



Written by [Joe Wolverton, II, J.D.](#) on June 20, 2016

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Power Politics and Surveillance

“We see on the theater of the world a certain number of scenes which succeed each other in endless repetition: where we see the same faults followed regularly by the same misfortunes, we may reasonably think that if we could have known the first we might have avoided the others. The past should enlighten us on the future: knowledge of history is no more than an anticipated experience.”



— Charles Pinot Duclos

Americans work, live, and play under the watchful, never-blinking eye of the federal government’s surveillance apparatus. From the National Security Agency (NSA) to the Federal Bureau of Investigation (FBI) to the Department of Homeland Security (DHS), the full panoply of federal three-letter departments have access to billions of bytes of personal data of every man, woman, and child in this country and abroad.

The pressure of constant scrutiny increases proportionally as the technology employed by these branches of the American empire grows increasingly sophisticated and increasingly able to pierce the veil of privacy that once protected free people from their government.

In major cities, traffic cameras patrol every intersection, closed-circuit security cameras record every minute of activity on the corners of buildings and inside subways, and most of these cameras are equipped with facial and other biometric recognition software that gives their operators power to patrol the movements of anyone caught within the digital field of vision.

While the scope of the modern surveillance state is unprecedented in the annals of republican government, there was once another self-governing society whose “elected” leadership employed similar tactics to keep tabs on citizens, allowing autocrats to consolidate power and to prevent any potential challenges to their absolute authority. Nowhere was this statist supervision more well advanced and surreptitiously executed than in Augustan Rome.

When the Ides of March in 44 B.C. brought an end to the dictatorial reign of Julius Caesar, the so-called Liberators left a power vacuum that they were not prepared to fill, believing that Romans rid of a tyrant would take to the streets proclaiming the assassins to be the saviors of the republic. They didn’t.

As Caesar’s killers fled the Eternal City, another young man entered. Gaius Octavius was only 18 years old when he rode into Rome to assume the powers granted to him by his recently murdered adoptive uncle, Julius Caesar.

No sooner had he crossed over the ancient borders of Rome than Octavius adopted the name Gaius Julius Caesar. Within 20 years of his ascension to the top of Roman leadership, the Senate endowed Octavius with the honorific title of Augustus — meaning “Revered One,” the name by which he was officially known until his death in A.D. 14.



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After consolidating power and establishing peace by defeating his would-be rivals, Augustus began remaking Rome. Most of his efforts in urban planning seemed to reveal a desire to put a bit of polish on a city that formerly took great pride in its rustic and rough appearance.

The project was most famously memorialized by Augustus himself when he reportedly declared, “I found Rome a city of bricks and left it a city of marble.” These cosmetic upgrades were popular with most of the people who saw in Augustus a man devoted to traditional Roman values and committed to cleaning up not only the habits but the habitat of the Romans.

Shrewdly, Augustus did nothing to disabuse the people of their belief in his benign and beautifying reign. In fact, he counted on their confidence as a curtain behind which he could convert their city into a prison without walls and a military post without uniformed soldiers.

Augustus’s agenda likely was informed by his understanding of the realpolitik considerations that culminated in the public regicide of his adoptive uncle, Julius Caesar.

Had the elder Caesar been a bit less assured of the devotion of the people and the fidelity of his friends, he might not have made such an easy target for the knives of the 20 or so senators who surrounded him and stabbed him on that fateful day in March at the foot of the statue of Pompey the Great.

Although Augustus regarded his predecessor’s vulnerability as the result of a too-casual attitude toward spying on those who could have any ax to grind, Julius Caesar did take some pains to pry into the personal correspondence and conversations of those closest to the seat of power.

Julius Caesar was no naif. He created an elaborate network of spies that reported directly to him on the comings and goings of the leading lights of Roman social and political life.

These ancient NSA agents got the goods on the subjects of their surveillance through intercepting letters, reading them, reporting on their contents, then sending them to the intended recipient.

Unfortunately for Caesar, many of the men whose papers his agents were supposedly secretly reading knew about the surveillance program. “I cannot find a faithful message-bearer,” Cicero wrote to his friend, Atticus. “How few are they who are able to carry a rather weighty letter without lightening it by reading.”

If anything, though, Cicero’s cognizance of Caesar’s correspondence-copying program convinced Augustus that he had to take the bricks of Caesar’s project and turn it into a marble monument to state-sponsored, state-supporting surveillance.

Surveillance Strategy

Central to Augustus’ surveillance strategy was retrofitting the city’s pre-existing street plan with the listeners and lookers who would gather all information — seemingly relevant or not — and pass it along in detailed reports to the “First Citizen” himself.

Augustus’ sense of how critical the control of information was to one intending to preserve his power was confirmed by renowned patron of the arts Gaius Maecenas, who reportedly advised the emperor to hire for this vital state service “persons who are to keep eyes and ears open to anything which affects his supremacy.”

The supreme ruler of Rome took his friend’s advice.



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Since Rome's earliest days, the intersections of its many urban roads — called *compita* — were centers of celebration, conversation, and consecration to the local gods called *lares*.

For hundreds of years, Romans were accustomed to meeting at these crossroads and discussing all aspects of life in the world's most populous metropolis. The common and the noble stopped at the *compita* to carry on conversations and pay passing devotion to the deities that guarded these public places. This made the *compita* perfect places for Augustus to deploy his eyes and ears.

Augustus made such substantial use of the *compita* as surveillance centers that ancient historians record that the *lares* (local gods believed to inhabit the intersections) were given a new name in the wake of the program's inception: *lares praestites*, meaning, as the Roman poet Ovid records, "gods that guard all things by their eyes."

Residents of Rome considered these *lares praestites* to be the "guardians of the state." And that's exactly what Augustus intended them to be.

This wasn't Augustus' only expansion of this early surveillance apparatus. He understood that a growing empire needed information and that the surest way to get it was to gather it from those who didn't even suspect they were under surveillance.

Furthermore, in order to avoid his uncle's fate, Augustus would set up an impressive intelligence-collecting mechanism that would work to secure his place at the top of the empire's power structure.

In her 2004 book *Intelligence Activities in Ancient Rome: Trust in the Gods but Verify*, Rose Mary Sheldon describes another central change in Roman culture made by Augustus as part of his sprawling surveillance scheme.

The first and most important of these changes was the establishment of a state postal/messenger service called the *cursus publicus*, which revamped the inadequate republican system of private messengers. By furnishing a network of transport and communications, Augustus built the backbone of what would later become the imperial security service.

Sheldon says that the *cursus publicus* was "organized on a military basis, with a prefect and a special instructor at each station."

In a sentence that could be written to describe how the NSA manages to pay for its massive data centers, Sheldon explains that as the "service" grew to cover an ever expanding territory, the cost became equally enormous. In order to offset the budget demands of his network, Augustus passed the cost along to the Roman people. Sheldon writes that "the bill seems to have been paid by the communities through which the service ran."

In the quest to acquire and aggregate all potentially power-threatening communications coursing through the city, Augustus employed the aforementioned Maecenas to manage a key part of the plan.

Augustus appointed Maecenas to the position of prefect of Rome, and in that role the latter seems to have sent secret agents out among the people to make sure to stay one step ahead of anyone who would even consider political or physical harm to the Princeps (a title meaning "First Citizen" used by Augustus to convey his commitment to republican equality).

Sheldon writes that "Maecenas quietly and carefully concealed his activity so that he could crush it [conspiracy against Augustus] without disturbance."



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In another account of the Augustan Age that sounds like it was written yesterday, Sheldon explains, “There was much opposition under Augustus both to the man and to the regime. Some scholars believe that Augustus was under constant threat during his principate from those who wished for the return of the republic, and see Augustus’s policies as reactions to this opposition.”

In our own day, successive presidential administrations have progressively pushed past the constitutional boundaries of their power, and as the forces of federal consolidation march ever menacingly closer to the frontiers of personal freedom, Americans resist this assault, uniting together to check not only the rulers, but the regimes they establish.

The final loop in the Augustan intelligence dragnet was his employment of a cadre of professional snoops called *delatores* (“denouncers”).

These information gatherers were deployed among Roman citizens, pretending to be some of them, carefully guarding their true character as the emperor’s own eyes and ears.

Often — and this again sounds all too close to home — the *delatores* would offer financial reward to confidential informants with information worth (or not worth) purchasing.

The *delatores*, possessed of information they gathered personally or from their paid informants, would present this evidence at trials, surprising the accused by rehearsing often word-for-word conversations the participants thought they were carrying on in private.

Interestingly, the people charged with conspiring against the emperor — or daring to speak ill of him or any member of his family — were often charged with violating the Roman law against treason. Of course, they were not guilty of treason at all, they were guilty of nothing more than recognizing Augustus’ growing autocracy and his obsession with keeping close watch on anyone who could threaten his vise-grip on political power in Rome. This draconian crackdown on criticism may have silenced the emperor’s opponents, but it did nothing to disabuse them of their belief that he was usurping power and creating a tyrannical precedent that others of his ilk would likely follow. These republicans understood that opposition to a tyrant was not treason, it was patriotism, but none of that mattered in the rapid descent into despotism that marked the Age of Augustus.

There is no question that, whereas Julius Caesar failed to construct a surveillance apparatus that might have prevented his assassination, Augustus Caesar was determined not to make that same fatal error.

Instead, Augustus built an immense and immensely pervasive surveillance scheme with one purpose: preserving his place on the de facto throne of the Roman Empire. He was not only committed to carrying out this project, but he was committed to constructing his domestic dragnet of intelligence gathering within the walls of the dying republic.

His ability to collect and control information in Rome provided Augustus with not only the job security he sought, but it gave him an enormous cache of potentially embarrassing personal information on those whom he considered threats to his autocracy.

In no small way, the tyranny that dominated the reigns of all the Caesars beginning with Augustus was only made possible by the fact that he knowingly and almost secretly placed every resident of Rome under the always watchful eye and within earshot of the always listening ear of the surveillance program that secured his status.

It is at once true and terrifying to recall that the development of more advanced and invasive



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surveillance techniques was one of the mechanisms that Augustus and his successors used to propel Rome away from republican liberty and toward a totalitarian empire where no one or nothing was beyond the reach or beyond the rule of the Caesar.

If Edward Snowden, the whistleblower who revealed the level of NSA spying on Americans, knows his Roman history, he must feel especially simpatico with those caught in the snare of the *delatores*.

Like Then, Now

While interesting on its own merit, this retelling of a small epoch in Roman history has a dual purpose. First, as Thomas Jefferson counseled:

The most effectual means of preventing the perversion of power into tyranny are to illuminate, as far as practicable, the minds of the people at large, and more especially to give them knowledge of those facts which history exhibits, that possessed thereby of the experience of other ages and countries, they may be enabled to know ambition under all its shapes, and prompt to exert their natural powers to defeat its purposes.

Second, armed with these “facts which history exhibits,” we can view our own time through a more reliable lens, allowing us to see the first fissures of what in the distant past became gaping chasms into which free peoples fell.

As we have illuminated now the story of how Augustus created and coordinated a secretive and sophisticated surveillance program, we can identify similar schemes being executed by contemporary American emperors. What follows are a few of the domestic intelligence-gathering activities central to our own government’s surreptitious effort to secure its place in the palaces of power, particularly focusing on those that seem substantially similar to their Roman precursors.

First, just as Augustus coopted the intersections called the *compita*, the government of the United States has funded a system whereby the images recorded by the millions of “traffic cameras” installed throughout the country are funneled to agents of the federal Department of Homeland Security. The software is called TrapWire.

TrapWire is a massive and technologically advanced surveillance system that has the capacity to keep nearly the entire population of this country under the watchful eye of government 24 hours a day. Using this network of cameras and other surveillance tools, the federal government is rapidly constructing an impenetrable, inescapable theater of surveillance, most of which is going unnoticed by Americans and unreported by the mainstream media.

The TrapWire story percolated from the millions of e-mails from the Austin, Texas-based private intelligence-gathering firm Stratfor.

Exactly what is TrapWire? According to one description of the program, from *Russia Today*:

Former senior intelligence officials have created a detailed surveillance system more accurate than modern facial recognition technology — and have installed it across the US under the radar of most Americans, according to emails hacked by Anonymous.

Every few seconds, data picked up at surveillance points in major cities and landmarks across the United States are recorded digitally on the spot, then encrypted and instantaneously delivered to a fortified central database center at an undisclosed location to be aggregated with other intelligence.



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Although many of the details remain undisclosed, it is known that the infrastructure of TrapWire was designed and deployed by Abraxas, an intelligence contractor based in Northern Virginia headed and run by dozens of former American surveillance officers. As one article described it: “The employee roster at Abraxas reads like a who’s who of agents once with the Pentagon, CIA and other government entities according to their public LinkedIn profiles, and the corporation’s ties are assumed to go deeper than even documented.”

Just how expansive is the TrapWire network believed to be? An article published by transparency advocacy group Public Intelligence claims that Stratfor e-mails suggest that TrapWire is in use by the U.S. Secret Service, the British security service MI5, the Royal Canadian Mounted Police, and counterterrorism divisions in both the Los Angeles and New York Police Departments and the Los Angeles DHS/law enforcement fusion center. The e-mails also suggest that TrapWire is in use at military bases around the country. A July 2011 e-mail to Stratfor describes how the U.S. Army, Marine Corps, and Pentagon have all begun using TrapWire and are “on the system now.”

In light of the tyranny of Augustus, it’s easier to see how the federal government, through the combination of TrapWire and traffic cameras, is converting our own *compita* into massive intelligence collection centers.

There is another point of comparison between the Roman surveillance state under Augustus and the modern American information-gathering program.

Just as Augustus seized control of the mail in order to control communication and identify potential threats through the reading of private correspondence, the government of the United States is sorting through Americans’ mail in more ways than one.

A story published in the *New York Times* in 2013 tells the story of Buffalo, New York, resident Leslie James Pickering. Pickering reported that in September 2012 he noticed “something odd in his mail”: a “handwritten card, apparently delivered by mistake, with instructions for postal workers to pay special attention to the letters and packages sent to his home,” the *Times* story claims.

The card — a picture of which appears in the *Times* story — appears to read: “Show all mail to supv” — supervisor — “for copying prior to going out on the street.” Pickering’s name was written on the card, as well as the word “Confidential,” written in green ink. Apparently, Pickering was the unwitting target of a “longtime surveillance system” the *Times* calls “mail covers.”

It doesn’t stop there, however. While snail-mail surveillance has been a tool of law enforcement for over a century, the program that targeted Pickering is called Mail Isolation Control and Tracking. As part of this surveillance tactic, the “Postal Service computers photograph the exterior of every piece of paper mail that is processed in the United States — about 160 billion pieces last year. It is not known how long the government saves the images.”

The *New York Times* detailed how the mail monitoring program works:

At the request of law enforcement officials, postal workers record information from the outside of letters and parcels before they are delivered. (Actually opening the mail requires a warrant.) The information is sent to whatever law enforcement agency asked for it. Tens of thousands of pieces of mail each year undergo this scrutiny.

The Mail Isolation Control and Tracking program was created after the anthrax attacks in late 2001 that



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killed five people, including two postal workers. Highly secret, it seeped into public view last month when the F.B.I. cited it in its investigation of ricin-laced letters sent to President Obama and Mayor Michael R. Bloomberg. It enables the Postal Service to retroactively track mail correspondence at the request of law enforcement. No one disputes that it is sweeping.

Mark D. Rasch, a former director of the Department of Justice's computer crime unit is quoted in the *Times* story exposing the extent of the snooping. "In the past, mail covers were used when you had a reason to suspect someone of a crime," Rasch said, in the *Times* article. "Now it seems to be 'Let's record everyone's mail so in the future we might go back and see who you were communicating with.' Essentially you've added mail covers on millions of Americans."

That is a surveillance system that would impress even a Caesar!

Finally, in June 2013, former NSA subcontractor Edward Snowden revealed the scope of the domestic and foreign surveillance programs being carried out by our own version of Augustus's *delatores*: the NSA.

The cache of documents Snowden possesses was leaked to the *Washington Post* and to *The Guardian* (U.K.) and contains compelling evidence of the NSA's wholesale violation of the Fourth Amendment through the dragnet surveillance of phone records and monitoring of Internet traffic.

With the assistance of Glen Greenwald, formerly of *The Guardian*, Snowden has exposed one constitutional violation after another committed by the NSA. All of this, it must be understood, was done with the cooperation of the president, the Congress, and the courts. The strength of the evidence of collusion among the three branches of the federal government in the de facto repeal of the Fourth Amendment is overwhelming.

The pervasiveness of the NSA's electronic snooping need hardly be rehearsed. From Facebook posts to e-mail, from texts to tweets, the NSA is sucking up serious amounts of formerly personal digital communications.

How much data is being collected by the professional snoops at the NSA? William Binney, a former NSA technical director turned whistleblower, estimates that the NSA's Utah Data Center "will be able to handle and process five zettabytes of data." In a story quoting Binney's claim, National Public Radio reports that a zettabyte is equal to "the amount of data that would fill 250 billion DVDs."

Again, Augustus would blush with pride if he could see how unimaginably powerful, how immeasurably immense, and how unconscionably unconstitutional the modern American government's data gathering scheme has become.

Now that we know how the Roman history of unchecked hubris and unabashed ambition is being repeated in our own day, Jefferson advises that we use this knowledge to "defeat its purposes." How?

Fighting Back

To begin with, we must familiarize our countrymen with this little lesson from history. Then, we must help them see that one unwarranted wiretap, one unwarranted seizure of a phone record, one search of records of an individual's digital communications is too many. If we are a republic of laws, then we must enforce the constitutional law of the land. The standard is not whether or not the spies or their bosses think the deprivations are "okay," but the standard is the Constitution — for every issue, on every



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occasion, with no exceptions. Anything less than that is a step further down the path trod by ancient Rome, a path toward tyranny.

Taken together, the roster of snooping programs in use by the federal government places every American under the threat of constant surveillance in a way unimaginable to even the most overweening Roman emperor. The courts, Congress, and the president have formed an unholy alliance bent on obliterating the Constitution and establishing a country where every citizen is a suspect and is perpetually under the never-blinking eye of the government.

The establishment will likely continue construction of the surveillance until the entire country is being watched around the clock and every monitored activity is recorded and made retrievable by agents who will have a dossier on every American.

The fight can yet be won, though. Americans can attack the sprawling surveillance state on several fronts.

We can elect men and women to positions of power who will honor their oaths of office to preserve, protect, and defend the Constitution. Then, once occupying that place of public trust, each of them must be held immediately accountable for each and every violation of that oath.

Next, we must fill our state legislatures with men and women who will refuse to enforce any act of the federal government that exceeds the boundaries of its constitutionally granted powers. These lawmakers must force the federal beast back inside its constitutional cage, never allowing even the smallest degree of deviation from the blueprint produced in Philadelphia in 1787.

Admittedly, the hour is late, but there is still hope. Beginning today, Americans can refuse to reelect any lawmaker who has voted to fund the NSA's unconstitutional intelligence schemes or those of any other federal agency whose establishment is not specifically permitted by the Constitution.

Finally, we can part company with Rome. While there is much good in the history of that society that served our Founding Fathers as examples to emulate and errors to avoid, we cannot continue along the road to ruin that Rome careered down headlong into absolutism and annihilation.

We must chart our own course toward liberty, uniting, as our forefathers, in the ennobling cause of the end of tyranny and the promotion of those unalienable rights granted to us by — and revocable only by — our Creator, not our caesar.



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