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Big Brother and the Holding Company

Turning repression into resistance

The cold winds of political repression have begun to blow a little colder. The widening FBI probe of the anti-war and solidarity movements--launched with coordinated raids in Minneapolis and Chicago in September, 2010--attests to the expanding reach of Washington's repressive apparatus. The new face of domestic repression is characterized by rapidly developing technical capacity for surveillance and data sharing, the integration of local policing into the national security system and a blurring of boundaries between private and government police functions and goals.

Repression--the use of state power to limit political action and discourse--doesn't develop in isolation. It compensates for the weakening of other, less intrusive methods for ensuring social stability. Today it corresponds to growing economic inequality driven by the flight of manufacturing, the demolition of public sector services, the decline of union power and the ascension of a ravenous financial sector. These changes severely strain the mechanisms that maintain popular consensus.

Our task in the following pages will be to note current trends in political and social police repression, identify some of the systemic vulnerabilities they betray and to find points of leverage from which to launch a pro-democracy counteroffensive. We are experiencing a system-wide assault on the democratic public space that, besides police activity, encompasses attacks on academic expression, criminalization of whistle-blowing, corporatization of elections and hobbling the open internet. Piecemeal, defensive strategies will not be adequate. We will need to mount a challenge to the repressive enterprise as a whole. In particular I would assert that our strategy should promote solidarity and cooperation among the sectors that bear the brunt of repression but have historically remained separate in their responses.

Within days of the September raids, several hundred people turned out at a south side community church in Minneapolis to begin organizing a defense campaign. Several days later, a similar-sized crowd gathered on the city's north side to support the family of Fong Lee, a Hmong teenager killed by police in 2006, at that time appealing his case to the US Supreme Court. Between them, these cases embody the two levels of a police-repressive system that has operated in the United States since its earliest days.

The September raids marked a shift in the "anti-terror" narrative. Until then the domestic front of the "war on terror" had targeted dark people with foreign names and accents. Almost all of the thousand or so terrorism cases pursued since 9/11 have been instances of entrapment, involving financially desperate, mentally unstable or otherwise vulnerable men in Muslim communities. These hapless individuals have been cajoled, threatened and even bribed into conspiratorial activities conceived, financed and equipped by the FBI. These prosecutions have not foiled real threats to public safety but they do "send a message" that the nation is under attack from Islam at home and abroad and must "circle the wagons" in defense.

This time the targets are US citizens, predominantly of European descent and with respectable, mostly white collar jobs; well-known in their communities for public protest and educational activities. Repression usually targets those who can easily be isolated and moves up the social ladder as it builds the case that enemies are all around us. This is the principle famously summed up by Pastor Martin Neumoller in his 1946 statement, "First they came for the Communists..." The September raids represent a rather abrupt leap up that ladder, risking an outpouring of support for their targets that has, indeed, materialized.

It has been widely noted that the raids came on the heels of a Justice Department report critical of the FBI for spying on peaceful activism. Their timing suggests a defensive move on the part of the Bureau, saying, in effect, “See, peace activists really *are* in league with terror!”

The report was released by the DoJ’s Inspector General under pressure from Senators, following a Pittsburgh newspaper expose. A revealing incident in its pages involves an agent sent to observe a protest organized by the pacifist Thomas Merton Center. When pressed by investigators to justify the spying, Bureau officials quickly created a false back story (complete with paper trail) to pretend that their intent was to keep tabs on Farooq Houssaini, the director of the local Islamic Center. The problem is that they had no legitimate reason to spy on Houssaini either! The officials seemed to assume that by linking the protest to a prominent member of an Ethnically Targeted Community (an ETC), they would escape criticism. A similar ploy may be discerned in the September raids; the inclusion of a single Palestinian, Hatem Abudayeh (the respected director of Chicago’s Arab American Action Network), to provide the necessary intimation of guilt (more Palestinians were targeted in a subsequent round of subpoenas).

While the DoJ report may explain the timing of the raids, their pretext flags them as a test of new police powers stemming from the Supreme Court ruling in *Holder vs. Humanitarian Law*. This ruling criminalizes interaction with groups deemed “terrorist” by the feds, even for the purpose of conflict resolution, investigation or humanitarian aid. This new instrument is, logically, being tested on leftist activists rather than mainstream institutions like the Carter Center which has expressed alarm over its draconian reach.

Colonial Legacy

Today’s police system has its roots in the colonial past. Control over Ethnically Targeted Communities was the operative principle of the early slave patrols and, later, of the urban militias who monitored a growing number of free black workers and Native people (whose movements were subject to a pass book system). As these organizations morphed into police departments, their mandate would evolve to include maintaining order among immigrant factory workers, keeping wages down by suppressing union agitation and, eventually, becoming the enforcement arm for corrupt political machines.

In a racially stratified country, compliance with the social order is based on a two-tiered modality: collective management of ETCs and other low social strata, but individual treatment for offenders from the privileged classes. Charges might be pursued against a white person who disturbed the public order whereas an entire Black community would be punished if one of their own stepped out of line.

This pattern is familiar to US communities of color. It plays out in the indiscriminate rage directed at local communities when a member of the force has been shot by an unknown assailant; in post-Katrina New Orleans where the police acted as enforcers to assist white communities and suppress dark ones; in the contrasting responses to the Oklahoma City Federal Building bombing and the 9/11 attacks. The first, perpetrated by white Christian racists was treated as individual criminal pathology whereas the latter unleashed a full-bodied assault on Muslim and immigrant communities which has yet to end.

A shift in police philosophy, beginning in the 1970s, places domestic policing into a frame of counterinsurgency. Rather than seeking out the perpetrators when crimes have been committed, counterinsurgency emphasizes widespread surveillance and infiltration to identify and neutralize threats before they materialize. Based as it is on a war paradigm, counterinsurgency (“COIN,” in the professional jargon) justifies police action on the basis of intent, suspicion and association rather than the higher standards of evidence associated with a crime-fighting model. Within the logic of COIN, civil society is a breeding ground for subversion, crime and terror and must be closely monitored to guard against outbreaks. There is a presumed natural progression from truancy, petty theft and political discontent to

protest, organized crime and terrorism. The more effectively you disrupt these threats to stability when they are seeds, the more you will succeed in preventing their becoming thistles. Spying on and disrupting pacifist groups, mine protestors, death penalty opponents and civil libertarians, therefore, are not instances of careless overreach or poor supervision but, rather, are the purest application of counterinsurgency logic. In communities of color-- where preventive disruption has long been the norm-- the introduction of COIN has, through "community policing," increased police reliance on informants to trigger reckless paramilitary home raids.

These developments fit within a broader cultural offensive aimed at dividing and disrupting civil society. Thus we see the imposition of racist immigration laws in Arizona (to keep down labor costs and redirect white economic fears) linked to the banning of Ethnic Studies instruction (to undermine the seeds of cultural resistance).

The racialized dual structure of US policing finds expression in the deepest racial/cultural divide in our society: the chasm that cuts across public perceptions of the police. The admiration and trust for police with which white, middle class children are inculcated stands in irreconcilable contrast to the hatred and fear with which they are viewed by the young of the ETCs. These sets of perceptions are rooted in real disparities in treatment experienced in these communities. The fact that cases like Fong Lee's (or the better-known Oscar Grant) are commonplace is not known to white USAmerica, where conflict with the police is seen as evidence of criminality. Poet Bao Phi distills it clearly:

Put a blindfold on me
Tell me who you fear
And I will tell you
Your skin.

When Fong Lee and his friends were confronted by the police, it's not surprising that his impulse would be to get away. Officer Jason Anderson, an officer with a brutal history, chased Lee around a school building, shooting him eight times. A handgun which materialized later turned out to have come from storage in a Police Department evidence room. As a young member of an ETC, it would be assumed by the white public that he must have done something pretty bad to attract police bullets. The attorneys for the city exploited this bias by repeating the word "gang" as many times as possible in connection with Fong's name while excluding evidence of the officer's anti-Asian racism and penchant for brutality.

An Expanding Web

Racial and political repression is systematized through vast databases that have morphed into virtual maps of their respective social sectors. State-level gang databases are, like lobster traps, easy to get into but difficult to leave. In some states saggy pants and hip-hop sensibilities are enough to flag you as gang-connected and that, in turn, implicates your friends. For young people in trouble with the legal system, a gang "association" can bring enhanced penalties. Anti-dissident databases are equally sweeping in scope. Data collected from direct surveillance and infiltration, commercial sources, phone, car rental and travel records, public sources (such as Facebook) and past investigations are amalgamated through over seventy regional, state and city "fusion centers." These are staffed by police and agents from multiple agencies alongside private security contractors (who are conveniently exempt from oversight laws). The resulting map of personal connections and associations identifies key hubs of activism for closer inspection.

Revelations involving fusion centers in Missouri, Virginia, Pennsylvania, Illinois, Los Angeles and Texas, among others, expose a systematic pattern of spying on legal activity. In some cases the data is collected with the assistance of corporations who are the targets of protests and who, in turn, receive intelligence reports about their critics. An inadvertently posted memo from the director of Homeland Security in Pennsylvania highlights this cozy relationship: "We want to continue providing this support to

the Marcellus Shale Formation natural gas stakeholders while not feeding those groups fomenting dissent against those same companies.”

Driving the expansion of police powers is a decline in the global position of the US, shifts in its racial makeup and growing inequality globally and locally. The accelerated integration of private and public police functions reflects a parallel integration of corporations and government at all levels, from the federal cabinet (composed increasingly of executives from the most powerful corporate sectors); to legislatures selected with unlimited private contributions; to the leadership and staff of regulatory agencies. This merger has given rise to a brazen kleptocracy in which corporate criminality carries little risk of punishment while those who expose or protest it are treated as insurgents.

Growing inequality and impoverishment produce three predictable responses from the base of the social pyramid: protest, crime and psychological/emotional breakdown. These expressions of social distress--not the systemic exploitation which engenders them--are the problems which an expanded police universe is assigned to contain. All of these challenges will increase as a returning stream of psychologically and physically wounded war veterans collides with a drastically downsized social safety net.

Into this volatile mix corporations have poured hundreds of millions of dollars to sponsor a resurgence of right wing political action. The agenda of the new rightist groups is to support corporate-friendly measures (dressed up as defenses of personal liberty) and to pin the blame for societal collapse on vulnerable populations. Counterinsurgency policing exactly complements this conservative agenda by disrupting the opponents of corporate power and suppressing the responses (organized or random) of the hardest hit communities. There is a high degree of overlap between the targets of hate radio and its vigilante followers and those of Homeland Security and the repression-technology complex.

Stripped of its ideological baggage, the grievances of the Tea Party rank and file can be summarized as: “things are getting worse and I’m being treated unfairly.” The right wing sound machine directs these sentiments into resentment toward “elites” who conspire with brown people, foreigners, queers and the parasitic poor to deprive white citizens of all they have worked so hard for. The same frustrations (albeit with a different narrative) are experienced in the marginalized communities that came out of the shadows to elect Obama only to find him expanding the policies they had rejected. Whatever the actual reality, the idea of fair play is deeply engrained in US culture. Painful as financial hardship is in its own right, the perception that there are privileged people who rate special treatment is what turns frustration into rage.

Evidence of impunity stares us in the face every day although different expressions of it are visible to us depending on where we stand: Wall street gamblers unleash massive social destruction and are rewarded with the keys to the treasury; BP destroys the Gulf ecology and is protected by the government; police kill unarmed youth, falsify the evidence and face no punishment; Blackwater mercenaries massacre civilians and are spared prosecution; an investment banker crashes his car into a cyclist and faces reduced charges because the prosecutor feels that a felony record could have “serious job implications for someone in (his) profession” ; simple consumer purchases and services come wrapped in complex agreements that allow companies to change the rules at will; wars are unleashed on the basis of faked evidence and kidnapping and torture are routinized with no consequences to the perpetrators; Dick Cheney and Haliburton slip free of criminal bribery charges in Nigeria by paying a fine smaller than the original bribes; retirement benefits guaranteed in union contracts are gutted with court approval to protect shareholder investments; police beat, raid, frame and harass on the street with little concern for fallout even when caught on video; insurance executives who deny needed treatment to the ill and injured remain free and powerful. Those who protest or resist these injustices are the ones that face investigation and harassment at the hands of the criminal justice system.

Turning the Tables

The repressive universe has grown quickly and haphazardly, post-9/11, creating a profusion of organizations and a confusion of interests. Such uncontrolled growth creates its own contradictions and vulnerabilities. Foremost among these is the size and technological prowess of the system itself. Unassailable superiority easily leads to “power blindness”; an overreliance on a few blunt tools to control a complex and changing cultural reality. This has proven the downfall of US ambitions in Iraq and Afghanistan; its lopsided advantage led planners to assume they could roll a massive military machine across these societies without regard to their cultures, history and traditions. As I observed in a 2003 piece (*The Return of History*), this weakness would doom the occupation virtually from the start. What an opponent considers its great strength may be its Achilles heel.

The full spectrum nature of the repressive assault produces another unintended consequence. It largely removes the option of seeking personal safety by staying below the government radar. Even seemingly inoffensive activity falls within the purview of the national security state now under construction. That construction must be blocked and reversed or it will continue to besiege the shrinking democratic space. This sets the stage for exactly the kind of political challenge that repression is meant to prevent: the building of broad alliances among segments of society that are traditionally fragmented but who can perceive an increasing danger to their own interests.

The simple answer to this stark challenge is that we must organize. But piecemeal, or defensive, organizing is rarely effective in the face of a systemic assault. For challenge on this scale, organizing efforts need to be harmonized within a common counteroffensive. An ensemble of jazz musicians all playing at once must either coalesce around a common theme or they end up at cross purposes, unable to convey a coherent message. This is one of the keys to the right’s rise to power: while we were coming up with brilliant solos, they established a few common themes with which to unify their multiple campaigns into a unified current.

Following are examples of tactics that can begin to shift the initiative. They are meant to fulfill three requirements: to capture the attention of communities impacted by repression in its various forms; to immediately put our opponents on the defensive and; to unite our friends and divide our enemies. The mechanism can be called “guerrilla legislation.” It takes the lawmaking process--often seen as a way to steer popular aspirations into safe channels--and turns it into a flashpoint for organizing. Distinct from organizing itself, these initiatives function like the lead goose in a formation: to point the direction and create a “wind shadow” with which organizing campaigns can align themselves. The Republican representatives who voted to repeal the health reform bill knew that the gesture would not be successful in the sense of passing the measure. It was more important to advance the story.

The easiest point of entry for these measures would be to have them introduced by friendly legislators at the appropriate levels of government. Their utility derives from the favorable polarization they create and does not depend on their passing.

- 1) The Integrity in Law Enforcement Bill. This measure will impose harsh penalties on police, prosecutors, coroners or other employees, officials and subcontractors of the policing world if found guilty of pursuing contrived charges; falsifying, planting or concealing evidence; or soliciting or engaging in perjury for the purpose of securing a conviction or who bring charges against any person or group of persons with the intent of stifling or discouraging political dissent. *Police and politicians can neither support nor oppose such a bill without undermining their own legitimacy.*
- 2) The International Peace and National Security Act. A federal bill making it “the legal equivalent of treason” to manufacture evidence; present false testimony before Congress; plant deliberately false information in the media for the purpose of involving the United States in a state of military

or covert conflict with state or non-state entities outside of its borders. Failing to report such criminal activity will be an enhanced felony. *Simply forcing Congressional hearings on such a bill would rivet international media attention as well as galvanize the anger of families of fallen soldiers. The prospect of the death penalty could have a sobering effect on mid-level functionaries called upon to carry out the routine but illegal tasks of empire. Being forced to respond to this reasonable proposal would place the White House and Congress in an untenable dilemma both domestically and internationally.*

- 3) The Health and Wellbeing Under Confinement Act. This will make it a serious felony to deny medical treatment, access to medications or necessary nutrition or activity to anyone held in the criminal justice or immigration detention systems or any other institutions of involuntary confinement. *Such inhumane practices are widespread. This issue will resonate deeply in both immigrant and US-born communities of color.*
- 4) Freedom from Entrapment Act. Manufacturing a crime for the purpose of prosecuting people who otherwise would not have committed one will constitute a major offense, triggering serious prison time and lifetime banishment from law enforcement.
- 5) Other measures will criminalize the diversion of public police and security resources to the service of private interests (as in the Pennsylvania DHS case).

These proposals would all include a “betrayal of public trust” sentencing enhancement modeled on the “gang enhancements” which are used to extend prison time of poor youth of color. Public and police officials, who like to claim that police abuse is the work of “a few bad apples,” would be invited to endorse these clean-up measures.

The theatricality of these ideas aside, they take aim at official impunity and stimulate deeply held grievances; exposing the gaping chasm between what they must say and what they must do. If no elected officials can be found to introduce such legislation it will illuminate the moral distance between them and their constituents. A public campaign to force these bills onto the agenda would echo the 1789-1791 demands for inclusion of a Bill of Rights in the Constitution. The grievances embodied in these proposals are as deeply felt as those which fuelled popular anger in 1789. Such efforts would resonate in the community and “ethnic” media which are relatively independent of corporate control and are relied on by tens of millions in the most affected communities. They would also bolster local struggles. The Supreme Court declined to hear the appeal from Fong Lee’s family for a retrial of his killer. The legal arguments presented by Minneapolis’ attorneys relied on the statements of officer Anderson --by then fired for lying under oath in another case. Had the case come to the Court against the backdrop of a national movement against police impunity it might have seemed more compelling for the Justices to consider.

Dividing the Dividers

Following the decline of the urban political machines, police departments emerged as the most powerful component of city government, overshadowing the mayors and city councils to which they supposedly answer. Since 9/11 they have become increasingly integrated into the national security apparatus centered in the Department of Homeland Security. “National Security Events” such as Democratic and Republican conventions and ministerial meetings are used to accelerate this process. Local police and sheriff departments are showered with shiny military-style hardware, advanced training, direct lines of communication to the feds and the new, exciting self-image of frontline troops in the war on terror. This further weakens the leverage of city governments, who find themselves sidelined as “their” police align themselves ever more with Washington. This parallels how the training and weaponry lavished on Latin American militaries in the 1970s and 80s produced an officer corps more loyal to Washington than to its respective governments. City councils today end up as little more than liability insurers to their police,

doling out large cash settlements in brutality and wrongful death settlements but wielding little influence over the departments themselves.

The national security universe is comprised of over 1,200 government entities and almost 2,000 private companies competing, cooperating, sharing and withholding data, often attempting to enhance their standing by exaggerating the supposed threats they are uncovering. (The Ramsey County Sherriff's Department, which spearheaded harassment of activists opposing the 2008 Republican National Convention in Minnesota, claimed to have investigated 22 domestic and 11 international terrorist groups operating in its jurisdiction in 2009--figures which turned out to be fabrications.) Databases are riddled with inaccuracies and bloated with useless entries. Local police departments sacrifice strategic coherence in their scramble to re-define such distinct phenomena as gang violence, organized crime and political speech as sub-categories of anti-terrorism. This complex landscape--and the full spectrum assault on civil liberties which underlies it--gives rise to divisions inside and out of the police sector.

In the big picture, repression serves to keep people disorganized and divided, thus holding down labor costs and regulations and preventing civil society from competing with the top 1% for resources. The current wave is part of a concerted effort to roll back the era of reform ushered in with the New Deal almost a century ago. This agenda can be seen in the current offensive against public sector unions, intended to eradicate unionism altogether as a factor in society; preparations to erode social security and Medicare; the Presidential green light to corporations to dismantle inconvenient regulations; and the engineering of budget crises to justify gutting popular public services.

As a practical matter, repression depends on fomenting division, fear, confusion and isolation among marginalized communities and political movements. It only works when we obligingly become divided, fearful, confused and isolated. Repressive agencies do not aim to imprison everyone who harbors dissenting thoughts. Instead they target the few so as to frighten the many. In fact, repression is never completely effective because the very conditions that make it necessary will continually generate new resistance. Their hope is to disable democratic protections sufficiently that whatever opposition emerges can be prevented from becoming a political force.

Three levels of response are called for:

- 1) Prevention: preparing activists and communities to identify and resist divisive tactics, intimidation and entrapment;
- 2) Defense: supporting and defending those singled out for persecution; and
- 3) Counter-offense: building a movement across traditional social barriers that targets the sources of repressive power and legitimacy.

It is a useful exercise from time to time to try and see ourselves as our opponents see us. The resources which the government is devoting to the repressive endeavor make clear that it sees in our nascent movements and battered communities a serious threat to be contained. Our custom on the US left of seeing only our own weaknesses and our opponents' strength does not serve us well. The advantage in political conflict does not accrue to the side with the greatest technological and financial might but to the side that can seize and retain the initiative. This is clearly understood by the right, which is setting the national political agenda by defining and fighting for a set of values. The left, in contrast, fights mostly defensive battles, hoping against the evidence that the liberal wing of the establishment will provide the leadership which we ourselves have abdicated. This is of particular importance in relation to repression, where a liberal White House is championing the both protection of state secrecy and the eradication of personal privacy (to the extreme of claiming a right to order extrajudicial assassinations of enemies foreign or domestic).

A reckless corporate feeding frenzy has thrown families out of their homes, workers out of their jobs and students into debt. The current trajectory is aimed at evicting all but a small, bloated elite from the governance of society, a course which will lead to still greater inequality. The national security-police-prison complex has been assigned the impossible task of ensuring that this process goes smoothly. Its primary mission is to prevent the emergence of effective solidarity within and between domestic communities and with the international victims of the same exploitative policies. Challenging repression, however, can open new avenues for building that very solidarity. Just as President Nixon demonstrated that the cover-up can be more damning than the original crime, so repression can be the Achilles heel of a regime that comes to rely on it. Mistreatment at the hands of the police has more than once sparked youth-led movements, organizations and uprisings in the US and beyond that quickly draw attention to the injustices it was intended to defend. How we rise to the challenge will determine, more than any other factor, whether today's chill wind will usher in a new ice age.