

THE FREEDOM TO RESIST: CENSORSHIP & THE MOVEMENT IN THE IMPERIAL CORE

UNITY OF FIELDS

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Note: This article is a general discussion of the issue of censorship and repression, how to understand it and how to combat it. As it concerns Unity of Fields, we encourage everyone to connect with us via channels that are more resilient to ruling class censorship. In the immediate term, that means shifting to our Telegram channel (t.me/unity_of_fields) and visiting our website (unityoffields.net). We are in the process of developing a newsletter and hard copy distribution, and will update as that moves along. In terms of how you access revolutionary media in general, we encourage everyone to inform themselves of basic digital security practices, working to anonymize your electronic communications and using encryption. At the end of this article is a list of recommended resources for securing electronic communications. We believe these resources are helpful tools to frustrate surveillance and censorship, but they are not foolproof or invulnerable. As the struggle advances, we believe the movement will need to increasingly rely on in-person meetings, physical media, and related distribution networks to communicate, and we should all be working to further develop that capacity.

General Digital Security Resources and Guides:

- anonymousplanet.org/guide.html
- privacyguides.org/en/
- thenewoil.org/en/
- discuss.grapheneos.org/
- notrace.how/resources/
- securityinabox.org/
- anarsec.guide/
- ssd.eff.org/#index
- whonix.org/wiki/DoNot

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[8] The pretextual nature of the case against the Uhuru 3 is evident in the absurdity of the ultimate verdict. On the one hand, they were found not guilty of being a foreign agent and therefore were not required to register, avoiding a potential sentence of 15 years in prison. However, they were convicted of conspiracy to be a foreign agent, with a potential sentence of up to 5yrs imprisonment. In other words, they were not foreign agents, but they really wanted to be.

[9] That the Biden/Harris Administration is marching in lockstep with Netanyahu in attacking the domestic movement for Palestinian liberation should demonstrate to everyone that Zionism is a seamless policy that crosses the boundary of international and domestic affairs. It's not that israel is wagging the dog, it is that Zionism as a distillation of ruling class ideology animates the entirety of the ruling class across the western imperial bloc. It forms the pivot for their own version of a Unity of Fields, allowing them to arrive at the same place politically over and over again, despite the many moving parts and decisionmakers that comprise the ruling class coalition. This should drive home the impossibility of negotiating with these leaders and institutions, and the danger of collaboration in even trying.

[10] This process can be seen in the pre-trial motions for the Uhuru 3 case, where a motion to dismiss on the grounds that the charge as applied violated the First Amendment was denied by the judge. The defense then raised an objection to preserve the issue for appeal after trial.

[11] George Jackson, Blood In My Eye. Black Classic Press, 1990, p. 23. (Quoting Jonathan Jackson) "Comrade, Repression exposes. By drawing violence from the beast, the vanguard party is demonstrating for the world to examine just exactly what the terms of their rule is predicated on – their power to organize violence, our acquiescence."

[12] A key path to increasing resistance speech is also weakening and breaking up counterinsurgent voices, which hold back many people from joining the resistance movement. Constant criticism and exposure is necessary to isolate and delegitimize these forces. Removing them as influential actors will go a long way towards unlocking a self-reinforcing cycle of confrontation between the masses and the ruling class.

[14] On the other hand, encryption can help maintain anonymity for electronic communications by ensuring that the anonymized metadata can't be linked to a militant using the content of messages passed back and forth.

[15] Additional benefits, especially to the extent this meant turning away from social media, would include forcing resistance militants to directly engage their neighbors and develop less alienated and more rooted networks.

For those who resist the freedom to speak is not a privilege granted by a ruling class of slaveowners and genocidaires. For us, there is only censorship and opprobrium from our class enemy, its state, and its settler lynch mobs. For us, the freedom to speak must be fought for, defended, and propagated in spite of the political violence imposed upon our movement – a movement for life and liberation from the death drive of imperialist world domination. In this way, freedom of speech is better understood as the freedom to resist, a freedom that is not granted to us, but which we create in defiance of ruling class repression.

Introduction

On October 7, 2023, Hamas, acting as the vanguard of the Palestinian Resistance, launched the Al Aqsa Flood offensive, a rebellion against the colonial domination of their land and for the liberation of their people. This rebellion, and the chain of events that followed, have thoroughly exposed the irredeemable wickedness and strategic weakness of the entire imperialist camp led by the United States. In this exposure, the Palestinian Resistance not only advanced the case for their own national liberation, but also gave birth to a global anti-imperialist movement, a foundation upon which to fight for the liberation of all people. Through the prism of their resistance, everything has become clear.

This gift to the world has come at a horrifying cost to the Palestinian people. And still, the barbaric retribution of the United States and its allies continues, spreading and deepening. The expansion of these attacks has taken the shape of concentric circles, with the most intense violence aimed at Gaza and with lesser (but growing) intensity emanating outwards, first to the West Bank, then to Lebanon, then to Yemen, then to Syria and Iraq, then to Iran. But there is yet another circle of repression, beyond the Axis of Resistance, reaching to all sources of support for the Palestinian Resistance across the world, albeit with far less intensity. It is by tracing this repression that the outlines of the global movement against imperialism, and our place in it, comes into focus. To put it succinctly, the struggle within the imperial core is a specific part of the Unity of Fields that defines the broader struggle for Palestinian liberation. We are part of the same fight, facing different levels of repression based on our different levels of resistance.

Today, our relatively peripheral part of the Resistance is itself under increasing attack, primarily in the form of censorship, as our ideas gain more purchase in the field of political struggle. Exposure of the brutality of the ruling class, in its genocidal campaign against Gaza, has drastically reduced the mental and emotional obstacles to convincing the people around us of the need for resistance. That distance has shortened to such an extent that indirect censorship is no longer sufficient to stop the rising tide. To put it plainly, we are winning and they must stop these ideas from propagating and being grasped by the critical mass of people needed to constitute a durable revolutionary movement within the imperial core. They must now escalate their repression into direct censorship against our resistance.

This repression is applied through different registers (explicit and implicit, direct and indirect) and can be tracked through instances of censorship that aggregate into larger regimes of suppression. Regardless of which register is being used, the ultimate goal remains the same, to silence and marginalize ideas that undermine ruling class authority and hegemony. The unending and accelerating horrors committed by the ruling class over the last year have made clear that there is only one path to peace. There is only one way out. We must destroy and dispossess that ruling class and replace their system with a new society. To do this, we must educate ourselves by unravelling the existing web of ruling class censorship and, with that knowledge, develop resilient channels for resistance speech as we advance down the path towards the overthrow of this most alien entity known as the United States.

Censorship of what?

The purpose of censorship is to cut the threads of communication and thereby to disorganize our movement for liberation. At its most basic level organizing is the process of taking ideas and making them material by convincing people to firmly grasp them, to believe in and act upon them. The way this is done is through communication: verbal, written, symbolic, even physical communication (everything from dance to the use of force). The aim is to block our ability to transmit ideas among each other and to the broader public, ideas which would threaten the ruling class if they were grasped by a critical mass of people.

Two Types of Censorship: Shut Your Mouth or I'll Shut It for You

There are two dialectically related forms of censorship: direct and indirect. Indirect censorship takes the form of intimidation, blacklisting, slander, and pretextual legal attacks. The aim of indirect censorship is primarily to cause us to censor ourselves, lest we be blacklisted, slandered, or hounded with criminal investigations and lawfare. Direct censorship is when the channels of speech are blocked, the tools of speech are seized or shut down, and the speakers are explicitly charged with and imprisoned for the content of their speech. At the most extreme, direct censorship takes the form of assassinating our political leaders. For the last 40 years, direct censorship of political speech has been relatively rare inside the United States and the broader imperial core. [1] But no more.

With respect to indirect censorship, the past year has provided us with many examples. Using a private-public partnership between state and civil institutions, the ruling class has sought to slander and intimidate our movement. They have doxed and blacklisted movement participants, underlining the threat of the blacklist through firing, rescinding employment offers, and canceling projects. They have organized SLAPP lawsuits against our most prominent organizations. [2] They have throttled the reach of our messages on the most popular apps, such as Instagram and Twitter. They have engaged in massive surveillance across public and private institutions, caged us with time and place regulations, and unleashed the dogs of law enforcement to harass and brutalize. Most insidiously, they have used institutional power to define pro-Resistance speech as threatening, antisemitic, foreign, and just short of criminal in and of itself.

End Notes:

[1] Importantly, the indirect censorship regime that prevailed until very recently was itself rooted in experiences of direct censorship that coincided with the end of the last great revolutionary upsurge in the United States. The terror of direct censorship in the past still hangs over us today: from the memory of the assassination of Fred Hampton, to the continued imprisonment of Mumia Abu Jamal and Leonard Peltier. These examples of direct censorship, and many more aside, helped to precipitate the largescale abandonment of revolutionary politics and the liquidation of militancy into the Democrat Party coalition from the 1980s onward. This ruling class terrorism set implicit limits on the limits on the speech of Left movements throughout the last quarter of the 20th Century, giving life to the idioms of counterinsurgency.

[2] From the Public Participation Project: "SLAPPs are Strategic Lawsuits Against Public Participation... SLAPPs are used to silence and harass critics by forcing them to spend money to defend these baseless suits... SLAPPs are effective because even a meritless lawsuit can take years and many thousands of dollars to defend. To end or prevent a SLAPP, those who speak out on issues of public interest frequently agree to muzzle themselves, apologize, or 'correct' statements."

[3] Counterinsurgency: FM 3-24. Department of The Army, 2014.

[4] Multiple examples of this were seen in the way that student encampments were led into negotiations with Zionist institutions, resolving on the perfunctory folding up of encampments. Very often, this was done in the name of safety and under the gun of explicit threats of violence by institutional "negotiators." In some cases, these outcomes were even declared victories by collaborationist protest leaders.

[5] Peled, Miko. Injustice: The Story of the Holy Land Foundation Five. Just World Books, 2018.

[6] This practice of severing ties between resistance in the United States and the rest of the world can be seen over and over again. For example, the canceling of Paul Robeson's passport so he couldn't speak abroad about the evils of the United States' system of settler-colonial racism. The deportation of Marcus Garvey on the pretext of mail fraud. The repeated attempts to deport Harry Bridges for connections to the International Communist Movement, even drafting the Smith Act specifically for these ends. The prosecution of W.E.B. DuBois for allegedly acting as a foreign agent, and multiple instances of restrictions on his international travel. The prosecution of NORAID as a foreign agent for supporting the IRA. Etcetera.

[7] Of great importance, the line between speech and action is ultimately determined on a case by case basis by ruling class judges, and is linked to broader ruling class trends. If a prosecutor charges militants on the theory that pure speech is a form of material support, and a judge agrees, then what was once a tool of indirect, pretextual censorship has transformed into a tool of direct censorship. Moreover, if the law is changed or interpreted to allow the listing of domestic individuals and organizations, essentially declaring them illegal, this would also place it within the territory of direct censorship in the domestic context.

Consequently, while endeavoring to access all electronic channels under cover of anonymity, we must move to more censorship resistant channels; for example, from Twitter and Instagram to Telegram. We should expect to make moves of this type repeatedly as electronic channels that were previously resistant to censorship become compromised, and new channels are developed in response. Over the longer term, we must create and strengthen distribution networks for material propaganda (books, zines, pamphlets, etc.) while inculcating a culture that prioritizes these forms of communication over electronic forms.

As part of building this culture, we must also become reflexively human in our analysis. The question, with respect to cultivating and sustaining a resistance, always and in every aspect comes back to the human beings who have determined to embody the ideas of resistance. The point of our communication is to expand the number of people embodying resistance ideas, and to inspire them to take actions that deepen their commitment to those ideas. The goal is to make anti-imperialism, pro-resistance, anti-capitalist, and pro-liberation ideas an irresistible material force in the world. In this respect, security is first and foremost not a matter of technology, but a matter of political education and solidarity. Security for a resistance movement depends on people forming communications network based on both a shared grasp of the tactical questions of resistance communication, but more importantly a steadfast allegiance to each other and the broader mission. Without that, all the anonymization and encryption in the world will not secure the network. To quote George Jackson:

“Settle your quarrels, come together, understand the reality of our situation, understand that fascism is already here, that people are already dying who could be saved, that generations more will live poor butchered half-lives if you fail to act. Do what must be done, discover your humanity and your love in revolution. Join us, give up your life for the people.”

It is this humanity and love, the steadfastness and sacrifice it calls forth, and the popular cradle of resistance which forms around it that secures a revolutionary movement. Likewise, the only path towards cultivating such a movement is to engage in an unwavering resistance, communicated through both speech and action. These same lessons can be drawn from the struggle of the Palestinian people and the Resistance they’ve nurtured. Let us show that we’ve learned them well. Let us demonstrate our grasp of these lessons through our own words, actions, and sacrifices. Let us unite in solidarity to form the whirlwind that sweeps Zionism and imperialism from the face of the Earth. This and nothing less is required to defeat the forces of genocide, ecocide, and inhuman oppression.

All of this is intended to intimidate and silence the pro-Resistance movement. While this intimidation has not and will not silence us, it has muffled our message and given space to the anti-Resistance forces that dominate the Left. These forces prey on the fears and doubts sowed by ruling class intimidation, forming a counterinsurgency [3] that misleads the masses into the normalization of genocide and into collaboration with ruling class institutions and Democrat Party genocidaires. The ruling class intimidates the masses using methods of indirect censorship, driving many of them into the arms of these counterinsurgent forces, who then create the vessel within which to nurture and coddle those fears and inoculate them against the antidote of resistance.

Afraid of being accused of antisemitism? Then they will opportunistically foreground Jewish voices to shield against it. Afraid of being accused of supporting violence? Then they will declare their commitment to pacifism, while hypocritically cooperating directly with police violence against pro-Resistance militants. Afraid of being accused of supporting the Palestinian Resistance and its allies? Then they will condemn Hamas for existing, alongside their condemnation (only) of Zionist and imperialist “excesses.” Afraid of being associated with foreign enemies of the ruling class? Then they will continuously affirm their patriotism. Afraid of being injured or arrested? Then, rather than inspiring the courage and sacrifice that is realistically required to defeat the enemy and put a stop to genocide, they will wrap you up in the rhetoric of safety. [4]

This dynamic has proven a serious obstacle to the advancement of our movement to end genocidal imperialism, but that we persist and our message continues to corrode the ideological foundations of their system shows that indirect censorship is insufficient for their ends. They cannot silence us with that alone. Just as we escalated with increased direct action and the forceful confrontations of the Student Intifada, they have escalated their indirect censorship into direct censorship.

Some of the signs that we are moving into a new regime of direct censorship can be seen with the banning of TikTok (set to take effect in January) and the frequent blocking of posts and suspension of accounts on the largest social media platforms. We see also the banning of student organizations, the suspension and expulsion of student leaders, and the exclusion of pro-Resistance speech from public forums on campuses. For those with the courage to fight, we see criminal charges aimed at intimidating and silencing the movement. A view overseas shows us the underlying trend of ever more extreme forms of censorship within the western imperial bloc: the banning of Samidoun and Resistance News Network in Germany and the EU, the arrest of Pal Action UK activists under terrorism charges, the arrest of Pavel Durov aimed at compromising the Telegram app, and, lest we forget, the constant martyrdom of Palestinian political leaders and media workers in and out of Palestine. These actions are all aimed at blocking channels of speech, seizing and shutting down tools of speech, and eliminating those who propagate resistance speech. They form a continuum of direct censorship being unleashed to varying degrees across the entirety of the western bloc of US-led imperialism.

Within the United States, the more extreme forms of censorship seen abroad are still nominally outside the boundaries of bourgeois legality, but given the close coordination of the US ruling class and its allies, the more intense censorship seen overseas indicates the overall direction the imperialists are driving towards and the limits to which they're willing to go. And, indeed, a regime for criminalizing speech and imprisoning speakers is coming to the fore within the United States: using definitions of antisemitism to categorize pro-Resistance propaganda as criminal "hate speech," linking movement speech to proscribed organizations and foreign governments via allegations of "material support" and "foreign agency," as well as linking pure speech to actions that cross ruling class lines of legality, with inchoate notions of "speech integral to criminal conduct." All of these moves have antecedents worth reviewing.

Prominent Tools of the Censorship Regime

Around the end of the 20th Century, ruling class tools of indirect censorship broadened and began pressing against the boundary of direct censorship. A key moment in this transition was the invention of material support to terrorism (MST) as a crime. This legal regime operates by having executive agencies summarily ban foreign organizations and individuals by placing them on a list, a determination that is all but impossible to challenge, allowing the government to avoid debates about whether the organizations are freedom fighters or terrorists, a debate they might lose. Once on the list, any interaction with the organization can potentially be interpreted as "material support," a crime punishable by years in prison. In addition to cutting or reducing actual material ties, this MST regime has a chilling effect, cutting threads of communication and narrowing the throughput of remaining threads by escorting commerce and communications through tightly controlled and heavily surveilled channels.

Ominously, in several instances attempts have been made to contextualize simple speech as a form of material support, with mixed success for the government in court, but a chilling impact nonetheless. In virtually all instances, the flow of actual material support to oppressed people under the gun of US imperialism now requires obtaining permission from regulating agencies before providing aid, even to organizations not on the list but simply existing in proximity to prohibited groups. In some notable cases, after going through these official channels, humanitarian organizations have still been prosecuted and their officers imprisoned under the MST regime; for example, the Holy Land Foundation Five. [5]

The point of the MST regime is to cause people to abandon or at least pause before engaging in international solidarity, to question the advisability of it, and, if they go through with it, to make the process slower, reducing political and material solidarity to a trickle. [6] All of these pressures constitute indirect censorship, with people choosing not to speak in favor of, or associate with, global movements for liberation. But this regime becomes a form of direct censorship when used to cut the thread of communication by imprisoning key communicators. [7]

In the face of all this repression, at all costs we must continue to communicate, and we must do this while simultaneously increasing the reach of our ideas and developing increasingly resilient systems and networks to avoid censorship. This is in line with the common admonition to "keep talking about Palestine." Our refusal to be silent about the Zionist genocide against the Palestinian people is what accounts for the longevity of the movement in the United States thus far. But it is insufficient. Going forward, not only must we talk about Palestine, we must also talk about imperialism, resistance and revolution. In so doing, our resistance will grow stronger, but so too will the repression of the ruling class.

Given the obvious weaknesses and dangers of electronic communications in resistance work, as underlined by current events, we must begin the process of establishing and strengthening in-person communication and material distribution of resistance propaganda. Doing so will increase the size of the haystack the enemy must comb through and impose higher material costs on their surveillance and targeting. It will not stop us from taking losses, but it will create breathing room for us to propagate resistance ideas, and thereby resistance organizing, even under the extreme forms of repression just over the horizon. [15]

This does not mean we should stop using electronic communications altogether. However, in terms of internal resistance communications, we must reduce our use of electronic communication, while also developing a strict separation between our regulated identities and militant politics on the electronic channels that we continue to use. Creating this separation will require the use of anonymization and encryption. Still, we must always remember that these are not a failsafe and that electronic communication in our current context always comes with a higher risk of exposure than the alternatives. Where the benefits of electronic communications outweigh the costs, we must accept this risk, even as we take reasonable efforts to avoid it. We cannot be disciplined into silence by these risks. It is far better for resistance speech to continue at the cost of taking losses than for quiet to take hold. If in doubt, choose resistance, through whatever means, rather than silence.

With regards to external resistance communications, the distribution of propaganda to the public, it is important to recognize the critical role that these means have played in rapidly and comprehensively exposing the horrors of genocidal Zionism and imperialism. The reality of every individual with a smartphone being able to produce media that exposes, educates, and inspires is powerful. On the other hand, we cannot ignore the way these devices also turn media producers into targets or the general trend of censoring distribution channels for these devices. It is not guaranteed that they will continue to be tools of democratic media production and exposure of ruling class crimes. The goal should be to seize as much benefit as possible from these modes of communication, while not becoming overly dependent or exposed, and while building out alternative distribution networks.

But first, what is this identity that needs to be separated from militant political expression in order to shield it from repression? The identity that we're dealing with starts with a birth certificate, your first identifying document, granting you permission to pass through the checkpoints and tollbooths of regulated life. However, as you pass through these checkpoints and tollbooths, bit by bit, more and more information about you is handed over. Every license, every permit, every registration, accumulates to create your official identity. Today, these government and institutional checkpoints and tollbooths are further supplemented by proliferating non-governmental checkpoints and tollbooths, especially potentially identifying information that allows you to access the internet, such as your IP address, website cookies, and other trackers. These manifold account registrations and identity verifications don't just require proof of your identification, they further supplement and enrich the information that can be used to identify you. Add on facial recognition. Add on genetic information a relative shared with a genealogy database. Add on voice recognition. Add on medical records of disabilities. Add on license plate readers. But what does all of this identify? Ultimately, they are identifying a physical body and its links to society, for the purpose of determining if and when it is allowed to participate in society. The key purpose of this system of identity, beyond merely tracking a person, is to reserve the power to stop said person from passing through any given checkpoint or tollbooth.

Plainly, given the ways we are always already entangled in this matrix of identity, and dependent on many of the social connections on the other side of each checkpoint and tollbooth, the idea of escaping all of this is an absurdity, which is just as well. Ideas of disappearing into the night and going "off-grid" are, in all but the rarest cases, counterproductive as they divert attention away from paths for developing practical anonymity. Rather, the anonymity that resistance militants and supporters need is, in most cases, one that separates our regulated identity from resistance speech and actions. In this case, the regulated identity is actually an asset, amounting to a cover story, just another blade of grass in the haystack. The more mundane the better. The key, then, is to maintain a rigorous separation between the two, to not allow the regulated identity to be linked with resistance speech.

Conclusion

We are in a period of transition, from more indirect forms of censorship to more direct forms. We recognize that we are already entangled in a system of surveillance, with its checkpoints and tollbooths, based on our regulated identity, made even more comprehensive and detailed by our engagement with electronic communications. This system of surveillance is also a system of censorship, which can be used to block our communications from passing through key checkpoints and tollbooths. Given the trends in censorship, but more fundamentally the trend towards an increasingly desperate and therefore more brutal and extreme ruling class dictatorship, our movement must transition away from our current vulnerability to censorship and repression and prepare to sustain and reproduce itself in the face of increasing violence from the state and its settler auxiliaries.

Older tools for suppressing international solidarity have also been dusted off and pressed into use. For example, the Foreign Agents Registration Act of 1938 (FARA), originally aimed at restricting and surveilling communication between United States communists and the rest of the International Communist Movement, has been recently used as a pretext to suppress the speech of domestic revolutionaries. Take the recently concluded case against the Uhuru 3. The pretext for censoring the Uhuru 3 was the allegation that their speech in opposition to United States warmongering abroad was part of a disinformation campaign organized by and executed at the behest of Russian intelligence officers. Therefore, prosecutors claimed, the Uhuru 3 were acting as foreign agents of Russia and required to register under FARA. The failure to do so constituted criminal conduct, according to prosecutors. Through the smokescreen of definitions and regulations, it's plain to see that the charges in this case were aimed at indirect censorship, characterizing domestic revolutionaries as "outside agitators" and agents of alien powers, warning off others from engaging in speech critical of US imperialism, lest they be targeted for state repression. But it also sought to achieve a goal of direct censorship: the imprisonment of the revolutionaries doing the speaking. [8]

Here, it's important to recognize the ways in which the ruling class is angling to use both MST and FARA against the movement for Palestine. The clearest example of this can be seen in the parroting of Netanyahu's accusations against the movement during his loathsome speech to the U.S. Congress; specifically, the claim that protests for Palestine are funded by the Iranian government, which has been repeated and amplified by White House spokesman John Kirby and the New York Times. With these claims the ground is being prepared to accuse elements of our movement of acting as unregistered foreign agents for Iran. At the same time, Kamala Harris' office put out a statement implying that people protesting Netanyahu's speech were "associating" with Hamas, putting pro-Resistance speech within the legal framework of MST. [9]

Another important tool of ruling class censorship are the inchoate crimes, especially conspiracy and racketeering (also known as RICO). These are considered "inchoate" because the crime is not committing, for example, burglary, but rather the agreement to commit burglary with others. In other words, one can be convicted of conspiracy to commit a crime without the crime actually having been committed. Racketeering, on the other hand, allows for including as conspirators people who've never met or communicated, and are therefore incapable of having come to the "agreement" required to prove conspiracy. This is done in true conspiracy-theory fashion by creating ornate spider graphs linking disparate individuals together through separate instances of speech and actions, many of which are perfectly legal, allegedly in furtherance of some larger criminal plot. Originally designed for prosecuting organized crime, racketeering is increasingly being used to attack resistance speech. A good example of this is the prosecution of Stop Cop City organizers, protest participants, and bystanders on RICO charges in Atlanta.

The Law Does Not Protect Resistance Speech

To return to the question of where repression of resistance speech stands in the United States relative to its allies in Europe and elsewhere, the source of any restraint is often assumed to be the First Amendment. But this notion is often confused. There is a belief in an objective set of legal rights that are certain to protect dissident speech, and which will be vindicated in court. In actuality, this “right” is mediated by hostile institutions and so riddled with legal exceptions as to amount to nothing more than a speed bump on the road to repression.

For example, since the “right” to free speech only relates to government censorship, private interests engaging in censorship are generally not violating the First Amendment. This sleight of hand between the government and the private institutions of the ruling class is a key mechanism for censorship and the preferred avenue, given the political utility of the First Amendment fiction. The practical aims of the ruling class in censoring opposing ideas are achieved, while also allowing the populace to persist in the belief that they have a right to speak freely in opposition to that ruling class. The most effective inoculation against revolutionary movements is the cultivation of a consensus among the oppressed that they are free. Additionally, legal doctrine has developed to create multiple exceptions to First Amendment protections against government censorship. These exceptions include incitement, fighting words, true threats, obscenity, defamation, fraud, and vagueries like “speech integral to criminal conduct.”

There can be a tendency to assure ourselves that our speech does not fall within one of these doctrinal exceptions, but we must always remember that the final determination of that question is not in our hands. Rather, it is in the hands of hostile institutions with far more resources than most defendants can muster, such that the pressure to plea to charges can be nearly overwhelming, in which case the First Amendment question is never even litigated. Furthermore, assuming one can muster the resources to pay competent and focused lawyers to defend you, consider where in a legal proceeding the opportunity to raise First Amendment objections arises. If a trial judge doesn’t throw your case out for First Amendment violations, an extreme rarity to be sure, the jury isn’t going to rule on the First Amendment question, which is a matter of law rather than fact. [10] Instead, if convicted, you begin serving your sentence while waiting for an appellate court to rule on your free speech claim, potentially sitting in prison for months or years just for a hearing. As with the prohibition on police brutality and police murder, if you have to rely on a court to vindicate the right, it’s already too late, the violation has already occurred.

The Question of Encryption: Cat and Mouse

Encryption has been a popular tool for dealing with the problems presented by electronic surveillance, and it does complicate the work of the censors. This is at least indirectly demonstrated by the lengths to which ruling class institutions have gone to force telecoms and app providers to put backdoors into their systems. When encryption is used well, it protects the contents of a message. However, the metadata remains observable. They can’t see what you’re saying but they can see who you’re saying it to. In many cases metadata is all they need, particularly within the framework of censorship using tools like RICO, where militants can be speciously linked to the speech and actions of others.

But encryption can also fail in its own right. It might fail because one side of the communication is not using encryption or has it incorrectly set up. It can also fail if you’re relying on encryption from an app that has created a backdoor for government surveillance, or if the device the messages are sent from is already compromised. For instance, if Pegasus spyware or something like it was surreptitiously put on a smartphone, then messages can potentially be read before they become encrypted and transmitted via an app.

In this way, the safe use of encryption develops along the lines of a game of cat and mouse, or an arms race. With each improvement in encryption, counter measures are taken on the side of surveillance, which then must be countered with new protocols for the best use of encryption. With each compromise of an app, militants must find a new app. With each new tool for corrupting devices, militants must find tools for identifying and removing the corruption. It can be hard to keep up. For these reasons, although encryption is an important tool when used correctly, it can also provide a false sense of security for those not using it correctly, and may even be besides the point in cases where the more significant threat is the exposure of the communications links themselves and not the content of the communications. [14]

The Question of Anonymity: Checkpoints and Tollbooths

Anonymity is the most important tool for militants in thwarting censorship and repression. When properly developed, anonymity allows one to blend into the haystack of regulated life, while continuing resistance communication. Agents of repression may recognize a message source as a needle, but it’s only a ghost. They cannot properly locate and identify the needle to take it out of circulation. When combined with encryption that obscures the content of an anonymized message, it is possible to thwart even the ability to recognize the needle. When in this state, resistance communications can, theoretically, continue indefinitely. On the other hand, the more complicated and difficult it is to establish and maintain baseline anonymity, the larger the barrier it presents to the free flow of communication. While the threads connecting the resistance movement persist, they thin out, reducing communication and slowing the development and advancement of the movement.

This is borne out in the published rulings of the Foreign Intelligence Surveillance Court (FISC), a longstanding secret court rubber stamping requests to use these surveillance tools, where they make clear that the FBI consistently violates the regulations governing that program. We can also see the statements of several whistleblowers testifying to the use of these tools to look deep into the personal lives of people living in the United States. It should be assumed that these databases will be used against our movement and militants as we move up the escalation ladder as threats and targets of repression.

In the early days of these programs, the needle in a haystack dynamic stymied the full exploitation of the surveillance system. It worked very well when they already knew their target, just put in the identifying information and everything pops up. But they had difficulty identifying new targets by parsing through the absolutely massive level of information they'd collected. However, today the process of surveillance and censorship is increasingly automated. Software systems like Palantir are able to organize massive amounts of personal data into spider graphs, which note which individuals or organizations act as hubs of communication and then notes the strongest threads connecting hubs together, thereby identifying targets for direct censorship. When you connect a system like that with the database in the hands of the NSA, you have something approximating Total Information Awareness. Add in artificial intelligence and you not only have nearly comprehensive information, you also have the ability to parse through it at speed. They are able to sort the haystack in unprecedented ways, effectively shrinking it to much more manageable levels. In other words, building a RICO case for hundreds of people might be done, if not now then soon, with the push of a button. That is if we continue to over-rely on forms of communication that can be fully captured in these electronic databases.

On the other hand, reducing our digital exposure greatly increases the cost of investigations, requiring personal surveillance and undercover investigations. These are labor intensive operations and, despite the bloated nature of the repressive apparatus, are restrained by competing interests in distributing institutional resources. Moving into personal communications and material distribution also allows more opportunity to recognize and avoid surveillance. It's easier to see a tail than to see a person sitting in an office tapping away at their computer. Taken together, this creates a higher barrier to gathering information that can be used for targeting censorship against our movement, it expands the size of the haystack. The repressive apparatus has also come to rely on electronic surveillance, and, in the short to medium term, may be caught flat-footed if resistance communication got out from under their microscope. It's not a failsafe, but it costs more time and money for agents of repression to track down and surveil resistance members, to trace media distribution routes, and connect it all together, and this creates more space for movement communications to spread. [13]

So much for the notion of free speech in the United States. And yet, the First Amendment does have the barest utility in restraining state repression, if only because transparently violating popular notions of freedom of speech undermines the mythology of American nationhood, the ideas of the ruling class become material because grasped by the people. Therefore, the functionaries of repression must weigh the relative value of suppressing resistance speech against the underlying necessity of maintaining the ideological narratives that justify ruling class hegemony. The "Law" is no barrier to repression. Only the possibility of damaging the political and ideological support the ruling class requires to maintain state power can compel restraint, but even this has limits. At the point when resistance ideas are grasped by the people and become a material force of sufficient gravity to truly threaten the integrity of the imperial project, all pretense is dispensed with and the naked violence that backstops the entire system is revealed. We are currently sitting at that boundary.

Strategic Principles regarding Ruling Class Censorship

What are the lessons to take from the above? First of all, when we use communication to organize from a position of revolutionary opposition to the ruling class we do not have the privilege of freedom of speech. Censorship is the default in this case, whether indirect or direct, whether from state or private institutions. The truth of this for our movement is more and more evident every day. Second, the main utility of analyzing this repression in terms of direct or indirect censorship (always dialectically) is to help us recognize where on the spectrum of political repression we are. Understanding this not only allows for prioritizing countermeasures specific to the changing forms of repression, but also provides important information about the degree to which the ruling class is threatened by our movement, and therefore the relative strength or weakness of contending class positions. That the ruling class is increasingly attacking our movements through the use of direct censorship is an indication that they are afraid, and that we are much stronger than most realize. On the other hand, that they have not yet fully transitioned into direct censorship, that state violence has been relatively lightly deployed, tells us that we still have some time and space to expand and harden our communications networks.

Third, what restrains political repression is not "The Law," but rather political calculations with regards to the power of the censored speech to undermine ruling class authority versus the degree to which the repression itself may undermine that authority. In this respect, the absolute worst thing a movement can do when facing censorship is to acquiesce by silencing itself. For example, a movement might stop communicating with itself and the public, charged defendants go quiet and no one else picks up the ball. Or the movement might be disciplined into altering its message in a direction that is less threatening to the censoring authority (the counterinsurgency stands ready to facilitate this possibility).

Or the movement could unnecessarily isolate and marginalize its message by going to ground too soon, giving up broader forms of communication with the public before having fully exploited the shrinking space to build alternative channels. There is evidence of all of these errors in our movement today. We must work to correct them, or they will spread and a soul sickening silence will take hold, and resistance will die.

On the other hand, resilience and persistence in the face of repression can undermine the strength and effectiveness of the repression, while propelling the movement forward. The reason for this is the same reason Jonathan Jackson gives when talking about using force to elicit a response from institutions of state violence: the repression exposes the enemy for who they really are. [11] The more we speak in resistance, the more they must react to silence us, the more those reactions expose them. If ruling class repression succeeds in silencing resistance through their censorship, then that repression stands as a monument to their power, maintaining a disciplining effect over the rest of the public. But if they fail, if the message continues through the persistence of militants and through the regeneration of the movement with the entry of new participants, the enemy stands exposed and the opposite lessons are learned: that resistance is possible, making victory imaginable. It is for this reason that it is critically important to strain our resources to uncompromisingly increase resistance speech during and in the wake of discrete instances of repression, exposing the enemy and demonstrating our commitment and steadfastness in the struggle. [12]

A final set of strategic principles, which undergird the ability of a movement to persist under repression, includes the realization that there is no fully secure way of communicating between people, no possibility of being completely immune from censorship and repression. There are only more or less secure channels and tools. With this understanding comes a second, that we will take losses, just as the Palestinian Resistance and all historic movements have taken losses. We have to assume that, and we, as individuals, have to imagine and come to terms with the prospect that any of us could be one of those losses. The willingness of movement militants to risk it all, not haphazardly or recklessly, but to consciously put our lives on the line for the greater good is the beating heart of resistance, and the only basis for the persistence and regeneration of a movement in spite of inevitable losses. This may seem grim, but in fact it leads to the opposite assessment. No matter how big the enemy, no matter how hard it looks, if we remain steadfast and connected to the masses we can win.

Tactical Considerations in Combatting Censorship

We are entering into a regime of direct censorship. Indirect forms continue to be used in an attempt to intimidate the masses into censoring themselves, but that intimidation increasingly comes in the mode of direct censorship, making examples of the individuals and organizations acting as hubs of communication by singling them out for punishment. At the same time, where before messages were mainly censored by pushing them to the margins of political discourse and reducing their distribution, increasingly they are censored by blocking and seizing the channels for distributing communication themselves. In other words, instead of drowning out the revolutionary press, which has now become too compelling to ignore, they must endeavor to silence the message entirely. Within the context of this censorship regime there is a key problem for the forces of repression and a key strength for the forces of resistance: the needle in a haystack.

The Needle in a Haystack

All direct repression begins with surveillance. It's necessary to know where messages are emanating from, before censors can directly intervene to stop them. In cases where a message has gained popular currency, so many people are sharing the message that it's nearly impossible to find the originators, and, in any event, the cat is already out of the bag. Historically, repression in these conditions is slow and sloppy. It misjudges both the targets of censorship by being overinclusive, and the degree of repression required to discipline rather than incense. In some cases, these miscalculations backfire, leading to the rapid growth of resistance. However, communications technology has significantly mitigated this issue for the forces of repression, such that our most pressing problems in avoiding censorship today relate to an overreliance on tools and channels of electronic communications in general, the use of more vulnerable channels and tools of electronic communication in particular, and the underuse of less vulnerable channels of in-person communication and material distribution.

By way of background, every single electronic communication within the United States and crossing its borders is copied by the NSA and stored in databases, allowing agents of repression to essentially Google search through your digital footprint, reaching back years into the past. This reality was suspected as early as 2001, with government admissions and denials becoming public in the early 2010s after whistleblowers began to step forward. The depth and breadth of it was finally confirmed by Edward Snowden, with his massive release of program data starting in 2013. This overarching system of massive and comprehensive electronic surveillance is supposedly governed by regulations to keep it from being abused, defining who gets to access the database tools and for what reason. But, of course, once the tool exists there's no true guarantee that it will only be used according to policy, and, more fundamentally, when it comes to resistance speech the only policy is repression.