminal investigation.

The infiltration of civil rights organizations by the FBI also entailed the recruitment and payment of informants who were entrusted with gathering information, disrupting activities within these groups, and reporting on the movements of their own colleagues. The agency went as far as directing some of its informants to instigate violence or encourage illegal activities in a bid to discredit these associations. In addition, this

⁴⁴ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

overreach served not only to threaten individual champions of the movement, but their homes and offices as well. The FBI resorted in several cases to illegal break-ins and search and seizures when gathering intel on civil rights leaders. Here, microphones were planted in order to listen in on personal conversation, while files and personal items were stolen without legal authority⁴⁵.

While COINTELPRO served to protect from national security breaches first and foremost, the widespread monitoring of Black movements which took place were often predicated on biases of political affiliation or race rather than rational suspicions of threat. As one consequence, these activities led to the fragmentation of some organizations and incarceration for several civil rights campaigners.

Prominent amongst them was Malcolm X, an auspicious figure in the struggle for Black liberation in the mid-twentieth century. Despite falling subject to extensive surveillance by entities such as the FBI and NYPD, Malcolm X's career remained undeterred. After serving time in prison in the early 1950s, he came into contact with Elijah Muhammad's philosophy through which his commitment to the Nation of Islam took shape.

Subsequently, the Federal Bureau of Investigation delved extensively into monitoring both Muhammad and some key members within the Nation Of Islam so perceived to be comparatively influential to Malcolm X, employing mechanisms ranging from the aforementioned wiretaps and informants, among many others. This would come in direct response to Malcolm X's emphasis on the need for black separatism and self-

⁴⁵ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

defense. A significant facet of his platform involved the promotion of Black empowerment through abandonment of white society and establishment of communities and institutions which would safeguard themselves against the oppression and violence perpetrated by the general white populace. This ideology was driven through anti-capitalist economic ideology which would often reflect communist sentiment at the time, but never be outwardly declared as so. Given this stance, government surveillance conducted on both Malcolm X and the NOI could be interpreted as a means to forestall any perceived threat posed by his message of economic restructuring.

As Malcolm X's popularity increased, federal officials increasingly deployed informants within the group to monitor its activities. The decade of 1960 kicked off with a concerted effort by the Federal Bureau of Investigation to infiltrate one of America's most prominent religious groups: The Nation of Islam (NOI).

Complaint in this effort was one Black NYPD officer, Gene Roberts, who operated under the alias "Malik," having previously been associated with NOI. Employing his insider status to great utility, Roberts kept federal agents apprised about movements within NOI's leadership structure all while feeding them inaccuracies at appropriate times. Wiretapping technology was extensively utilized by both Malik and his handlers in order to gain insights into Malcolm X's key engagements around critical junctures.

The FBI simultaneously pursued propaganda campaigns to discredit the NOI's leaders and organization. These disinformation tactics created false impressions of radicalism to undermine public trust towards Malcolm and his followers. Having been under constant surveillance during this period, this affected Malcolm X both in his public

speeches and personal life.

The FBI and NYPD kept tabs on his movements throughout the day, tapped into his phone conversations, and screened through his mail - all with an aim to substantiate their intel on NOI operations. Even after Malcolm X's separation from the NOI to form the Organization of African-American Unity in 1964 – which promoted moderated black nationalism concepts – the personal scrutiny would continue and authorities maintained compliance with his careful monitoring. With the traditional warranting structure of criminal investigations isolating singular aspects of the suspect's life, COINTELPRO's transcendence of this warrant structure would also spell transcendence beyond the respected confines of a criminal investigation. Falling victim to COINTELPRO investigation meant that every aspect of your life, for the rest of your life, would be subject to monitoring.

Inevitably, the surveillance conducted by the FBI against NOI proved to be a significant factor in the organization's downfall towards the end of the 1960s. Through their efforts to disrupt and discredit this group, government agencies were victorious in reducing its influence amidst growing scrutiny and pressure. Despite leaving NOI, the framing of Malcolm X's radical discourse and combative manner would forever divide his reputation amongst both Black Americans and society at large as a fierce protagonist for black liberation. The period preceding Malcolm X's assassination was one marked by severe surveillance from both the FBI and NYPD.

Despite these agencies' awareness of death threats against him, hostility toward Malcolm was allowed to develop and persist among members of the NOI and the wider

African American community. Tragically, it would be while delivering a speech at Harlem's Audubon Ballroom that one of these threats would reach fruition on February 21st, 1965.

Section Two: Dichotomy within the SNCC

While the Nation of Islam dominated the Civil Rights Movement through the first half of the 1960's, a newly prominent organization, the Student Nonviolent Coordinating Committee, would take charge of the Black liberation movement towards the second half of the decade. At its roots, this organization was led by John Lewis, a former leader within the Nashville Student Movement during his time at Fisk University In Tennessee. His work there helped catalyze a national conversation about segregation - particularly through the protest actions directed against segregated lunch counters throughout the city.

His participation as one of just thirteen individuals chosen for the first cross-country Freedom Rides beginning in 1961 put him at risk of government scrutiny from very early on. His prominence as a Civil Rights figure at the time led him eventually into the chairman position at the SNCC in 1963.

The FBI, at this time, had already classified the SNCC as a "black nationalist hate group" while looking over their meetings, demonstrations and voter registration drives with dark intentionality aimed to neutralize members of SNCC leadership. False rumors and disinformation regarding the organization's nonviolent nature served as key weapons wielded by the agency in their efforts to erode SNCC's reputation from within. As a result of sustained FBI surveillance campaigns against them, SNCC experienced profound

difficulties with organization-wide communication channels breaking down alongside mutual trust among members waning over time. Nevertheless, John Lewis and his colleagues at SNCC persevered via nonviolent tactics aimed at driving lasting change - an approach that ultimately proved successful through legislative action such as the passage of the Civil Rights Act (1964) along with Voting Rights Act (1965).

Another well-known face within SNCC throughout the Civil Rights Movement was Stokely Carmichael, or Kwame Ture as he came to be known later on. An early member of this organization when he joined them back in 1960, it wasn't long before his outspokenness on issues regarding Black empowerment made him one of their most respected leaders. The approach advocated by Ture focused more on aggressive means than passive ones when attempting to achieve social progress; thus, under his Chairmanship from '66-'67, members of the organization would gravitate towards embracing the ideologies behind Black power over those of Black assimilation. Kwame Ture's vision for achieving civil rights would prove to be in stark contrast to his predecessor, John Lewis' vision through peaceful means.

Under his leadership role at SNCC, Ture transformed it into an organization that aimed at making revolutionary changes while reflecting the militancy of the police for their own self defense. As an outward socialist, much of Ture's ideology would also revolve around the same sort of economic liberation communicated by Malcolm X, which would similarly be flagged as anti-capitalist and threatening by nature⁴⁶.

⁴⁶ Greenberg, Ivan. *Surveillance in America: Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

Through effective organization and mobilization efforts spanning nationwide, ranging from sit-ins and boycotts to high-profile marches like those from Selma to Montgomery, he cemented the SNCC's position as one of America's influential movements committed towards achieving social justice for all minority communities. As an advocate for Black Power trends in politics, Ture also founded the Lowndes County Freedom Organization that went on to adopt the panther as their emblematic mascot due to their traits of strength and resilience - all while drawing heavy supervision from the FBI over concerns regarding possible radicalization.

Kwame Ture's incitement of black power through his mobilization effort in the SNCC came up against intense government resistance characterized by extensive surveillance. Evidently, it was made their top priority to monitor all forms of communication and interfere with all movement between him and fellow prominent civil rights activists in an attempt to throw SNCC off-balance and derail its agendas.

Amidst the slew of organizations targeted under COINTELPRO, the SNCC found itself particularly in the crosshairs due to its significant influence and leadership, with Ture being a prime target. Utilizing their range of surveillance techniques (wiretapping, informants, and mail and telegram monitoring) against both Ture and the SNCC, the FBI sought to delegitimize the organization in the same way that they successfully delegitimize the NOI just a few years prior. The Bureau was especially interested in Ture's phone conversations, obtaining wiretap authorizations for both his personal and office phone lines. Wiretaps were set up per the mandate of the Foreign Intelligence Surveillance Act to gather knowledge about possible links between Ture and foreign administrations or

communist organizations. Though, suspicion of Ture's relationship with foreign administrations was at the time entirely fabricated by the Bureau itself in response to his socialist ideology. Other than electronic inspection, physical evaluation was conducted on Ture through several measures. They tailed him and SNCC members during their meetings and marches while also planting undercover agents deep within their ranks. Moreover, papers consisting of information about Ture's private life, his political ventures alongside other allegations of conspiracy connections were kept under careful watch by the FBI. They intercepted much of Ture's private mail, including intimate letters to loved ones, for insights on his objectives. Further, the Bureau's surveillance techniques were supplemented by assaults on both Ture's and the SNCC's reputations through misinformed propaganda campaigns which were flooded through planted stories within mainstream media outlets to rumor-mongering effect.

The FBI's "Rabble Rouser Index" was a targeted operation designed to disrupt the activities of individuals deemed potential troublemakers within the SNCC. This index served primarily as a self-justification for the Bureau's surveillance conduct against any Civil Rights leader of the time, with no established guidelines of criteria for inclusion within this index. Their objective was to create opposition within the ranks of the SNCC and hinder productivity, and unsurprisingly, Ture was quickly labeled as a "rabble rouser" himself.

Despite the fact that John Lewis was also targeted by the FBI, the surveillance and harassment inflicted upon Ture and the SNCC were far more intrusive and disruptive to their work. While tactics used against Ture were highly intrusive and militarized by nature,

tactics enacted against Lewis would be much more subdued. Lewis's surveillance focused largely on his public speeches and public dealings with other Civil Rights leaders, almost exclusively within the context of his involvement with the SNCC. In turn, the SNCC under John Lewis did not experience the same levels of infiltration and was allowed to continue its regular operation. By contrast, Ture's surveillance seeped into every aspect of his personal life. This surveillance was highly aggressive and served to disengage him as a person and as the chairman of the SNCC⁴⁷. Due to this shift, the SNCC would not begin to unravel until Ture's leadership, through no fault of his own.

The key causal difference between surveillance of the SNCC under Lewis's and Ture's leadership would lie in their personal ideologies on Black liberation. Where Lewis maintained his focus on nonviolence and Black integration into existing American structures, Ture centered his version of the organization around socio-economic self-sufficiency and Black liberation from these structures (whether this formulated through nonviolence or not). While this difference certainly did not absolve Lewis from surveillance, it did dictate a significant difference in its level of intrusiveness over their lives. While Ture's surveillance served to ultimately demonize and ostracize his position in greater society, ultimately inspiring his later move to Ghana as an international revolutionary, Lewis would go on to serve a healthy career as a U.S. congressman representing Georgia's fifth district. A contrast in the latter half of both of their careers proves not only to illustrate their respective differences in approaches to Black liberation,

⁴⁷ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

but also the extent to which government surveillance proved detrimental to their activism.

Section Three: A New Political Enemy

The Black Panther Party was formed as an assertion of resistance against pervasive racial oppressions which plagued America in the sixties, with radical co-founders Huey P. Newton and Bobby Seale both decidedly committed to combating issues ranging from police violence to economic disenfranchisement levied upon black communities across America. Huey P. Newton, born in Monroe, Louisiana, and Bobby Seale, born in Dallas, Texas, would separately find themselves moving to California in their youth and becoming involved in the study of political and revolutionary theory. Through these parallel experiences emerged the vision for a revolutionary organization devoted to this cause⁴⁸.

The inception of the Black Panther Party occurred in 1966 when Huey P. Newton and Bobby Seale crossed paths while attending Merritt College in Oakland. Together they forged upon a shared vision advocating for revolutionary activism aimed towards advancing social justice causes pertinent to Black Americans. This eventually translated into the creation of the party's "ten-point program" which disseminated radical ideas and enunciated objectives such as political and economic freedom, job security, improved living standards and housing accommodations, and wider access to educational services targeted towards African American populations who had unjustly been subjected to

⁴⁸ "Black Panther Party History and Geography - Mapping American Social Movements." Depts.washington.edu, depts.washington.edu/moves/BPP_map-events.shtml.

generations of oppression⁴⁹. In order to ensure the safe actualization of these desires, micro-level empowerment initiatives ensured that self-defense mechanisms could be instilled within mobilizing communities, so as not to be left vulnerable to the anticipated violence against their activism.

The Black Panther Party represented a potent threat to U.S. national security interests through much of its existence, at least as far as American law enforcement agencies were concerned. The FBI responded with a vast surveillance campaign aimed at monitoring both the group itself and, in particular, its leadership figures Huey P. Newton and Bobby Seale over several decades from roughly 1968 until Huey P. Newton's tragic assassination in 1989⁵⁰. Parallel to the preceding activism of the NOI and the SNCC, the BPP's liberation ideology drew much of its inspiration from Karl Marx's ideas of anti-capitalism and anti-imperialism. As such, the surveillance of the BPP would be framed as a response to communist threat.

Not content to just observe the two men in public or professional settings alone, tactical officers sought out intelligence regarding intimate details about Newton's and Seale's personal lives — including romantic relationships they pursued throughout their lifetime along with bouts of recreational drug use — with intent towards using these revelations for character assassinations or other forms of subversive attacks against both men's influence within BPP ranks⁵¹. Thus, the use of COINTELPRO's tactics of blackmail

⁴⁹ “Black Panther Party History and Geography - Mapping American Social Movements.” Depts.washington.edu, depts.washington.edu/moves/BPP_map-events.shtml.

⁵⁰ “How the Fbi Attacked the Bpp | Ann Arbor District Library.” Aaol.org, aol.org/node/196943.

⁵¹ “Black Panther Party History and Geography - Mapping American Social Movements.” Depts.washington.edu, depts.washington.edu/moves/BPP_map-events.shtml.

through surveillance subsequent to the FBI's designation of the BPP as a danger to society served to damage both the personal and professional lives of its founders while influencing fabricated chaos amongst its ranks.

Both Newton and Seale would end up facing several arrests on false accusations and were kept under constant surveillance through wiretaps and personal monitoring (of conversations, relationships, mail, and frequent locations) by FBI agents⁵². These arrests and assaults, made as a result of round-the-clock surveillance of their actions, were intended as acts of intimidation against their activism. During Bobby Seale's trial proceedings in 1969, investigators went so far as to obtain privileged information by surveilling conversations occurring between himself and his defense counsel. Moreover, informants were deployed to track the two founders' every movement while attempting to plant fabricated evidence against them. Extensive phone call tracing within the organization allowed authorities to gain a greater understanding of the Party's inner ranks and its relationships with community members and organizations. The agency's web of informants, which exploited members of the Party and of its peripheral communities for information on their mobilization, served both as sources of intel for the agency and as agents of chaos within the Party. As targeting from the FBI grew more aggressive on the outside, infiltrators worked to instill suspicion, distrust, fear, and questions of Newton's and Seale's leadership from within⁵³. Parallel to this internal turmoil, the agency would also plant intentionally misleading news stories regarding party members to damage the

⁵² "How the Fbi Attacked the Bpp | Ann Arbor District Library." Aadl.org, aadl.org/node/196943.

⁵³ "How the Fbi Attacked the Bpp | Ann Arbor District Library." Aadl.org, aadl.org/node/196943.

Party's reputation and invoke infighting among them. To illustrate this point further, by impersonating dissatisfied party constituents through anonymous letters sent to Seale and other leaders, the FBI instigated disputes within the group. Various infiltrations across regional branches of the Party not only weakened key leadership structures, but effectively destabilized and destructed ongoing initiatives across locales. As a result of this aggressive push against the Party, much of its operations were greatly impeded, and many of its leaders were imprisoned due to ceaseless intimidation and harassment meted out by the agency⁵⁴.

Section Four: The Resurgence of the KKK

The Civil Rights Movement of the 1950s and 60s was a period of significant social change in the United States. It was also a time when the Ku Klux Klan (KKK), a white supremacist organization, experienced a resurgence in popularity and membership. This expansion was fueled by a variety of factors, including fears of the changing racial landscape and increasing calls for equal rights for African Americans.

One of the main factors contributing to the KKK's expansion during this time was the changing racial demographics of the country. As African Americans migrated to northern cities, white residents in those areas often responded with hostility and violence. The KKK saw this as an opportunity to gain new members and support by positioning themselves as protectors of white neighborhoods and communities, and of American values and "traditional" ways of life⁵⁵.

⁵⁴ "How the Fbi Attacked the Bpp | Ann Arbor District Library." Aaol.org, aadl.org/node/196943.

⁵⁵ Williamson, Vanessa. "When White Supremacy Came to Virginia." Brookings, Brookings, 15 Aug. 2017, www.brookings.edu/blog/fixgov/2017/08/15/when-white-supremacy-came-to-virginia/.

While the original resurgence of the KKK within North Carolina would culminate in some of the more violent instances of racial violence, the KKK's subsequent expansion during the Civil Rights Movement was not limited to the South, where it had traditionally been strongest. In fact, the organization saw significant growth in states like Indiana and Ohio, where Black populations were ever-increasing and civil rights protests were becoming more common. In response, the KKK's message was actively promoted through various media outlets, including radio programs, newspapers, and magazines. They also organized public rallies and events, often featuring fiery speeches by key leadership figures.

To revisit the case of North Carolina, KKK members within this state committed a number of violent acts against Black Americans who were or were not actively mobilized for civil rights. The KKK used a variety of tactics to intimidate and terrorize activists, including cross burnings, bombings, and physical assaults⁵⁶.

In the early 1960s, the KKK in North Carolina was led by James Robertson "Bob" Jones, a key figure in the organization's national resurgence during the 1960s and 1970s. Jones, a Klansman who had been involved in the KKK since the 1920s, was known for his impassioned speeches and his innate ability to mobilize the Klan's members.

Under Jones's leadership, the KKK in North Carolina became increasingly active and violent by nature. Jones was known for his charismatic personality and ability to attract

⁵⁶ Williamson, Vanessa. "When White Supremacy Came to Virginia." Brookings, Brookings, 15 Aug. 2017, www.brookings.edu/blog/fixgov/2017/08/15/when-white-supremacy-came-to-virginia/.

new members into the KKK's ranks. He also established relationships with other white supremacist groups, including the National States' Rights Party, and used their resources and support to further the KKK's goals⁵⁷.

Jones and other KKK leaders in North Carolina targeted Black Americans thought to be involved in any level of civil rights activism, in addition to Jewish people, Catholics, and other racial and religious minorities. With violence and intimidation as their key means of suppressing activism and promoting white supremacy, the North Carolina chapter of the KKK began to target in particular those activists who were involved in voter registration and desegregation efforts. The KKK also targeted African American churches and community centers, often through vandalism and arson⁵⁸.

In 1958, Jones's KKK held a rally in Raleigh which drew thousands of participants. One of the most infamous acts of violence committed in North Carolina during this period was the bombing of the 16th Street Baptist Church in Birmingham, Alabama in 1963, which killed 14-year-olds Addie Mae Collins, Denise McNair, Carole Robertson, and 11-year-old Cynthia Wesley. Although the bombing was carried out by members of the KKK in Birmingham, the incident and its subsequent non-reaction among white populations underscored the power and reach of the organization across the South, including North Carolina. In 1965, the KKK bombed a civil rights activist's home in Reidsville, North Carolina. Another incident, the Greensboro Massacre in 1979, saw members of the KKK

⁵⁷ Cunningham, David. "What the Policing Response to the KKK in the 1960s Can Teach about Dismantling White Supremacist Groups Today." *The Conversation*, 4 Mar. 2021, theconversation.com/what-the-policing-response-to-the-klk-in-the-1960s-can-teach-about-dismantling-white-supremacist-groups-today-153712.

⁵⁸ Greenberg, Ivan. *Surveillance in America : Critical Analysis of the FBI, 1920 to the Present*. Lanham, Maryland, Lexington Books, 2014.

and the American Nazi Party open fire on a peaceful anti-Klan demonstration, killing five people and injuring many others⁵⁹.

Overall, the mobilization of the KKK in North Carolina during the Civil Rights Movement would prove to be a significant factor in the struggle for civil rights in the state. The organization's acts of violence and intimidation helped to galvanize civil rights activists and their supporters, who worked tirelessly to push for change despite the KKK's efforts to stop them.

There is no known information on specific FBI surveillance operations targeting Bob Jones and the KKK in North Carolina during the Civil Rights Movement. While the KKK was and has been noted as a terrorist organization within FBI files, these files exist more-so to as general descriptors of the organization's actions rather than collections of intelligence with intent to surveil and disrupt. Thus, there are little to no recorded instances of efforts to wiretap, install informants, or track the day-by-day activities of any of the several high-profile members of the KKK and its adjacent white supremacist groups during this time period. The FBI's interest in the KKK and other white supremacist groups would prove to be motivated by concerns about baseline public safety and financial legality over national security or racial sentiment⁶⁰.

Bob Jones would eventually be summoned before the House Un-American

⁵⁹ Cunningham, David. "What the Policing Response to the KKK in the 1960s Can Teach about Dismantling White Supremacist Groups Today." *The Conversation*, 4 Mar. 2021, theconversation.com/what-the-policing-response-to-the-klx-in-the-1960s-can-teach-about-dismantling-white-supremacist-groups-today-153712.

⁶⁰ Cunningham, David. "What the Policing Response to the KKK in the 1960s Can Teach about Dismantling White Supremacist Groups Today." *The Conversation*, 4 Mar. 2021, theconversation.com/what-the-policing-response-to-the-klx-in-the-1960s-can-teach-about-dismantling-white-supremacist-groups-today-153712.

Activities Committee following the initiation of an investigation on the Klan's financial activity. Lines of questioning included inquiries into Klan activity, but only under the context of financial fraud. Jones would decline to provide the Committee with the Klan's financial records, and would later be tried, convicted, and sentenced to one year in prison plus one \$1,000 fine. Jones would go on to live out the duration of his life as a career man, without any initial or further surveillance placed upon himself or his organization⁶¹.

Section Five: Political Ties to White Supremacy

Amidst fierce political debates surrounding civil rights reform in America throughout the mid-twentieth century, certain politicians directed their efforts towards maintaining institutionalized white supremacy, rather than towards unraveling it.

Former governor and senator from Mississippi, Theodore Bilbo—whose affiliation with white nationalist group Ku Klux Klan (KKK) has been well-documented—was one such individual whose views played out prominently during this era. In his controversial publication "Take Your Choice: Separation or Mongrelization," Bilbo expressed vehement opposition to any form of racial integration while extolling white supremacy as an ideal worth upholding. With this as just one example of politician involvement in upholding white supremacy, the role that politicians played during the Civil Rights Movement cannot be overlooked or understated—specifically in their connections to white supremacist groups like KKK and expressions of support for segregationist ideologies.

⁶¹ Williamson, Vanessa. "When White Supremacy Came to Virginia." Brookings, Brookings, 15 Aug. 2017, www.brookings.edu/blog/fixgov/2017/08/15/when-white-supremacy-came-to-virginia/.

One notable figure with these ties was West Virginia Senator Robert Byrd, who joined the KKK in the '40s and '50s before reluctantly leaving them behind to pursue his political career. Similarly situated was Governor George Wallace from Alabama who favored strict separatism when he reportedly thundered this ominous message during his inauguration speech — "segregation now, segregation tomorrow, segregation forever". Senator Strom Thurmond of South Carolina outpaced any filibuster duration record at that time to blockade ratification of crucial legislation called The Civil Rights Act of '57. North Carolina's former senator Jesse Helms would become infamous due to the overtly hostile image he projected towards ethnic minorities along with his oppositional stance towards vital civil rights bills⁶².

During the Civil Rights Movement, FBI records took care to document the intrusions of politicians who had proven affiliations with hate groups such as the KKK. Nevertheless, certain FBI agents themselves held white supremacist views, which corrupted their surveillance tactics and limited the effectiveness of their attempts to curb bigotry and violence. While the Bureau publicly condemned racism and extremism, individual biases compromised its investigations. Highlighted as an illustration of this phenomenon is the infamous ordeal involving Richard Held, an FBI operative affiliated with the controversial COINTELPRO program aimed at counteracting political organizations deemed to pose a risk to national stability.

Known for his unyielding tactics, Held was assigned to investigate the Ku Klux

⁶² Williamson, Vanessa. "When White Supremacy Came to Virginia." Brookings, Brookings, 15 Aug. 2017, www.brookings.edu/blog/fixgov/2017/08/15/when-white-supremacy-came-to-virginia/.

Klan in the 1960s. Despite such directives, however, it soon became evident that instead of combatting Klan activities, Held predominantly focused his efforts on surveilling civil rights groups and influential leaders such as Malcolm X. Notably thus, Held's illegal and professionally questionable acts ranged from wiretapping individuals without just cause to employing blackmail as a tool against notable figures like Martin Luther King Jr. Beyond Agent Held's sympathies for the KKK, there were also multiple other FBI agents who had connections with white supremacist groups⁶³. It became clear very early on in FBI COINTELPRO operations that, regardless of the generality of its focus on threats to national security, it would be Black and other racial mobilization for expanded rights which would provide the primary target for its surveillance, with a vast array of agents who themselves stood opposed to any expansion of rights at its helm.

Section Six: The Violation of Freedom Summer

In 1964, a voter registration effort known as the “Freedom Summer” launched in Mississippi to increase voting participation among newly-enfranchised Black American voters. Despite efforts towards peaceful coexistence between proponents and opponents of voter equality, tensions ran high.

Parallel to the scale of FBI agents who stood opposed to de-segregationist policies, there stood a wide array of members of local law enforcement who supported white supremacist opposition to voter rights. As a result, large, targeted acts of intimidation including violence against individual activists or public property destruction commenced

⁶³ Williamson, Vanessa. “When White Supremacy Came to Virginia.” Brookings, Brookings, 15 Aug. 2017, www.brookings.edu/blog/fixgov/2017/08/15/when-white-supremacy-came-to-virginia/.

throughout “Freedom Summer” without notable legal repercussions. One tragic instance occurred on June 21st when James Chaney, Andrew Goodman and Michael Schwerner fell victim to a kidnap and murder plot formed by notorious local members of the KKK. Several accounts of this event, including those of former law enforcement authorities themselves, describe a common understanding within the locale of cover-up measures being taken to protect those criminal KKK members. Another instance saw Vernon Dahmer — a Black man who had been encouraging members of his community to register to vote — had his home firebombed by KKK members. Further still, in June of 1964, Mt. Zion Church in Neshoba County was bombed by these same white supremacists while being used as a central gathering place for voting rights activists⁶⁴.

One of the most famous acts of KKK violence surrounding the mobilization of voting rights across the South was that of the murder of Viola Liuzzo⁶⁵. Participation in various protests held by organizations such as Southern Christian Leadership Conference played a significant role in Viola Liuzzo's activism during the Civil Rights Movement and allowed her to ally with Black activists to promote desegregation in the region. Liuzzo's murder⁶⁶ is cited to be a result of her outward fraternization with Black activists, much to the disapproval of local racial extremists. The vicious murder of Viola Liuzzo shocked not only those with direct ties to the Civil Rights Movement, but also many complacent

⁶⁴ Williamson, Vanessa. “When White Supremacy Came to Virginia.” Brookings, Brookings, 15 Aug. 2017, www.brookings.edu/blog/fixgov/2017/08/15/when-white-supremacy-came-to-virginia/.

⁶⁵ Williamson, Vanessa. “When White Supremacy Came to Virginia.” Brookings, Brookings, 15 Aug. 2017, www.brookings.edu/blog/fixgov/2017/08/15/when-white-supremacy-came-to-virginia/.

⁶⁶ Liuzzo would be shot by known KKK members while driving home from Selma with fellow activist Leroy Moton. Immediately following the shooting, the perpetrators would peer into the car to find Moton “playing dead” until they eventually left. Moton then ran for help and flagged down the car of Reverend Leon Riley over thirty minutes later.

Americans around the country who were moved by her “courage” and senseless loss. As news spread about this horrific event, perpetrated by member(s) of the KKK fraternity against an innocent woman whose unwavering commitment to social progress put her in harm's way, communities across racial lines grieved over what could only be described as a tragedy that epitomized the KKK's capacity for hatred towards equality. The death of Viola Liuzzo became a powerful catalyst for change within the United States' Civil Rights Movement. Her untimely passing compelled countless individuals who had once been indifferent or resistant to civil rights activism to become more deeply involved in efforts towards racial justice.

Yet even as Americans galvanized themselves around this new issue, there emerged an even stronger counter-movement marshaled against those advocating for change. Conservative politicians and media outlets sought to discredit Liuzzo by portraying her as careless and unprepared, ultimately blaming her own tragic fate on her alleged lack of discretion. Despite these right-wing efforts, the FBI would commence an investigation on the KKK in direct response to Liuzzo's murder. Even still, this investigation would rely on criminal, rather than racial, persecution, and would be spurred only after the murder of a white activist, regardless of the equally senseless and hateful murders of hundreds of Black activists before her. While this FBI investigation in and of itself did nothing to interrupt or dissolve any of the KKK's branches, the case did galvanize heightened focus and initiatives from law enforcement officials concerning white nationalist factions nationwide. Following her tragic homicide, an inquiry into KKK activities ensued to pinpoint which specific members were involved in this particular crime. The investigation into the murder

of Viola Liuzzo unveiled peripheral evidence of extensive illegal activities conducted or planned to be conducted by the KKK, including plans to firebomb the homes of several notable Civil Rights leaders. However, the particular perpetrators of Liuzzo's murder remain uninvestigated and outside of legal consequence. While this FBI investigation was enacted without aim to disband the group entirely, inquiry into their activities ultimately disrupted their leadership structure. Instead, following many noted instances of encouragement from law enforcement authorities, the centralized KKK would dissolve into smaller regional groups which would be allowed to continue their operation outside of public scrutiny and outside of law enforcement obligation.

While considerations can be made for FBI mobilization of surveillance against prominent white supremacist leaders during the Civil Rights era, differences in the handling of these cases prove them to be incomparable.

It could be argued subjectively that the damage to public safety caused by widespread KKK and white supremacist violence in the mid-twentieth century (and in all centuries of American history, for that matter) were more threatening to the average American than any Black Muslim or Black Panther could be. Despite this, federal surveillance can be seen to have treated them rather kindly. Where Black Civil Rights leaders saw the destruction of their personal lives, professional reputations, and hand-built organizations by federal agents in a real time response to the crime of activism, white supremacist criminals would receive slaps-on-the-wrist and the ability to evade arrest charges from local law enforcement bodies. Where Black Civil Rights leaders saw planted intelligence which investigated their activities and whereabouts proactively to any proof of

crime, white supremacists saw legal action which only pursued them following their transgressions into white-collar crime, and followed the traditional guidelines and processes of ordinary criminal investigations of the time. Even in the comparative cases of surveillance against SNCC chairman John Lewis and Kwame Ture, Lewis can be argued to have possessed the racialization mechanism without that of the foreign-domestic nexus⁶⁷. This would serve to explain the subdued (though still quite intrusive) nature of surveillance on him in comparison to the extreme onset of surveillance against both Ture and the SNCC as a whole during his tenure as chairman. KKK ideology of the time lacked both key causal mechanisms: there stood no perceived connection to foreign ideology, and no negative racialization to ostracize them. These were, in fact, domestic organizations of Americans whose ideology was centered around the maintenance and promotion of the existing American structures of white supremacy and capitalism which defined America's success for centuries. Thus, however much the KKK and its peripheral groups may have caused a danger to public safety, they could not be wholly classified as a threat to national security.

⁶⁷ This being due to his tendency not to promote any level of outwardly anti-capitalist sentiment during the Cold War era.

CHAPTER FOUR: THE WAR ON TERROR

Section One: An Unpatriotic PATRIOT Act

The violation of citizen privacy spurred by the enactment of the PATRIOT Act in October of 2001 had been precedent up to that point with several legal amendments and considerations intended to protect American citizens from this very outcome. Following the intrusion of Civil Rights era surveillance, the Senate's "Church Committee" report detailed the extent of illegality of the NSA, CIA, and FBI's joint domestic surveillance⁶⁸. While this report itself did not amount to direct policy upheavals, the policy initiatives and attention brought forth by the report would incite a chain reaction of policies which worked in the American public's favor. Even prior to Church Committee investigations, 1973 Supreme Court case *U.S. v. U.S. District Court* established a concrete precedent of the need for warrants to conduct any level of domestic intelligence surveillance. The eventual extension of this precedent would formulate a few years later in the establishment of the Foreign Intelligence Surveillance Act. Now, surveillance against the domestic citizenry could only be enacted in support of investigations involving treason or other forms of implication with foreign powers and adversaries. Despite the reform brought forth from this act, intent on preventing the harm caused by preceding decades of surveillance and wiretap abuse on the part of federal and local law enforcement agencies, the structure of this act left much room for continued abuse. Despite the newly entrenched need for criminal warrants before any enactment of surveillance, these warrants would be requested

⁶⁸ Timeline of NSA Domestic Spying 1791-2015. "Timeline of NSA Domestic Spying 1791-2015." Electronic Frontier Foundation, 29 Sept. 2017, www.eff.org/nsa-spying/timeline.

through specialized FISA courts who maintained power over who received a warrant and who did not, as well as which suspects were considered threatening to national security and which could be exempt from suspicion. Thus, the historic trend of selective suspicion as being in the hands of government and law enforcement powers had the potential to continue over time.

It was during this time period when the wave of McCarthyism would bring attention to the pervasiveness of government surveillance to large-scale public eye. Tactics formulated during the Civil Rights Movement were turned towards suspected communists of all racial categories. While authorities attempted to defame prominent communist leaders through deliberately misinformed propaganda campaigns, handfuls of informants were deployed into anti-capitalist and anti-Vietnam⁶⁹ student groups and community organizations in order to sway ideologies back towards the center of the political spectrum and surmise their threat levels to the prevailing capitalist structure. While there are several cases of surveillance enacted in the period directly following the Civil Rights Movement, this surveillance did more to turn public opinion against invasive intelligence measures. While the public became more aware of surveillance abuses, the Church Committee report worked to put pressure on intelligence-conducting agencies and prevent further expansion of surveillance capacity. Thus, in reference to a question which deals with capacity rather

⁶⁹ “Anti-Vietnam” refers to the movement which mobilized in opposition to the U.S. involvement in the Vietnam War (1955-1975). By the latter half of the duration of the war, activist groups had gained a high level of traction within the country, spurring law enforcement attention in fear of a cultivation of socialist sentiment amongst these circles.

than use, it is seen that the capacity for expansion may have actually been as low as it had been in the entire twentieth century in the decades of the late twentieth century. Thus, the latent capacity of surveillance created through the existence of FISA courts would largely remain ununused until the major overlap of permitting factors defined through this paper's primary argument.

The direct foreign-domestic nexus brought forth by the 9/11 attacks on domestic soil would then have to be partnered with a sense of racialization. This racialization would prove to already have had its roots in the U.S. as a result of increased tension with and opposition of Middle Eastern states across the latter two decades of the twentieth century⁷⁰. With increased intervention into the Middle East came a shift from the traditional racializations of Muslims as rudimentary and unintelligent to associations with anti-democracy and terrorist sentiment. Thus, the generation of Americans entering into the War on Terror was already all-too familiar with conceptions of Muslim Americans as fundamentally unassimilable and theoretically opposed in one sense, and prone to violence against American patriotism in another. Where several ethnic categories of Muslim Americans could previously achieve some sense of assimilation due to their perceived proximity to whiteness through skin color, they would now enter the twenty-first century as entirely ostracized within the racial hierarchy⁷¹.

⁷⁰ Alimahomed-Wilson, Sabrina. "When the FBI Knocks: Racialized State Surveillance of Muslims." *Critical Sociology*, vol. 45, no. 6, 2 Mar. 2018, pp. 871–887, <https://doi.org/10.1177/0896920517750742>.

⁷¹ Amherst, Scholarworks@umass, and Daniel Chard. *Nixon's War on Terrorism: The FBI, Leftist Guerrillas, and the Nixon's War on Terrorism: The FBI, Leftist Guerrillas, and the Origins of Watergate*. 2016, scholarworks.umass.edu/cgi/viewcontent.cgi?article=1782&context=dissertations_2, <https://doi.org/10.7275/8848934.0>.

The PATRIOT Act enacted almost immediately following the 9/11 attacks significantly augmented surveillance capacities extended to federal organizations including both FBI and NSA. These agencies were empowered with a broader range of surveillance tools encompassing wiretaps, electronic surveillance along with physical searches without rigorous warrant regulations. Seemingly overnight, the established legal safeguards, political holds and special courts would melt away once more, placing immediate matters of inflated national security before extended matters of maintaining civil liberties⁷².

It would not only be the PATRIOT Act itself which would catalyze the reformation of the surveillance state in the years following 9/11. Peripheral restructurings, including a mass consolidation of twenty-two federal agencies into one Department of Homeland Security allowed for all matters of national security to operate under one bureaucratic system and avoid the traditional checks and balances afforded by cross-bureau operation. Now, it would be one single brand new office, the Office for the Director of National Intelligence, which held broad responsibility over all matters related to the permittance of intelligence conduction, among other national security matters.

Further relaxation was provided through the legal shifts brought on by the Patriot Act in terms of acquiring warrants allowing increased scrutiny over personal information ranging from communication through all forms of digital devices. By enacting the PATRIOT Act, government surveillance activities were authorized to conduct operations in secret without informing their targets or obtaining judicial approvals. Heightened

⁷² “- OVERSIGHT of the USA PATRIOT ACT.” [Www.govinfo.gov](http://www.govinfo.gov), www.govinfo.gov/content/pkg/CHRG-109shrg24293/html/CHRG-109shrg24293.htm.

confidentiality measures obstructed individuals from questioning suspicious surveillance practices further obfuscating transparency around governmental actions⁷³. Furthermore, courts' reduced ability to check against these secretive activities removed any sense of judicial oversight and removed any sense of assurance to citizens against infringement on their rights. Further, by expanding the FBI's abilities in monitoring domestic affairs via intelligence gathering methods widened scrutiny placed upon people within America's borders. Through the PATRIOT Act, FBI capabilities were heightened as it is now justified in engaging in wiretaps, carrying out physical searches and acquiring business and financial records with no necessity to obtain clearance from any court. With newly justified engagements in wiretaps, physical searches, and the acquisition of personal, financial and business records with no obligation to obtain court clearance would serve to affect the single largest and most far reaching institutional expansion of surveillance capacity in the country's history thus far.

Improving information sharing and collaboration among intelligence agencies responsible for domestic surveillance were under the purview of ODNI's mandate. In defiance of Fourth Amendment safeguards, NSA enacted mass-surveillance Americans' phone and internet activity without a warrant within their authority. Established government surveillance programs, of course, had already predated this period; however, the Patriot Act notably augmented their potential by providing sweeping powers, like that of "Section 215", that authorized unrestricted access to "any tangible thing" would be

⁷³ Leonard, Karen. "American Muslims, before and after September 11, 2001." *Economic and Political Weekly*, vol. 37, no. 24, 2002, pp. 2293–2302, www.jstor.org/stable/4412237.

deemed suitable for any ongoing terrorism investigation⁷⁴. While the PATRIOT Act itself permitted the now controversial bulk collection of telephone metadata, FISA amendments authorized warrantless espionage on international subjects, with no holds barred on communications which included American citizens. These measures were further augmented by "sneak-and-peek" warrants allowing police officers to conduct covert operations that did not tip off their targets right away⁷⁵.

Another product of this expansion was PRISM—the initiation through which central technology corporations surrendered user specifics to NSA control. Approved through “Section 702” of the FISA Amendments Act, PRISM performed its duty by obtaining all forms of foreign-targeted data⁷⁶. Alongside PRISM's authorization came expanded use of National Security Letters as allowed by the PATRIOT Act; these letters permit an abundance of personal details to be obtained from unsuspecting individuals under a blanket warrant-free system where no judicial process oversees these seizures⁷⁷. The NSA itself engaged in upstream collection for monitoring communication exchanges that passed over network backbone points. Thus, the collection of both substantive intelligence and metadata related to the communications of American citizens became the integral facet of these agencies' daily operations. A deep penetration into people's private lives through

⁷⁴ Leonard, Karen. “American Muslims, before and after September 11, 2001.” *Economic and Political Weekly*, vol. 37, no. 24, 2002, pp. 2293–2302, www.jstor.org/stable/4412237.

⁷⁵ Doyle, Charles, and Senior Specialist. CRS Report for Congress the USA PATRIOT Act: A Sketch. 2002.

⁷⁶ Doyle, Charles, and Senior Specialist. CRS Report for Congress the USA PATRIOT Act: A Sketch. 2002.

⁷⁷ American Civil Liberties Union. “Surveillance under the USA/PATRIOT Act.” American Civil Liberties Union, American Civil Liberties Union, 2022, www.aclu.org/other/surveillance-under-usapatriot-act.

comprehensive audiovisual recordings and tracking systems which monitored phone calls sent and received via email accounts, as well as specific online behaviors like banking transactions, would commence shortly after. In addition to some pre-established tactics, the use of Stingrays by law enforcement was concreted during the War on Terror era as one of the most controversial violations of citizens' privacy rights⁷⁸. These cell site simulators imitate cellular towers, enabling authorities to gather intel on an individual's location and communication without warrant.⁷⁹

The resulting web of security was one which operated on all fronts. The TSA, infamous for its racial discriminations within airport screening lines conducted a broad spectrum of surveillance activities against travelers, including monitoring social media activity and extracting biometric data without their consent. PATRIOT Act border searches would also become authorized for both inbound and outbound travelers⁸⁰.

While the majority of Americans would feel outrage following the exposure of the extent of PATRIOT Act surveillance following Edward Snowden's 2013 whistleblower report, this outrage would come only once far removed from the bipartisan support of promoting national security through any means following the 9/11 attacks⁸¹. Thus, despite some level of awareness of heightened domestic security and intelligence measures being

⁷⁸ "Stingray Tracking Devices: Who's Got Them?" American Civil Liberties Union, 2018, www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them.

⁷⁹ "Stingray Tracking Devices: Who's Got Them?" American Civil Liberties Union, 2018, www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them.

⁸⁰ "- OVERSIGHT of the USA PATRIOT ACT." www.govinfo.gov, www.govinfo.gov/content/pkg/CHRG-109shrg24293/html/CHRG-109shrg24293.htm.

⁸¹ Leonard, Karen. "American Muslims, before and after September 11, 2001." *Economic and Political Weekly*, vol. 37, no. 24, 2002, pp. 2293–2302, www.jstor.org/stable/4412237.

taken throughout the duration of the War on Terror, Muslim Americans who fell victim to joint racialization and perception of foreign ideology were left as unwilling subjects of a mass expansion of civil liberty violations.

Section Two: The Legalization of Discrimination

Following the attacks on 9/11 and subsequent expansions of surveillance, the New York Police Department would enact one of the most far-reaching surveillance programs of any U.S. local law enforcement agency. Known as the Demographics Unit, this program strategically utilized paid informants and undercover agents to monitor mosques, businesses and homes within these neighborhoods⁸².

Beginning in 2003 until its eventual termination in March of 2014, data would be gathered extensively regarding the religious practices, ideological viewpoints as well as social influence among areas with predominantly Islamic inhabitants. By utilizing various methods such as undercover operatives and monitored surveillance cameras along with recruiting paid informants for information gathering purposes, the NYPD's counterterrorism program aimed to collect vast amounts of data. One chief aspect of this program was a categorized "hot spots" chart comprising sites such as mosques, bookstores and Muslim eateries believed to be potential terrorist gathering points, according to reports. However, this official program proved to utilize highly unofficial means to discriminate against target individuals on the sole basis of religious background and community

⁸² Alimahomed-Wilson, Sabrina. "When the FBI Knocks: Racialized State Surveillance of Muslims." *Critical Sociology*, vol. 45, no. 6, 2 Mar. 2018, pp. 871–887, <https://doi.org/10.1177/0896920517750742>.

involvement over any proven connection to terrorism.

Beyond placing operatives inside mosques, student bodies or peaceful advocacy movements, paid informants were also used regularly to report back about worship practices and viewpoints expressed during mundane conversations around members' homes or other social events taking place throughout New York City. Mosques, especially the Masjid At-Taqwa in Brooklyn, New York came under observation for hosting numerous prominent Muslim leaders and activists whose sermons had been documented without any indication of criminal acts. Likewise, Al-Madinah school was snooped upon due to its population comprising primarily Muslim children. As documented, police officers conducted surveillance on students and teachers of Muslim majority schools alike.

Section Three: Abusing Surveillance Tools

Parallel to the NYPD's intelligence overreach, the Orange County, California Sheriff's Department established a surveillance program labeled the Intelligence Assessment Program. This program involved monitoring and spying on Muslim communities in California using informants as sources of information. Operating from 2006 to 2008, it raised debates about how far authorities can go in their attempts to keep citizens safe without infringing upon individual rights⁸³.

In some of the most prominent Muslim student organization efforts within the state, students began to increasingly mobilize in protest to Israeli policies with regards to the

⁸³ Alimahomed-Wilson, Sabrina. "When the FBI Knocks: Racialized State Surveillance of Muslims." *Critical Sociology*, vol. 45, no. 6, 2 Mar. 2018, pp. 871–887, <https://doi.org/10.1177/0896920517750742>.

occupied land of Palestine. Investigation into the Sheriff Department's operations would reveal that the Orange County District Attorney's office employed an informant who infiltrated the Muslim Student Union at the University of California at Irvine in order to lead arrests as part of a larger effort to intimidate Muslim efforts towards activism. Records show that authorities monitored multiple mosques within Orange County such as the Islamic Center of Irvine and Islamic Institute of Orange County through attendance at various events, despite a lack of evidence indicating any unlawful conduct among attendees.

Enlisting informants to infiltrate local mosques, community centers, and various other Muslim organizations under the IAP further compounds this breach of privacy. Law enforcement paid these unofficial informants and official undercover agents who attended religious services or social gatherings with orders to report back on attendees' movements and opinions. Attendee movement would also be tracked through the use of automatic license plate readers. The ALPRs, often outfitted within the cars of informants, photographed license plates and stored them in a database that was utilized to monitor individual movements over an extended period of time⁸⁴.

With the intent to entrap individuals who may have harbored extremist viewpoints, the informants were encouraged to engage in actions deemed controversial. A striking example of this was seen in Craig Monteilh, an informant employed by the FBI to infiltrate various mosques across Orange County. Through feigned conversions of Islam, Monteilh

⁸⁴ American Civil Liberties Union. "Surveillance under the USA/PATRIOT Act." American Civil Liberties Union, American Civil Liberties Union, 2022, www.aclu.org/other/surveillance-under-usapatriot-act.

attended various Muslim prayer services that included those held at the Islamic Center of Irvine.

During these events, he covertly documented conversations while gathering information on individual attendees as well as goading them into undertaking or making insinuations of violent activities. After being revealed as an informant, Monteilh was charged as a scapegoat with violating fundamental civil rights along with entrapment issues concerning American Muslims. Another key incident involved one Farouk al-Aziz, who was commissioned by the Orange County Sheriff's Department itself as an insider informant tasked with gathering intelligence from within Orange County's local Muslim communities. His role consisted of acting like he had indeed converted to Islam before integrating himself into various congregations like the Islamic Center of Irvine—all so that he could closely observe numerous regular attendees there and keep track of any suspicious action or rhetoric that might be assumed as threatening.

Despite his long term integration into the Orange County Muslim American population, however, al-Aziz's reports would not yield any incriminating information whatsoever. Following this failure, the Orange County District Attorney's office would implement compensation for volunteer informants who would attend religious services and community events to observe and report on attendees. Even still, no evidence of criminal activity would be uncovered, and the program would later be revealed and repealed due to criticisms of ethical conduct.

Section Four: Surveillance in the Internet Age

Apart from on-the-ground surveillance, some of the most pervasive forms of surveillance advanced through the PATRIOT Act was that of personal Internet and telecommunications data. One significant undertaking of this effort included the institutionalization of an unauthorized wiretapping program by the NSA, dubbed as Terrorist Surveillance Program. This program allowed NSA officials to intercept email and phone communications without obtaining approval from any legal entity, including Foreign Intelligence Surveillance Court, for persons suspected⁸⁵ of having links with terrorist organizations. Under this controversial program, the government could place wiretaps on international phone calls and personal emails of Muslim Americans located within national borders without prior warrant—violating existing law enshrined under FISA which requires prior warrant to the conduction of domestic intelligence.

In an effort targeted specifically towards Muslim American organizations, mosques, and community leaders, the implementations of wiretaps were expansive and all-inclusive. In one most notable example involving the Council on American-Islamic Relations, FBI operatives employed interception technology via “Stingray” devices which acted as cellular towers and effectively collected personal phone data from within a certain radius⁸⁶.

In a gross overreach of power, Muslim charities which promoted donation to certain

⁸⁵ As in the cases of Japanese internment and the Civil Rights Movement, “suspect” is used in cases of federal surveillance enactment on very broad terms. These suspicions were, more often than not, entirely unfounded and based upon perceptions of race, religion, and perceived ideology, rather than any tendency towards criminal violation.

⁸⁶ Doyle, Charles, and Senior Specialist. CRS Report for Congress the USA PATRIOT Act: A Sketch. 2002.

Middle Eastern regions of conflict would come under the scrutiny of the federal government. One such organization, the Holy Land Foundation, would face forced closure in 2001 following leveraged claims of their support of Hamas due to their donation collection efforts for Palestinian casualties. In cases like these to follow, communication networks would have been monitored for years before any proven suspicion, and collected data would become free reign for prosecutor use.

In some more generalized tactics, Internet “watch lists” were compiled and programmed to automatically collect the data of individuals who searched for certain key terms and phrases related to Islam as a whole. “Jihad”, a religious term referring to (in different contexts) both holy wars and internal/interpersonal struggles was one such term employed in this context. The phrase "Allah Akbar," a common term among Muslims translating as "God is great" in the Arabic language, is another example of an expression tracked by authorities when mentioned in online communication or social media posts. Moreover, general mentions of Islam would also cause flags on individual data, as law enforcement officials could attribute it to dangerous curiosity or endorsement of Islamic rhetoric. Searches made about Sharia law, which is a general religious term referring to the set of teachings within the Quran (and has been later adopted to define the particular set of extremist laws enacted in certain Middle Eastern states), were monitored closely, as they may serve as representation of support of certain Islamic principles. Following suit with surveillance precedence, the Muslim Brotherhood, a non-terroristic pan-Muslim organization, was quickly categorized as a terrorist organization. As such, Internet

references to the Muslim Brotherhood would also fall subject to close monitoring in watch for too-close of an affinity to their outreach activities⁸⁷.

Section Five: The Consolidation of Eco-Terrorism

The widespread fear of Muslim terrorism at the turn of the twenty-first century would make it seem as though other transgressions on national security were nonexistent. However, this point speaks more to the extent of targeted law enforcement on particular perceived threats to national security over others. During this period of preoccupation with the supposed threat of Islam, another supposed threat which had fallen upon the FBI's radar but gone largely unaddressed was that of organized eco-terrorism. Largely beginning alongside the communist and anti-Vietnam protest movements of the 1970's, eco-terrorism, then championed by Greenpeace's not-so-peaceful predecessor, the Sea Shepherd Conservation Society, would increasingly mobilize in aim to cause infrastructural damage to those industries which violated values of environmentalism. In the 1970's and 1980's Greenpeace had quickly risen to fame for their nonviolent occupations of whaling, seal hunting, and nuclear testing ships. They could effectively disrupt these industries while communicating their mission without causing physical harm or damage. While some members of Greenpeace certainly did engage in violence through aggressive protest and property damage, the organization's general ideology was assumed to keep it away from the organized scrutiny of government surveillance.

⁸⁷ Doyle, Charles, and Senior Specialist. CRS Report for Congress the USA PATRIOT Act: A Sketch. 2002.

Though commitment to nonviolence would not satisfy all of its members. Paul Watson, one of Greenpeace's original founders, left the organization in 1977 and created what is now known as the Sea Shepherd Conservation Society: an environmentally militant group that actively tracks and engages fishing and whaling vessels through aggressive actions; they often used their own vessels as battering rams and collided with those fishing and whaling vessels out at sea.

Certain accounts have attributed Greenpeace's transition to the SSCS as resulting from disagreements over increased law enforcement pressure on Greenpeace operations. This pressure resulted not from the organization's acts of aggression, as these were few and far between, but rather from their outward alignment with anti-Vietnam sentiments during the war period. Welcoming a rebranded organization which departed from outward subscription to anti-war sentiment (although this sentiment can be assumed across environmentalist groups, it would not be outwardly endorsed), the FBI would turn a deliberate blind eye to the restructuring of the SSCS, and allow continued and relatively quiet operation in the same sense as was allowed and encouraged with the disbanded national KKK and Nazi movements of the earlier decades of the twentieth century.

Despite several conflicts-at-sea (both in domestic and international waters) caused by members of the SSCS in the decades leading up to the turn of the twenty-first century, the organization would not officially be included under the purview of federal intelligence until the beginning of its monitoring by the DHS from 2009 to 2012. It is only within those years that government records of the SSCS's web interactions, social media profiles and email exchanges were established and tracked, despite some of the organization's more

violent actions unfolding across a few decades up to that point.

Section Six: The Violence of Animal and Earth Liberation

In another example of environmental extremism and its prompted response from intelligence powers, the Animal Liberation Front formed in the 1970's stood as a decentralized organization which endorsed protections of animal welfare and direct action through physical liberations of captive animals and sabotage and destruction of animal facilities which perpetrated cruelty. Operating independently around the world without central communication or coordination, ALF members could more easily destroy property owned by parties who gain profit from the exploitation of animals without succinct accountability to a central organization. Additionally, while engaging in behavior which would irrefutably be classified as illegal, members often opted to wear disguises while carrying out their environmentalist agendas.

The ALF's tendency towards violence would only expand through time. Eventually, this direct action would be communicated as a willingness to take drastic measures to attract societal attention to the animal cause. Violence escalated from small-scale property damage to arson and theft within facilities involved with fur-farming, agricultural exploitation, forced experimentation, animal testing, and more.

In one most infamous example, ALF activists would commit arson which caused over one million dollars' worth of damage at Michigan State University's research laboratory in 1992. In 1997, over two million dollars' worth of property damage would be caused to a California meatpacking plant following an ALF attack. Another instance would find them setting fire to Huntingdon Life Sciences's offices in New Jersey in 2002. These

events would be followed by several acts of arson between 1997 and 2006 which specifically targeted facilities operating in supplement to the animal testing or meatpacking industries.

Parallel to the ALF operation stood the Earth Liberation Front, a partnered organization which advanced the same ideologies of inflicting financial damage to those facilities involved in the car manufacturing, logging, and animal testing industries. With regional cells already operating independent of each other, detection of ELF members was further avoided through the implementation of sophisticated security measures such as coded names and encrypted forms of communication to protect their anonymity.

In turn, the ELF has embarked on comparable damage-causing operations to the ALF. In one incident involving arson, they targeted Vail ski resort located in Colorado and inflicted massive damage valued up to around \$12 million. Due to impending plans to expand resort facilities onto public land, the ELF took action against what they considered environmentally irresponsible practices. In 2001, they would go on to set fire to the University of Washington's horticulture center, a crime amounting to roughly \$7 million in damage. Their motivation in this case was cited as stemming from the institution's complicity with activities, such as genetic engineering, which caused detriment to surrounding ecosystems. Additionally, another episode took place whereby a housing development located in San Diego fell victim to an inferno started by the ELF leading up to roughly \$50 million worth of destruction. This development was targeted due to its location on a wildlife habitat, and was destroyed in alignment with their opposition to urban sprawl.

In response to these intrusions, federal law enforcement agencies have indeed designated both the ALF and ELF as domestic terrorist organizations, partnering with local law enforcement apparatuses to actively express disapproval of environmental extremism. These views were further substantiated through the passage of the Animal Enterprise Terrorism Act in 2006, which criminalized any form of animal activism resulting in detrimental effects towards organizations using animals commercially. However, and similarly to the SSCS case, general accountability and organized intelligence would not be put in place until the implementation of this law, which came years following the ALF's most prominent instances of violence. Even through this act, the active disruption of organization seen across presented cases of racialized surveillance does not apply to the eco-terrorist case, as these organizations continue to operate rather freely today, and as records show investigations into violence to be conducted on a case-by-case basis rather than a collective and preemptive one.

The fact alone that surveillance in recent decades is defined more in the public eye as being targeted towards Muslim Americans as opposed to any other national security risk could be deemed proof enough of a lack of intelligence mobilization towards any varying degree of perceived threat. This idea is reinforced through the complete lack of FBI or CIA documentation of organized surveillance efforts against what was perhaps the most pervasive and organized secondary threat to national security: eco-terrorism. This case directly parallels that of the 1930's Nazi movement and 1960's KKK resurgence. While all three of these organizations have been deemed as official domestic terrorist threats, assuming some level of surveillance to be conducted against them, these classifications as

terrorist organizations would come entirely too late in the organizations' developments. This proves more, if anything, to signify a turning inward of surveillance tactics towards these counter-case organizations which were already well-sharpened at their time of terrorist designation. Even still, there is weak evidence to support any mass mobilization of surveillance across these cases, as very minimal records of certain intrusive techniques (wiretaps, informants, etc.) can be found across the board. Regardless of this point, and to return to the conversation of expansions of surveillance capacity, it is the case in all three time periods that large-scale expansions of surveillance would occur as preemptive measures against the main cases of perceived threat, while smaller scale enactments of this already-developed surveillance could have been later enacted against peripheral threats. Through instances of eco-terrorism, even if a connection to communist sentiment could be surmised from the agendas of some (but not all) of these environmentalist organizations, the racialization aspect would remain missing from their scrutiny, thus large scale enactments of surveillance-state measures, like those of the War on Terror, could not be seen to be initiated in response to the eco-terrorist threat alone.

CHAPTER FIVE

Section One: Conclusions and Implications

In review, it becomes apparent through the study of domestic surveillance expansion through time that a shallow explanation of surveillance to be expanded during times of national security or war-time crisis are inefficient. This standpoint would exist against far too many irregularities in the treatment of cases on the part of federal surveillance powers to hold weight. While general literature surrounding surveillance capacity begins a substantive timeline of expansion with the Cold War, when surveillance was all at once heightened to a highly-developed point, this paper seeks to understand a more holistic course of development which includes earlier instances of institutional use of surveillance in order to understand path progression through time. Existing literature also shares a tendency to make sweeping generalizations from one time period to the next, without nuance between separate national security threats which were indeed treated very separately by law enforcement agencies. Further, the war-time explanation which places the Cold War as the origin of institutionalized expansion⁸⁸, and the War on Terror as the secondary major expansion of it, leaves many surveillance operations unaccounted for, and incorrectly attributes programs like COINTELPRO to be all-encompassing by nature, and generally aimed at anti-communist protections. This takes a rather revisionist standpoint of a history of FBI development and NSA and CIA formation which was driven through motivations of racial oppression over all others. Thus, through careful cross-examinations

⁸⁸ Titan Missile Museum. "Cold War Timeline." Titan Missile Museum, 2020, titanmissilemuseum.org/about/cold-war-timeline/.

of cases within parallel time periods, the dual mechanism theory is born. In all positive cases along the surveillance expansion timeline in which surveillance is seen to have been expanded and deliberately structured around the suppression of one major racial group, the joint historical characteristics of existing (albeit, varying) levels of racialization as well as a state-promoted connection between the given domestic racial group to a foreign physical or ideological enemy (dubbed: the foreign-domestic nexus) exist in tandem to justify expansions to a vast degree. In the Japanese surveillance case, surveillance is seen to have been enacted on a mass-scale against the domestic citizenry for the first time in response to suspected Japanese American connection to the foreign adversary in Imperial Japan, in addition to negative racializations cast by prior involvements in labor discriminations of the nineteenth century. In the Civil Rights case, bolstered connections between Black liberation organizations and Soviet communist ideology, coupled with centuries-old negative racializations, would spur one of the largest advancements of surveillance capacity in domestic history. In the post-9/11 case, suspected Muslim American connection to foreign terrorist threats in the Middle East⁸⁹ worked in collaboration with decades-old racializations stemming from U.S. involvement in the Middle East (and the consequences of it) would jumpstart the widest implementation of a surveillance state seen thus far. While all of these foreign-domestic nexus connections have been largely unsubstantiated across all three cases, the preemptive nature of surveillance enacted against each respective racial

⁸⁹ Amherst, Scholarworks@umass, and Daniel Chard. Nixon's War on Terrorism: The FBI, Leftist Guerrillas, and the Nixon's War on Terrorism: The FBI, Leftist Guerrillas, and the Origins of Watergate Origins of Watergate. 2016, scholarworks.umass.edu/cgi/viewcontent.cgi?article=1782&context=dissertations_2, <https://doi.org/10.7275/8848934.0>.

minority sought not to justify itself through concrete evidence, but rather through a sufficient promotion of fear which would allow these institutions to expand outside of public scrutiny. In counter-cases of increased threat to national security from peripheral organizations within the same time period of increased surveillance expansion, at least one of these driving factors is observed to have been missing. In the Nazi case, despite strong evidence towards a foreign-domestic nexus through allegiance to Nazi Germany and Hitler ideology, the lack of racialization of white groups within the U.S. led to a catered treatment towards the organization's violence. In the KKK case, neither a foreign-domestic nexus nor a racialization aspect can be seen, as the KKK and its collaborating white supremacist groups enacted violence in support of prevailing aspects of the U.S. discriminating socio-economic structures of the period. In the eco-terrorist case, even weak claims of foreign-domestic nexus in connection to socialist or communist ideology would be overpowered by a fundamental lack of racialization.

To revisit positive cases, parallel patterns of information collection can be seen not only across cases of aggressive surveillance within the same time period, but across time as well. In this sense, it is not only the capacity to surveil which is expanded through these racial antagonisms, but the tactics themselves which are also advanced. Pre-internment surveillance on Japanese Americans would see the earliest form of intelligence data being consolidated into large-scale files and rudimentary databases which kept track of names, addresses, affiliations, and the like, throughout the years leading up to the second World War. The "special unit" within California existed solely to carry out this role. As surveillance institutions approached a second broad expansion in the mid-twentieth

century, this form of information collection would translate to programs like the “rabble rouser index” seen utilized against members of Black liberation organizations across the country. Here, the names, addresses, and affiliations of certain individuals of interest would be tracked throughout the height of the Civil Rights Movement. Moving further through time, the “demographics unit” within the NYPD, formed through post-9/11 counterterrorism measures, would track these key information points on Muslim Americans across the city. This particular timeline of evolution of person-tracking within the larger trend of surveillance expansion serves to define what expansions of surveillance really entail: jointly, physical surveillance capabilities can be strengthened despite their otherwise illegality as to remain useful through time while ideological advancements continue to loosen as the public is exposed to heightened levels of surveillance in response to any state fabricated threat to security. This is a particularly dangerous combination for the preservation of civil liberties. It is understood that during declared war-times or states of emergency, the rigidity of law may make way for policy or legal action which would serve to benefit the current crisis situation but could not apply outside of it. While both existing literature and government rhetoric advance an idea that increased surveillance has been a simple extension of this trend, historical analysis of surveillance expansion provides a much darker reality. While states of emergency are the primary means of enacting sweeping surveillance expansions while avoiding gross violations of civil rights, it has been the case that the U.S. government has been able to create these states of emergency, regardless of genuine threat. With racial hierarchical legacies persisting through time, it is often the “racial state of emergency”, in particular, the ostracism of one racial group as a

danger to all others, which has proved to have the highest success rate in inciting a level of blindness to government overreach which allows intelligence institutions to continually operate outside of the confines of the law. Looking to more contemporary issues, racialized surveillance has been seen within the national mobilization of the Black Lives Matter Movement. In one Colorado case, a female police officer and undercover informant would infiltrate a left-wing community space, “rose to a leadership role in the racial justice movement, and encouraged activists to become violent”⁹⁰. Where no danger lies, strengthened intelligence powers have the capacity to create it. In turn, largely nonviolent racial mobilizations are simultaneously provoked from within to abandon their nonviolence, and promoted from outside as originators of violence. In the end, it seems throughout the history of surveillance expansion that surveillance expansion cannot be separated from civil rights suppression. As surveillance expands, it demands the scapegoat of the racially mobilized, thus actively working to remove civil liberties which are supposedly characteristic of American democracy. Looking outside of domestic politics, the scale at which antagonizing conflict has been drawn up against foreign entities within this history of surveillance expansion cannot be confused as undeliberate. To cite the Cold War focus of previous authors, economically-fueled U.S. Cold War intrusions into foreign governments have led to catastrophic impacts to their long term social, political and economic security. Moving forward in time, economic intrusions into the Middle East have led to the destruction of an entire region. Thus, as it becomes clear that the growing

⁹⁰ Aaronson March 21 2023, Trevor Aaronson Trevor, and 10:00 A.m. “The FBI Used an Undercover Cop with Pink Hair to Spy on Activists and Manufacture Crimes.” The Intercept, theintercept.com/2023/03/21/fbi-colorado-springs-surveillance/.

American surveillance state serves to maintain the deeply-entrenched capitalist structure, and dispel support of any competing ideology, it is not only our domestic civil liberties that stand threatened, but the human rights and the rights to sovereignty of countless victim states worldwide.

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