



Written by [Jack Kenny](#) on September 30, 2011

## Watched Now More Than Ever

“From that apartment, about an hour outside the department’s jurisdiction, the NYPD had been staging undercover operations and conducting surveillance throughout New Jersey,” the Associated Press reported. “Neither the FBI nor the local police had any idea.”

Like much of what has taken place in law enforcement in the past decade, the roving jurisdiction of the New York police is related, however tenuously, to the “global war on terror.” And though the department’s presence in New Brunswick was unknown to local police and the FBI, it was probably no surprise to the nation’s Central Intelligence Agency. The AP’s recent investigative report describes the significant but largely unreported relationship between the CIA and local law enforcement in “a partnership that has blurred the line between foreign and domestic spying.”



### CIA in the City

David Cohen, a former head of operations at the CIA and a 35-year veteran of the agency, came to New York in January 2002, just a few months after the 9/11 attacks, to become the police department’s first civilian intelligence chief. Since then at least two veteran operatives from the agency have been assigned to work for the New York police, while remaining on the CIA payroll. The police have also had a detective trained at “the Farm,” the agency’s spy school in Virginia. Though the CIA is forbidden by law to engage in domestic spying, it seems likely that some of the information obtained by Cohen’s intelligence unit finds its way to agency headquarters in Langley, Virginia, if only by informal conversations and unofficial channels. The “wall” between foreign and domestic operations, intended to protect Americans from overly inquisitive agents of their own government, can easily be breached.

“It’s like starting the CIA over in the post-9/11 world,” Cohen wrote in *Securing the City*, a 2009 book about the NYPD. “What would you do if you could begin it all over again? Hah. This is what you would do.”

“This” includes dispatching undercover officers, called “rakers,” into predominantly Muslim neighborhoods to go “raking the coals” and looking for “hot spots” by observing residents at bookstores, Internet cafes, nightclubs, and other gathering places. It includes attending mosques to monitor sermons and compiling analytical reports on every mosque with 100 miles. Police have asked the Taxi Commission for reports on every Pakistani driver, looking for evidence of fraud in the license application or other wrongdoing that could be used to pressure a driver to cooperate in police investigations. While FBI rules require some evidence of criminal activity before an investigation is



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launched, Cohen pushed for greater latitude for the city's intelligence officers. "In the case of terrorism, to wait for an indication of crime before investigating is to wait far too long," he wrote in successfully petitioning a U.S. District Court judge in New York for more lenient rules governing surveillance operations by city police.

Cohen has also taken greater latitude geographically, with undercover officers operating in Pennsylvania and Massachusetts as well as New Jersey. Anything connected to a potential terrorist attack on New York is a target for surveillance anywhere. Cohen has stationed 11 of his officers in foreign cities. A terrorist attack in Jerusalem brings the NYPD rushing to the scene, Mordecai Dziakinsky, who worked for the department as an intelligence officer in Israel, told the AP. "I was there to ask the New York question," he said. "Why this location? Was there something unique that the bomber had done? Was there any pre-notification. Was there a security lapse?"

Even when operating on its own turf, Cohen's unit crosses constitutional boundaries protecting freedoms of speech and assembly, raising questions over how proactive police may be in attempting to prevent civil disturbances from occurring. The intelligence unit infiltrated antiwar groups prior to the 2004 Republican National Convention in New York. During the convention police used mobile blockades to keep demonstrators out of sight and hearing of the President, Vice President, and other VIPs. Protesters who were arrested were, according to court records, asked questions such as: "What are your political affiliations?" "Do you do any kind of political work?" and "Do you hate George W. Bush?"

As extensive — and expensive — as these operations are, the New York City Council exercises little to no oversight over a unit that last year had a \$62 million budget. The city comptroller's office has audited other units within the NYPD since 9/11, but not the intelligence unit. Nor is there oversight from the federal government, despite all the federal money directed to the nation's largest police force. Homeland Security officials review NYPD grants but not its underlying programs, the AP reported.

Oversight is also missing from the federal government's surveillance operations, an enterprise so vast that perhaps no real ongoing oversight is possible. Not only have the dossiers the government keeps on the American people grown, but the number of agencies and government officials employed in surveillance operations is beyond calculation, according to a 2010 investigative report appearing in the *Washington Post*.

### **Will the Wondering Never Cease?**

"The top-secret world the government created in response to the terrorist attacks of Sept. 11, 2001, has become so large, so unwieldy and so secretive that no one knows how much money it costs, how many people it employs, how many programs exist within it or exactly how many agencies do the same work," wrote Pulitzer Prize-winning reporter Dana Priest and author and military expert William Arkin in a report called "Top Secret America." Their two-year investigation led them to conclude: "After nine years of unprecedented spending and growth, the result is that the system put in place to keep the United States safe is so massive that its effectiveness is impossible to determine."

Some 1,271 government organizations and 1,931 private companies work on counterterrorism, homeland security, and intelligence in about 10,000 locations across the United States, they found. Analysts who study documents and conversations obtained by both foreign and domestic spying write 50,000 intelligence reports a year, including many that are routinely ignored. "An estimated 854,000 people, nearly 1.5 times as many people as live in Washington, D.C., hold top-secret security clearances," the report said. And there appears to be plenty of work for them to do. "Every day,



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collection systems at the National Security Agency intercept and store 1.7 billion e-mails, phone calls and other types of communication,” Priest and Arkin reported.

When the USA Patriot Act was renewed in May, U.S. Senators Ron Wyden (D-Ore.) and Mark Udall (D-Colo.) sent a letter to Director of National Intelligence (DNI) James R. Clapper, who oversees 16 spy agencies, including the National Security Agency and the CIA. The Senators inquired about legal safeguards to protect the privacy of the electronic communications of law-abiding Americans. A letter of reply from Kathleen Turner, DNI Director of Legislative Affairs, informed the Senators that it is not “reasonably possible to identify the number of people located in the United States whose communications may have been reviewed.”

The numbers may be beyond calculating, but a single case may demonstrate something of the extent to which the federal government has broadened the scope of its investigations into the lives of the American people. Scott Crow, 44, of Austin, Texas, is a self-described anarchist and a frequent organizer and participant in anti-corporate demonstrations. Though he has been arrested dozens of times, he has never been convicted of anything more serious than trespassing, the *New York Times* reported. Yet John Dillinger himself might have been jealous of the amount of attention Crow has received from the nation’s top criminal investigation agency. Through a Freedom of Information Act request, Crow obtained a copy of his FBI file and found it was 440 pages long, with much of it heavily redacted. The agency apparently spared no effort in watching over Crow.

Agents watched his home from cars parked across the street. They went through his trash and identified his bank and mortgage companies. They tracked his phone calls and e-mails and visited gun stores where he shopped for a rifle. They asked the IRS to examine his tax returns. They infiltrated meetings Crow attended with other political activists. For added security and 24-hour coverage, they attached a video camera to a telephone pole across from his house.

“It’s just a big farce that the government’s created such paper tigers,” Crow told the *Times*. “Al Qaeda and real terrorists are hard to find. We’re easy to find.”

Well, not necessarily. Chances are most Americans wouldn’t know where to find a vegan potluck supper. But the FBI does. Months before delegates would gather in St. Paul, Minnesota, for the 2008 Republican National Convention, the FBI was looking to recruit “moles” to attend vegan potlucks in the Twin Cities area and report on any plans to disrupt the convention, according to the Minneapolis weekly *City Pages*. The project was one of the activities undertaken by the FBI’s Joint Terrorism Task Force, a partnership uniting federal agencies with state and local law enforcement.

Federal investigators keep their well-trained eyes on meat-eaters as well, especially those who shop for military surplus equipment. A flyer headlined “Communities Against Terrorism” and bearing the letterheads of the FBI and the Bureau of Justice Assistance was circulated among storeowners in the Denver, Colorado, area earlier this year warning of “Potential Indicators of Terrorist Activities Related to Military Surplus Stores.” Under the heading, “What should I consider suspicious?” is a list that includes bulk purchases of high-capacity magazines and bipods or tripods for rifles, gas masks, meals ready to eat, weatherproofed ammunition or match containers, “night vision devices,” and “night flashlights.” (Day flashlights are apparently not an indicator of “terrorist activities.”) But the list doesn’t end there. In fact, it begins with, “People or groups who: Provide identification that is inconsistent suspect or demands ‘identity privacy’” and goes on to warn of those who “Insist on paying with cash or uses credit card(s) in different names.” The watchful storeowner or clerk should also be on the lookout for anyone who “significantly alters appearance from visit to visit (shaving beard, changing hair color,



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style of dress, etc.).”

So someone who has shaved his beard and changed his clothes and wishes to pay with cash has given three indicators of terrorist activities. The alert citizen should also keep his or her ears open for “racist or extreme statements coupled with comments that are violent or appear to condone violence” or “suspicious comments regarding anti-U.S. radical theology, vague or cryptic warnings that suggest or endorse the use of violence in support of a cause.” And a customer who doesn’t offer any “vague or cryptic warnings” might be drawn out with a little questioning.

“Talk to the customer, ask questions and listen to and observe the responses,” is one of the suggestions under “What Should I Do?” “Watch for people and actions that are out of place. Make note of suspicious statements, people and/or vehicles. If something seems wrong notify law enforcement authorities.”

But categories of “suspicious activities” are remarkably flexible. A 2009 report from the Department of Homeland Security on “Right-Wing Extremism” warned of “hate-oriented” people and organizations that “are mainly anti-government, rejecting federal authority in favor of state or local authority [Janet Napolitano, meet Thomas Jefferson] or rejecting government authority entirely” [like the infamous terrorist Henry David Thoreau]. Right-wing extremism “may include groups and individuals that are dedicated to a single issue, such as opposition to abortion or immigration.”

### **Don’t Bother Big Brother**

While the government that theoretically works for us is spending untold dollars and manpower watching over us, our ability to watch over our government is severely limited. What the government is doing in our name, both here and around the world, is so secret that a judge who recently sentenced a defendant to prison for leaking a classified document to a blogger had no idea what the man had stolen.

“All I know is that it’s a serious case,” Judge Alexander Williams, Jr. of the U.S. District Court in Maryland said when he sentenced FBI translator Shamai K. Leibowitz to 20 months in prison. “I don’t know what was divulged other than some documents, and how it compromised things, I have no idea.” Leibowitz, a Hebrew translator, passed on classified transcripts of conversations picked up by FBI wiretaps of the Israeli embassy in Washington, the recipient, a blogger named Richard Silverstein, told the *New York Times*.

Far more damaging — and embarrassing — to officials in Washington are the more than 260,000 diplomatic cables, 90,000 intelligence reports, and a video of a helicopter attack in Iraq that Private First Class Bradley Manning, an Army intelligence analyst, allegedly copied and released. Much of it went to WikiLeaks, a website dedicated to exposing government secrets. Manning was arrested after the video of the helicopter attack in Baghdad was published by WikiLeaks and reappeared on numerous websites under the title “Collateral Murder.” Two children were injured in the shooting and several adults, including two Reuters journalists, were killed. The U.S. military said the firing occurred after a gun battle between insurgents and U.S. and Iraqi security forces.

Manning faces numerous charges relating to theft of public records, transmitting defense information, and “computer fraud.” He has also been charged with “aiding the enemy.” The charge sheet did not say what enemy in which undeclared war Manning is accused of aiding, and it is not clear whether it refers to WikiLeaks or insurgents in Iraq or Afghanistan. Though aiding the enemy could be a capital offense, military prosecutors have said they will not seek the death penalty. Manning likely faces life in prison if convicted. He was held in solitary confinement at a Marine Corps brig in Quantico, Virginia, from June of 2010 until April of this year, when he was transferred to a medium-security prison at Fort



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Leavenworth, Kansas. A date for his court-martial has not been set.

Recalling Manning's 10 months of pre-trial solitary confinement, secret CIA overseas prisons, torture of suspected terrorists, and other government abuses, civil rights lawyer and Salon.com columnist Glenn Greenwald offered the following observation:

The objective to all this behavior is to send a message to anyone who would dare impede the will of the United States government — or to prospective would-be whistleblowers who would discover corruption, deceit and illegality and think about exposing it to the world — that there are no limits to what we can do to you and what we will do to you if you try and impede us in any meaningful way....

It's a campaign of intimidation — of thuggish intimidation to create this climate of fear. And it's worked. What this climate of fear really does is change the relationship between the populace and the government. Because when the population fears the government — fear grounded in the knowledge that this government can transgress any limits without consequence — it's no longer necessary to take away rights formally.

Joan Airoidi, director of the library district in Whatcom County, Washington, reached a similar conclusion in an op-ed piece in *USA Today*, in which she recalled a 2004 subpoena served by the FBI at one of the library branches, demanding a list of all the people who had borrowed a biography of Osama bin Laden since November 2001. After the trustees voted unanimously to go to court to quash the indictment, the FBI withdrew the request. Under the Patriot Act, however, the agency could have gone to the secret Foreign Intelligence Surveillance Court, which meets in secret in a federal courthouse in Washington, D.C., and obtained, unchallenged, a warrant demanding the records. "If the government can easily obtain records of the books that our patrons are borrowing, they will not feel free to request the books they want," Airoidi wrote. "Who would check out a biography of bin Laden knowing that this might attract the attention of the FBI?"

The attention of the FBI and other agencies of the nation's security apparatus is attracted to a great many things, including some that have a doubtful connection to any real security threat. The Department of Homeland Security, libertarian author and TV host John Stossel wrote in a recent column, "spent billions on things like special boats to protect a lake in Nebraska, all-terrain vehicles for a small town in Tennessee and 70 security cameras for a remote village in Alaska."

The color-coded alerts are gone, but in the decade since September 11, 2001, the government's message has been consistent, Stossel noted: "Give us more money and power. And we do. When will we learn?"





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