

“ENCOURAGING THE STATE TO USE A REPRESSIVE HAMMER ON YOUR POLITICAL OPPONENTS [...] IS SHORTSIGHTED AND COUNTER-PRODUCTIVE. HISTORY DEMONSTRATES THAT ONCE A GOVERNMENT USES A REPRESSIVE TECHNIQUE WITH POPULAR SUPPORT FROM ANY POLITICAL SECTOR, THE GOVERNMENT ADOPTS IT AS A TOOL OF REPRESSION USED AGAINST ALL POLITICAL DISSIDENTS.

THAT MEANS WE ON THE POLITICAL LEFT MAY SOMETIMES NEED TO DEFEND THE RIGHTISTS AGAINST THE STATE.

**IT DOES NOT PREVENT US
FROM CHALLENGING AND
CONFRONTING THE RIGHT
OURSELVES.”**

REPRESSION,
CIVIL
LIBERTIES,
RIGHT-WINGERS
AND
LIBERALS:
RESISTING
COUNTER
INSURGENCY
AND
SUBVERSION
PANICS

CHIP BERLET

Repression, Civil Liberties, Right-Wingers, and Liberals: Resisting Counterinsurgency and Subversion Panics

CHIP BERLET¹

José Palafox was waiting at the BART Station at 19th and Broadway in Oakland, California on May 9, 2012 when two people approached him. They “identified themselves as Carrie and Matt from the FBI, and served me a subpoena to testify before a federal Grand Jury.” Palafox immediately posted a statement online warning other activists that more subpoenas would be issued as part of a “government attempt to gather information on” people who the government suspected were “involved in the animal rights movement.”²

Another incident in September 2010 involved FBI raids on the homes of activists in Minneapolis and Chicago. Over a dozen subpoenas to appear before a grand jury investigating terrorism were handed out. This grand jury was trying to unravel a network of people organizing against U.S. policies in the Middle East and South America.³

Increased government surveillance and repression against anti-war, Muslim, and ecology activists—among others—has given increased urgency to educating activists about state repression and its relationship to right-wing organizing and liberal concepts of civil liberties. Understanding the history, strategies, and tactics of political repression helps us build movements than can resist. At times this leads to some tactics that may seem counterintuitive.

Back in 1970, author James Baldwin concluded in a public letter to radical activist Angela Y. Davis after her arrest, “if they take you in the morning, they will be coming for us that night.”⁴ That highlights the need for progressive activists to protect each other. Government repression and unnecessary violence can lead to physical assaults against and the murder of targets, especially people of color and armed dissidents.

It is easy for those of us on the left to see the need to defend activists who are our political allies. What about legal government repression using the legal system? Should leftists have defended the group of white supremacists indicted by a grand jury and put on trial in Ft. Smith,

This article is from

Life During Wartime: Resisting Counterinsurgency

(ed. Kristian Williams, Lara Messersmith-Glavin, & Will Munger)
Originally published 2013 in the “U.S.A”

**Zine-ified by some random activists in 2025 on
unceded Aboriginal land in so-called “australia.”**

74 Sheila O'Donnell "Common Sense Security."

75 New York City Chapter of the National Lawyers Guild, "You Have the Right to Remain Silent: A Know Your Rights Guide for Law Enforcement Encounters," NLGNYC website, <http://www.nlgny.org/pdf/publications/kyr-righttoremainsilent.pdf>.

76 George Seldes and Clarice A. Rosenthal, *You Can't Do That: a survey of the forces attempting, in the name of patriotism, to make a desert of the Bill of Rights*, (New York: Modern Age Books, 1938).

77 "Freedom is a Constant Struggle," lyrics to the song as used in the play, "McComb, U.S.A.," written by students of the McComb, Mississippi, Freedom School in 1964, and archived by the Department of Curriculum & Instruction at the University of Illinois at Champaign-Urbana, <http://courses.education.illinois.edu/ci407ss/freedomconstantstruggle.html>.

A webpage consisting of additional resources, updates, and active links (when available) for changed URLs in these notes is available at <http://www.buildingliberty.us/repression/coin/>.

Arkansas in 1987? Should the left celebrate when the government shovels up racist trash? What if the right-wingers were charged with supporting terrorism? What if they were eventually charged with "criminal sedition"—defined as a conspiracy to overthrow the U.S. government? What if those charges seemed exaggerated or trumped up? Should we speak up?

DO RIGHTISTS HAVE "RIGHTS"?

Why should leftists defend the Constitutional rights of rightists? "At first it might seem reasonable to be supporting the FBI against the neonazis" or other rightist groups who may even be "physically attacking us or our progressive allies," advises Sheila O'Donnell. "That might seem like one arena where those of us on the left might seem to have common cause with the Feds. But it is always a bad idea." That's the position of a number of experienced progressive activists, both young and old, including some who have faced down government repression targeting the left. O'Donnell is a co-founder of the original Public Eye network, established in the mid-1970s to investigate and expose the relationship between government repression and right-wing attacks on the left.

For those who are card-carrying members of the American Civil Liberties Union (ACLU), the premise is that the First Amendment protections that undergird our civil liberties are for everyone—no exceptions. For civil libertarians, this is a matter of political principle. For leftists, there are strategic and tactical reasons as well. Every time liberals, progressives, or radicals on the left cheer on government repression of right-wing dissidents, the government turns around and uses the same techniques against the most vulnerable activists on the left.

"I like the pure ACLU analysis for both reasons," says O'Donnell, a licensed private investigator who has worked for the ACLU and National Lawyers Guild on lawsuits against government spying and other forms of political repression.

This chapter will explain the thinking behind these claims, and put them in contemporary and historic context. My conclusion is that it is appropriate to oppose illicit government repression targeting right-wing groups; at times, to temporarily work with right-wing groups to roll back repressive government legislation and policies—and even publicly denounce specific abusive incidents. I know I have a lot of explaining to do.

GOVERNMENT CHARGES OF SUBVERSION AND TERRORISM HAVE A HISTORY OF ABUSES

Government prosecutors use scary language about subversion, terrorism, and sedition to justify their politicized use of grand juries to probe dissident political activism such as in the incidents described above. Criminal sedition, for example, is a charge used in the past by prosecutors to silence dissent and break up organizing efforts that challenge U.S. domestic and foreign policies. Sedition in this context is a serious criminal charge of advocating the immediate or imminent overthrow of the United States government by force. Conviction carries steep prison sentences.

Arthur Kinoy already knew all about government “criminal sedition” when he heard about the Ft. Smith trial of right-wing white supremacists mentioned above. Kinoy, now deceased, was a famous radical left civil liberties attorney who represented communists and alleged communists charged with criminal sedition in the late 1940s and 1950s. Interviewed in 1998, Kinoy agreed the white supremacists in the Ft. Smith case were “disgusting,” but he said, “I’m worried about the charge of sedition against anyone.” Kinoy expressed concern with the legal charge of sedition, noting its historical use by the government to attack all dissent, especially on the left.⁵ Civil liberties attorney Harvey Silverglate agreed. “I know it is a tricky and emotional issue, but sedition is a very serious charge.”

According to Silverglate, the charges in the Ft. Smith case were “patently absurd.”⁶ Fourteen white supremacists were indicted in the highly-publicized case, including ten charged with criminal seditious conspiracy. Much of the case was based on the testimony of a former associate of those charged: James Ellison of the Covenant, the Sword and the Arm of the Lord. Ellison told the jury he received direct guidance from God, and was a descendent of the biblical King David. The jury deadlocked and the judge ordered the defendants acquitted.⁷ The important lesson, suggested Silverglate, was that “You can’t be cheering when the government brings a charge of sedition against the Aryan Nations crowd and then be complaining when they bring it against your friends.”⁸

In 2012, members of the right-wing Michigan Hutaree Militia went on trial charged with seditious conspiracy, which carries a maximum penalty of life imprisonment. The Hutaree Militia saw themselves as Christian warriors in an underground movement to oppose the federal

- 58 David Cunningham, *There's Something Happening Here: The New Left, the Klan, and FBI Counterintelligence*, Berkeley: University of California Press, (2004), 32, 111–12.
- 59 Cunningham, *There's Something Happening Here*, 145.
- 60 Ross Gelbspan, *Break-Ins, Death Threats, and the FBI: The Covert War Against the Central America Movement*, (Boston: South End Press, 1991).
- 61 Wojtek Sokolowski, “The State,” *Left Business Observer* Listserv, (LBO-Talk Archives), September 25, 2009, <http://mailman.lbo-talk.org/2009/2009-September/013295.html>.
- 62 William W. Keller, *The Liberals and J. Edgar Hoover*, (Princeton: Princeton University Press, 1989).
- 63 Chip Berlet and Matthew N. Lyons, “Repression and Ideology,” (1998), <http://www.buildingliberty.us/repression/#ideology>.
- 64 See Donner, *The Age of Surveillance*, 414–51; Gelbspan, *Break-Ins, Death Threats, and the FBI*, 73–84, 169–73, 183–95; Berlet, [1987] 1993.
- 65 Berlet and Lyons, 1998.
- 66 William I. Thomas and Dorothy Swaine Thomas, “Situations defined as real are real in their consequences” (1970): 154–55, in Gregory P. Stone and Harvey A. Faberman, *Social Psychology Through Symbolic Interaction*, (Waltham: Xerox College Publishing, 1970).
- 67 Vijendra Singh Jafa, “Counterinsurgency Warfare: The Use & Abuse of Military Force,” *South Asia Intelligence Review*, <http://www.satp.org/satporgtip/publication/faultlines/volume3/Fault3-JafaF.htm>.
- 68 Personal correspondence between author and Kristian Williams, 2012.
- 69 Singh Jafa, “Counterinsurgency Warfare: The Use & Abuse of Military Force.”
- 70 Ibid.
- 71 William S. Lind, “Understanding Fourth Generation War,” Lew Rockwell website, January 6, 2004, <http://www.lewrockwell.com/lind/lind3b.html>. The website is a clearinghouse for White Nationalist Paleocons. Note that LewRockwell.com has a slogan “anti-state, anti-war, pro-market.” For a principled anti-racist critique by a conservative economic libertarian, see Tom Palmer, “From Lew Rockwell to Racist Collectivism,” March 2, 2005, <http://tomgpalmer.com/2005/03/02/from-lew-rockwell-to-racist-collectivism/>.
- 72 Chip Berlet, “Breivik’s Core Thesis is White Christian Nationalism v. Multiculturalism,” *Talk to Action*, (2011), <http://www.talk2action.org/story/2011/7/25/73510/6015>.
- 73 Glick, *War at Home*; Chip Berlet, “Encountering and Countering Political Repression” in *The Global Activists Manual*, eds., Mike Prokosch and Laura Raymond, (New York: Thunder’s Mouth Press/Nation Books, 2002), http://www.buildingliberty.us/security/countering_repression.html; See also Sheila O’Donnell, “Common Sense Security,” *Public Eye Network*, (2012), <http://www.buildingliberty.us/security/common-sense-security.html>.

- 45 Chip Berlet, "Violence and Public Policy," *Criminology and Public Policy*, special issue on terrorism, Vol. 8, Issue 3, (October, 2009): 623–31.
- 46 Muslim American Civil Liberties Coalition (MACLC), "Counterterrorism policy: MACLC's Critique of the NYPD's Report on Homegrown Radicalism," *MACLC website*, <http://maclcnypdcritique.files.wordpress.com/2008/11/counterterrorism-policy-final-paper3.pdf>.
- 47 Tim Murphy, "Meet the White Supremacist Leading the GOP's Anti-Sharia Crusade," *Mother Jones*, March 1, 2011, <http://www.motherjones.com/politics/2011/02/david-yerushalmi-sharia-ban-tennessee>; Salim Muwakkil, "The Muslims Are Coming!" *In These Times*, April 7, 2011, <http://www.inthesetimes.com/article/7156/>; Tanya Somanader, "Asked About AZ Shootings, Gingrich Pivots To Slamming Liberals For Ignoring Threat Of 'American Islamists'," January 11, 2012, <http://thinkprogress.org/politics/2011/01/11/138222/gingrich-islamophobia-az-shooting>; Chip Berlet, "Islamophobia, Antisemitism and the Demonized 'Other'," *Extra!, Fairness and Accuracy in Reporting (FAIR)*, August 14, 2012, <http://fair.org/extra-online-articles/islamophobia-antisemitism-and-the-demonized-other/>.
- 48 Fairness and Accuracy in Reporting (FAIR), "Smearcasting," 2008, <http://www.smearcasting.us/>.
- 49 Thomas Cincotta, *Manufacturing the Muslim Menace: Private Firms, Public Servants, & the Threat to Rights and Security*, Political Research Associates, (2011), <http://www.buildingliberty.us/repression/#muslim>.
- 50 Interview by author with Thomas Cincotta, 2012.
- 51 Berlet, *Hunt for Red Menace*. See a special page devoted to the escapades of Rees and his network, <http://www.buildingliberty.us/repression/informers/rees-escapades.html>.
- 52 Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building*. (New York: Schocken Books, 1990).
- 53 Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide*, (Cambridge: South End Press, 2005).
- 54 Gary Alan Fine, "The Chaining of Social Problems: Solutions and Unintended Consequences in the Age of Betrayal," *Social Problems*, Vol. 53, 1, 3–17.
- 55 Robert Justin Goldstein, *Political Repression in Modern America, From 1870 to Present*, (Cambridge, Schenkman, 1978).
- 56 Frank Donner, "The Terrorist as Scapegoat," *The Nation*, 20, May 2 (1978), 590–94; Donner, *The Age of Surveillance* (1980); Berlet, *The Hunt for Red Menace* (1993).
- 57 Donner, "The Terrorist as Scapegoat." The "Secret Army Organization" in the United States should not be confused with the French nationalist "Secret Army Organization," also known as the "Organization of the Secret Army," which in French is "*Organisation de l'Armée Secrète*" or "*Organisation Armée Secrète*" (OAS).

government and its alleged plans for tyranny.⁹ The FBI had planted an informer inside the group, paying him more than \$30,000 over a two-year period.¹⁰ Then a New Jersey FBI agent moved to Michigan and entered the group undercover. The District Judge, Victoria Roberts, recognized that Hutaree Militia leader David Stone hated the federal government, but said Stone's "statements and exercises do not evince a concrete agreement to forcibly resist the authority of the United States government," and that while his "diatribes" may have even indicated a "desire to fight or kill" law enforcement personnel, this was "not the same as seditious conspiracy."¹¹

COINTELPRO

Obsessive fear of subversion and revolutionary conspiracies motivated the FBI to create the Counterintelligence Program (COINTELPRO), the name given to a specific series of illegal covert projects to crush dissent through surveillance and disruption; it ran from 1956 to 1971. We can learn a lot about how government repression functions by briefly reviewing some features of the program. While some analysts use the term "COINTELPRO" in a generic sense, it is important to understand that specific techniques and tactics of counterinsurgency and repression vary over time.¹²

The original COINTELPRO project was aimed at the Communist Party USA and the Socialist Workers Party, which the FBI could claim included some aspect of foreign involvement. In 1964, however, the Bureau expanded the program to include a domestic organization: the Ku Klux Klan and other "White Hate" groups.

In *The War at Home*, National Lawyers Guild attorney Brian Glick outlined four main operational forms of repression in the United States under COINTELPRO.¹³ They are:

Infiltration: Agents and informers did not merely spy on political activists. Their main purpose was to discredit and disrupt. Their very presence served to undermine trust and scare off potential supporters. The FBI and police exploited this fear to smear genuine activists as agents.

Psychological Warfare From the Outside: The FBI and police used myriad other "dirty tricks" to undermine progressive movements. They planted false media stories and published bogus leaflets and other publications in the name of targeted groups. They forged

correspondence, sent anonymous letters, and made anonymous telephone calls. They spread misinformation about meetings and events, set up pseudo-movement groups run by government agents, and manipulated or strong-armed parents, employers, landlords, school officials, and others to cause trouble for activists.

Harassment Through the Legal System: The FBI and police abused the legal system to harass dissidents and make them appear to be criminals. Officers of the law gave perjured testimony and presented fabricated evidence as a pretext for false arrests and wrongful imprisonment. They discriminatorily enforced tax laws and other government regulations and used conspicuous surveillance, “investigative” interviews, and grand jury subpoenas in an effort to intimidate activists and silence their supporters.

Extra-Legal Force and Violence: The FBI and police threatened, instigated, and themselves conducted break-ins, vandalism, assaults, and beatings. The object was to frighten dissidents and disrupt their movements. In the case of radical black and Puerto Rican activists (and later Native Americans), these attacks—including political assassinations—were so extensive, vicious, and calculated that they can accurately be termed a form of official “terrorism.”¹⁴

CONTEMPORARY TECHNIQUES AND TOOLS OF REPRESSION

There are a variety of mechanisms to chill dissent and undermine movements for progressive or radical change and labor union organizing. *What Everyone Should Know About State Repression* by revolutionary strategist Victor Serge covers the type of government action about which many on the political left already are at least partly aware.¹⁵ Repression, however, is a lot more complicated than what might appear at first glance.

Sometimes repression is carried out by non-government agents. Political repression can involve right-wing paramilitary groups (such as the Ku Klux Klan), private security forces hired by corporate interests, or even hirelings of foreign governments sent to the United States—such as agents of the Iranian SAVAK under the Shah, or informers and disrupters from El Salvador who disrupted the Central America solidarity groups in the 1980s.¹⁶ In 1937 Leo Huberman wrote about *The Labor Spy Racket*,

- 16 On the Iranian SAVAK, see Library of Congress, *Iran: A Country Study*, http://lcweb2.loc.gov/frd/cs/pdf/CS_Iran.pdf, (2008). On El Salvador secret police operations, see Ross Gelbspan, *Break-Ins, Death Threats, and the FBI: The Covert War Against the Central America Movement*. (Boston: South End Press, 1991).
- 17 Leo Huberman, *The Labor Spy Racket*, (New York: Modern Age Books, 1937); George. J. A. O'Toole, *The Private Sector: Private Spies, Rent-A-Cops, and the Police-Industrial Complex*, (New York: Norton, 1978). See also Frank Donner, *The Age of Surveillance: The aims and methods of America's political intelligence system* (New York: Knopf, 1980); and *Protectors of Privilege: Red squads and political repression in urban America* (Berkeley: University of California Press, 1992).
- 18 Louis F. Post, *The Deportations Delirium of Nineteen-Twenty*, (Chicago: Charles H. Kerr, 1923). It would have been nicer if Post had mentioned this assessment while signing the deportation orders for Attorney General Palmer.
- 19 Allan M. Jalon, “A Break-In to End All Break-Ins,” *Los Angeles Times*, March 8, 2006, <http://articles.latimes.com/2006/mar/08/opinion/oe-jalon8>.
- 20 Ward Churchill and Jim Vander Wall, *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement*, (Boston: South End Press, 1988); and *The COINTELPRO Papers: Documents from the FBI's Secret Wars Against Domestic Dissent*, (Boston: South End Press, 1989).
- 21 Jeffrey Haas, *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*, (Chicago: Chicago Review / Lawrence Hill, 2010).
- 22 David Schaper, “FBI Targets Peace Activists for Alleged Terrorism Support,” National Public Radio, October 10, 2010, <http://www.npr.org/2010/10/02/130274688/fbi-targets-peace-activists-for-alleged-terrorism-support>.
- 23 Schaper, “FBI Targets Peace Activists For Alleged Terrorism Support.”
- 24 Grimm, “More anti-war activists subpoenaed.”
- 25 Grimm, “More anti-war activists subpoenaed.”
- 26 Interview by author with Fred Solowey, 2011.
- 27 James Retherford, “Brandon Darby, The Texas 2, and the FBI's Runaway Informants,” *The Rag Blog*, May 26, 2009, <http://theragblog.blogspot.com/2009/05/james-retherford-brandon-darby-texas-2.html>.
- 28 Victoria Welle, “Brandon Darby in New Orleans: FBI Informant Was Egotistical Sexist,” *The Rag Blog*, May 26, 2009, <http://theragblog.blogspot.com/2009/05/brandon-darby-in-new-orleans-fbi.html>; Kristian Williams, “Profiles of Provocateurs,” *Portland Indymedia*, June 9, 2011, <http://portland.indymedia.org/en/2011/06/408869.shtml>.
- 29 Welle, “Brandon Darby in New Orleans”; Williams, “Profiles of Provocateurs.”
- 30 Huberman, *The Labor Spy Racket*.
- 31 Trevor Aaronson, “Terms of Entrapment: A Guide to Counterterrorism Jargon,” *Mother Jones*, September/October 2011, <http://www.motherjones.com/politics/2011/08/counterterrorism-glossary>.

actual main mission. An open mouth shuts down progressive social change. You have a right to keep silent until you consult an attorney. Don't be a macho fool. Zip it.

As a range of leftist strategists have pointed out for decades, we face a three-way fight to defend and extend liberty and equality. Those of us on the political left need to resist government repression as well as challenge right-wing initiatives. Anti-fascist muckraker George Seldes observed in 1938, "Fascism and Reaction inevitably attack. They have won against disunion. They will fail if we unite."⁷⁶

At the same time, there are two important reasons folks on the left should avoid being cheerleaders for state action targeting our opponents on the political right.

- Defending civil liberties across the board for everyone is a bedrock foundation of theories of democracy and open societies, especially in a global scene facing economic instability and rapidly changing demographics. We should push for the state to be neutral with regard to ideology.
- Encouraging the state to use a repressive hammer on your political opponents—even when they are on the political right—is shortsighted and counter-productive. History demonstrates that once a government uses a repressive technique with popular support from any political sector, the government adopts it as a tool of repression used against all political dissidents.

That means we on the political left may sometimes need to defend the rightists against the state. It does not prevent us from challenging and confronting the right ourselves. And we must always be alert to attempts by the right to work with the state (and liberals) to smash us and our allies.

If I can't convince you of the moral or theoretical issues, please recognize the pragmatic concerns. Government repression to crush political dissent is a constant threat. As J. Edgar Hoover explained in an FBI memo, COINTELPRO was just the name given to a specific set of operations, but when "given another name" only encompassed "everything that has been done in the past or will be done in the future." That's why the civil rights movement taught us that "freedom is a constant struggle."⁷⁷

NOTES

describing how company thugs broke up union organizing, while in the 1970s George O'Toole wrote about *The Private Sector: Private Spies, Rent-A-Cops, and the Police-Industrial Complex*.¹⁷

Repression can be overt. That is often the case when the target groups are immigrants or people of color. Writing about the Palmer Raids, Louis F. Post describes the year-long campaign as *The Deportations Delirium*. Thousands of swarthy immigrants were deported as dangerous radicals: Italians were deported as suspected anarchists and Russians were deported as suspected Bolsheviks—no matter that there was seldom a shred of evidence of political activity (or even inclination) on the part of the deportees.¹⁸ Today Muslims, Arabs, Mexicans, and Chinese in the United States face similar suspicions of potential subversion.

Repression, however, can also be covert. The FBI COINTELPRO program was secret until it was exposed in 1971 by anti-war activists who raided an FBI office in Pennsylvania and mailed the files to reporters.¹⁹

Sometimes repression is lethal. Ward Churchill and Jim Vander Wall traced how COINTELPRO operations used the most lethal techniques against people of color, especially the American Indian Movement and the Black Panther Party.²⁰ Jeffrey Haas documents this in chilling detail in his book on the murders of Chicago Black Panthers Fred Hampton and Mark Clark, shot dead in a raid set up by an FBI informant, who had provided fraudulent information about illegal weapons.²¹

Some of the major forms of repression progressive activists in the United States face today are: grand jury abuse; the use of informers and entrapment; indictments under the Racketeer Influenced and Corrupt Organizations Act (RICO); new laws concerning incitement to violence, actual planning for armed revolution, material support for terrorism, and participation in terrorist plots; and societal witch hunts and subversion panics promoted by right-wing ideologues and hardliners in government law enforcement agencies.

GRAND JURY ABUSE

Joe Iosbaker and Stephanie Weiner of Chicago endured a hard lesson about government repression when some two dozen agents spent ten hours prowling through their house in 2010. The Feds were looking for evidence of "material support" of terrorist organizations.²² Both Iosbaker and Weiner are active in opposing U.S. foreign policy in South America and the Middle East, but scoff at the idea that they support

terrorism. "It was truly to intimidate, to divide, to silence and separate the movement," Weiner told NPR News.²³

Attorney Michael Deutsch of the People's Law Office in Chicago agrees, charging that the Feds are "using the grand jury as a witch hunt to investigate political activists."²⁴ Deutsch is coordinating the legal defense of the activists searched and subpoenaed to appear before a grand jury seated in Chicago. The wording of the subpoenas and search warrants handed out in Chicago and Minneapolis made it clear the grand jury was investigating "material support of terrorism" specifically linked to the "Popular Front for the Liberation of Palestine and the Revolutionary Armed Forces of Colombia, or FARC." The Feds were authorized to retrieve "records of travel by the activists in the Middle East and South America."²⁵

The way the grand jury process has been manipulated allows the Feds to punish resisters and those who invoke Constitutional safeguards such as the Fifth Amendment protection against self-incrimination. Those subpoenaed resisted testifying before the grand jury. It's a risky tactic, since a judge could sentence them, without a trial, to up to 18 months for contempt of court. The judge can extend that another 18 months.

The news of the raids in Chicago and Minneapolis left Fred Solowey, a long-time labor activist and writer, shaking his head. Back in the 1970s Solowey, now in his '60s, ran the Coalition to End Grand Jury Abuse. The project emerged from the work of National Lawyers Guild attorneys defending progressive, left, and labor activists called before grand juries and asked to testify under oath against their friends, political colleagues, and organizations with which they were active. The Coalition was set up to educate people about how the grand jury process, originally established to protect people from abusive government indictments, had over time turned into a government fishing expedition looking for evidence, or a hammer to beat down dissent and break up movements.

The grand jury "became a political witch hunting institution," says Solowey. "Over time, the process became tremendously perverted because there was no right to counsel" when witnesses were called inside the room where the secret deliberations of the grand jury took place. Solowey explains the idea of changing the rules of how a grand jury worked was "pitched to the public as a way to investigate organized crime." The Coalition to End Grand Jury Abuse was established to move beyond the legal defense of those subpoenaed or indicted, and start a "broader political fight" against the abuses through "political education and legislative action," explains Solowey.²⁶

Christian who based his murderous actions in part on reading the conspiracist Islamophobic work of Lind.⁷²

RESISTANCE IS NOT FUTILE

Progressive activists have always been aided by small groups of experienced leaders, skillful strategists, and anti-repression researchers; over time a series of lessons have been learned about how repression is deployed and how to resist it. One of the best contemporary manuals for resistance is *The War at Home* by Brian Glick, available from South End Press or online.⁷³ In her classic guide to "Common Sense Security," Sheila O'Donnell writes:

As our movements have become stronger and more sophisticated, the techniques of the state, corporations, and right-wing groups have also become more sophisticated. We have seen government agents, corporate security, and right-wing intelligence networks share information as well as an ideology. Caution and common sense security measures in the face of the concerted efforts to stop us are therefore both prudent and necessary.

Spend a few minutes to assess your work from a security point of view: understand your vulnerabilities; assess your allies and your adversaries as objectively as possible; do not underestimate the opposition. Try to assess your organizational and personal strengths and weaknesses. Do not take chances. Plan for the worst; work and hope for the best.⁷⁴

CONCLUSIONS

In the United States, the political game is rigged against the left like in a crooked gambling house. The odds are with the government to begin with, and the political right is allowed to win more than it loses. The left has to struggle to win anything; and both the government and the right agree to try to fleece the left of any winnings it might pick up. Liberals sometimes complain about the cheating, and sometimes look the other way.

This reality explains why we use the slogan "Don't Talk to the Feds."⁷⁵ Most agents don't understand the left. The goal of some of the people who hire them is to crush the left. Catching criminals is often not their

- If the state can prevent the challenge to its legitimacy, it can easily handle any armed challenge.⁶⁸

This can be construed by the most zealous ideologues in government law enforcement and intelligence agencies that civil disobedience may be the prelude to armed struggle—so best nip it in the bud. The consequences of the widespread adoption of Kitson's model are significant. Kitson's "well-known book," *Low Intensity Operations* "is considered to be an outstanding professional manual on the subject" according to the Jafa essay.⁶⁹ Cynical anti-repression activists quip that in this scenario "Low Intensity" means that while the bullets from state agents are still high velocity ... the corporate media coverage is of low intensity.

The Jafa essay continues:

The only problem with [Kitson's] views, however, is that they are based on the assumption that the enemy is the 'Left', the protesters, organisers of strikes and demonstrations in Third World countries, and maker[s] of movements for national liberation—in short, a colonial orientation. He sees all types of political protest by the Left, the 'subversives', as a preparation for armed action. This plants the idea in the minds of the soldiers that the radical elements in the society or the exercise of the democratic rights by the people must be dealt with by military methods.⁷⁰

Well... that's hardly the "only problem" with Kitson's theories... but it is an accurate appraisal nonetheless.

International solidarity work is frequently framed by law enforcement as subversion or treason. This accusation is extended to any person or group that is seen as adopting any form of Marxism, anarchism, or collectivism. The overlap between right-wing ideology, countersubversion, and counterinsurgency in this regard is very clear. It can lead to violence by state actors and individual right-wing terrorists.

For example, Christian Right ideologue William S. Lind has not only propounded a theory that "Cultural Marxism" is a subversive conspiracy to destroy Western Culture, he is also considered a leading theorist on "Fourth Generation" warfare, a form of counterinsurgency analysis discussed and used by U.S. military strategists.⁷¹ Lind's essay should be mandatory reading for any student of repression and counterinsurgency. One reader was Norway terrorist Anders Behring Breivik, a right-wing

It was the Nixon administration that really refined the idea of using the grand jury process "for intelligence gathering and political disruption," says Solowey. It was not only used to "disrupt the work of political organization that opposed Nixon's policies," but also "it was a way to jail people who were not being linked to actual crimes." Then Solowey nails the underlying issue on the head: "Look, any person and any criminal defendant should have more rights before the grand jury. There is a potential [for] abuse if it is used against anyone." What if next week the right-wing militia activists or some other right-wing group are called before a grand jury? "Learn from it," Solowey advises. "Understand what the government is up to. And to the degree it is relevant, and doesn't disrupt your political work, it is worth people on the left saying something like, 'We think what these right-wingers are doing is un-American, but the attack on them by the government is even more un-American.'"

INFORMERS AND ENTRAPMENT

David McKay and Brad Crowder, political activists from Austin, Texas, had years of freedom carved out of their lives in 2009. McKay and Crowder, both in their early 20s, were sentenced to four and two years of prison, respectively, after being set up for arrest by an FBI informer at the 2008 Republican National Convention in St. Paul, Minnesota. They were convicted on charges of making, possessing, and planning to use Molotov cocktail firebombs. The paid informer who nailed them, Brandon Michael Darby, was for a number of years prior to the arrests a well-known and controversial left-leaning political activist based in Austin.

Progressive reporter James Retherford, himself a longstanding political activist, wrote that there were warning signs. "Given his history of bizarre and provocative behavior in Austin and New Orleans, many local activists immediately suspected Darby of manipulating the younger men into a criminal adventure and then busting them."²⁷

Government agencies and private intelligence regularly place spies and informers inside dissident groups. They are notoriously difficult to expose with certainty. The standard advice for movement activists is not to try to attribute bad behavior to government spies or mental illness. That reinforces making snap judgments without the needed information. It is also a waste of time. Hold people accountable for their disruptive behavior.²⁸

Veteran organizer Victoria Welle was concerned when she saw Darby engage in egotistical, macho, sexist behavior and making dangerous adventurist suggestions: "Some of the lessons I have learned are that if someone is continually engaging in a pattern of disruptive behavior ... that people must make clear agreements about what kind of behavior is OK and not OK and then collectively hold each other to those agreements."²⁹

An *agent provocateur* is a particular type of an "informant or undercover operative who incites a target to take unlawful action." *Agents provocateurs*, especially those hired by private companies to break up labor union organizing, were especially prevalent in the late 1800s and early 1900s.³⁰ The role of *agents provocateurs* is fictionalized in dramatic films such as *The Molly Maguires* and *Burn!* During the Cold War Red Scare (1947–1957), the COINTELPRO Period (1956–1974), and in the years since the 9/11 terror attacks in 2001, real-life informers and *agents provocateurs* have played major roles in producing national headlines about terrorist plots that seldom had any substance in terms of independent capability to engage in violence. These waves of histrionic hyperbole, however, can and do lead to convictions in court, often based more on fear than concrete evidence.

Entrapment is when an *agent provocateur* coaxes a target into discussing plans for an illegal action, and then arrests the hapless target before or after the act is carried out.³¹

RICO ROULETTE

In 2009, two environmental activists in Indiana were arrested under the RICO Act. The pair was "allegedly 'conspiring' to engage in tree sits, participate in non-violent civil disobedience, and make an inflammatory blog post."³²

The Racketeer Influenced and Corrupt Organizations Act (RICO) was originally justified by its proponents as the only way to break up organized crime networks. When that was normalized in the minds of the public, major liberal feminist organizations organized a campaign to support using RICO to target anti-abortion activists. Clearly there was some sort of organized underground national campaign to target reproductive health clinics and abortion providers with disruption, violent attacks, and assassinations.³³

In the mid-1980s, "the National Organization for Women (NOW) and National Women's Health Organization clinics in Delaware and

rings of hierarchy toward the center core where the criminal activity lurks.

- Honest-though-naïve activists are often unaware they are being manipulated, and therefore should welcome attempts to expose the core of crafty covert criminal cadre.

THE COUNTERINSURGENCY (COIN) THEORY OF SUBVERSION

- Subversive organizing and insurgent movements are spawned by the government's failure to meet the real and perceived needs of a large segment of the population. Repression is necessary to prevent discontent from being mobilized into lawlessness or even revolution.

The COIN theory of subversion recognizes contemporary sociological theories of how social movements are built and sometimes become insurgent and challenge the government for control. These social movement theories gained strength beginning in the mid-1970s. Up until that time the predominant sociological explanation for social unrest was that people who joined dissident social movements were ignorant, incompetent, politically dysfunctional, mentally unstable, or all of the above.

In an essay on "Counterinsurgency Warfare: The Use & Abuse of Military Force," in *South Asia Intelligence Review*, Vijendra Singh Jafa observes that Lt. Col. Frank Kitson "is the best known exponent of the new ideas on special operations (counter-terrorism, raids, rescue and commando operations etc.) which form much of the basis of the British army's training in counterinsurgency warfare." Kitson is praised as having "had counterinsurgency experience in Malay, Kenya and Cyprus, as well as having commanded the 19th Airborne Brigade in Northern Ireland during the 1970s" and therefore Kitson's "qualifications are beyond question."⁶⁷

Anti-repression researcher Kristian Williams explains that in Kitson's view of counterinsurgency:

- The main battle in revolutionary warfare is political rather than military;
- The left challenges the state's legitimacy before it challenges its military.

right. When leftists use the term “extremist” they are unwittingly assisting right-wing ideologues in marginalizing the left.

DYNAMICS OF COUNTERINSURGENCY & COUNTERSUBVERSION

The state’s repressive force matches their often-false assumptions of the threat posed by dissident insurgents. This reflects the sociological maxim: “Situations defined as real are real in their consequences.”⁶⁶ The level of government repression is based on their *perception* of threat, not the reality of a threat.

Over time, histrionic fear of subversion and revolution has prompted three theories for justifying political repression in the United States:

THE SLIPPERY SLOPE THEORY OF SUBVERSION

- Global liberation movements are not prompted by a genuine response to social conditions but by outside intervention, most often by communists or their proxies.
- Domestic social change movements are not fueled by a genuine response to social conditions but by outside agitators, most often revolutionaries or those under the control of revolutionaries.
- Liberalism is the crest of a slippery slope which leads downhill to the Welfare State, then Socialism, and inevitably to Communism or Totalitarianism.
- Dissent is provoked by subversion. Subversion is a terrorist movement. Terrorism is criminal.

THE ONION RING THEORY OF SUBVERSION

- Subversive cadre bore into the core of all social change movements both at home and abroad.
- To uncover the cadre who are engaged in subversive criminal activity, an informant must work step-by-step from the outside onion ring of non-criminal free-speech activity through several

Milwaukee filed suit against” leading anti-abortion activist Joseph Scheidler and the others. Author Frederick Clarkson explained the “women’s organizations sought a nationwide injunction to stop the clinic invasions and also asked the courts to make those responsible for the attacks pay for the damage they caused.” Clarkson wrote that using “laws created as tools against organized crime, NOW and the two clinics set out to prove a nationwide conspiracy of violence and terror against women’s health care clinics.”

At the time, civil libertarians across the political spectrum warned that extending the reach of RICO was a bad idea. Twenty years later, that warning was shown to be true by Xavier Beltran in a law review article where he noted:

After the extension of RICO to anti-abortionist protesters in *Scheidler*, it did not take long for private organizations and companies to employ RICO as a legal and financial weapon against other types of non-profit political advocacy and protest groups. Within two years of the *Scheidler* decision, RICO was turned upon animal rights activists in *Huntingdon Life Sciences v. Rokke*.³⁴

INCITEMENT, REVOLUTION, MATERIAL SUPPORT, AND TERRORISM

On paper at least, it is technically legal protected speech in the United States to call for the armed overthrow of the United States.³⁵ This protection under the First Amendment is derived from a 1969 Supreme Court decision: *Brandenburg v. Ohio*.³⁶ The actual test language is whether or not the attack calls for “imminent lawless action.” On a theoretical basis, this generally means you or your group can urge the overthrow of the United States Government—unless you or your group engage in one or more of the following ill-advised acts of incitement:

- Sets a time in the near future
- Sets a specific place
- Offers specific instructions
- Has the material resources, or can acquire them in the foreseeable future, to launch an attack or engage in violence.³⁷

As a result of several Supreme Court decisions, including *Brandenburg*, the Smith Act, used to prosecute Communist Party leaders in the 1950s, is currently considered “unenforceable” by most legal scholars.

The Patriot Act and other legislation, however, along with broad claims by the executive branch under both Presidents George W. Bush and Barack Obama, are used to sidestep the incitement test when it comes to “Material support or resources” given to a group listed by the government as a *foreign* terrorist organization.

According to one legal resource, material support or resources is broadly “defined to mean any tangible or intangible service, training, expert advice, financial services, communications equipment, personnel, transportation, financial services—essentially any kind of help except for providing medicine or religious materials.”³⁸

The transition from anti-communist scares to anti-terrorist scares was predictable. As early as 1978, civil liberties attorney Frank Donner warned that the term “terrorist” was destined to replace the term “communist” as the scapegoat for countersubversive witch hunts. Donner went on to write two classic books on the subject of spying and repression.³⁹

WITCH HUNTS AND SUBVERSION PANICS

In February 2011, Representative Peter T. King (R-NY), Chairman of the House Committee on Homeland Security, announced hearings on what he called the “radicalization of the American Muslim community and homegrown terrorism.” A coalition of over 100 civil and human rights organizations protested the hearing, stating that, as described in the press, “these hearings will single out American Muslims for public scrutiny. By doing so, the hearings will place an entire community under suspicion.”⁴⁰ The hearings were a farce scripted as part of a right-wing countersubversion effort.

Congressional witch hunts are a mainstay linking state repression and right-wing “subversion panics.” They were not only the form used by the Cold War Witch Hunts in the Red Scare of the late 1940s and 1950s. When Ronald Reagan was elected president in 1980, right-wing senators attempted to revive the congressional witch hunt against the left with the Senate Subcommittee on Security and Terrorism (SSST). Initial targets included alternative media such as *Mother Jones* magazine and the Pacifica Radio network.⁴¹ One flyer warned that red-baiting ideologues were “promoting a theory of a domestic ‘terrorist’ threat which is linked

approach...is to investigate the conditions facilitating each of the outcomes.”⁶¹

One factor is that centrist political liberals sometimes defend dissent against government repression and sometimes look the other way as the state crushes dissent using legal and extra-legal means. Why does this happen?

In *The Liberals and J. Edgar Hoover*, William W. Keller suggested that liberal legislators are generally uncomfortable having oversight over agencies of police power, and by default, they allow their more reactionary colleagues to craft agencies such as the FBI into tools of repression. That is especially true when liberal elites and elected Democratic Party politicians fear the threat of violence and terrorism more than the threat to civil liberties. In these periods, liberals tend to retreat even more from their normal oversight duties, allowing more repressive actions by the federal government.⁶²

My colleague Matthew N. Lyons and I wrote a study of “Repression and Ideology,” originally to assist attorneys litigating against intelligence abuse.⁶³ We theorized that:

- When right-wing groups become system-oppositional or insurgent, they are no longer allies of the state but enemies of the state. Liberals then rally behind the state and tolerate (or openly support) repressive measures to limit the system-oppositional activity of the rightists.
- During periods when liberals and radicals share a criticism of the state that is not shared by rightists, law enforcement agencies often forge ties with system-supportive right-wing groups (even clandestine paramilitary units) in extralegal campaigns against progressive and radical movements that shift the momentum of the criticism toward liberal reforms or simply crush dissent to buttress the status quo.⁶⁴
- When progressive or radical left forces gain a mass following for demands that would radically transform the existing economic or political system, liberals often rally behind the state and tolerate (or openly support) repressive measures to limit the system-oppositional activity of the leftists. The same is true when left and right both raise criticisms of the state.⁶⁵

Liberals often embrace a Centrist-Extremist Theory—the idea that a “Vital Center” protects democracy from “extremists” of the left and

the COINTELPRO period there was active collaboration between government agencies, private right-wing spies, corporate security, and right-wing vigilante groups. In addition to the Legion of Justice in Chicago, there was Operation Breakthrough in Detroit, and the Secret Army Organization in San Diego.⁵⁷

According to David Cunningham, “The Klan was embraced as a target by a liberal constituency,” although not the targets of later operations such as Black Nationalists and the New Left. Cunningham, however, concludes that “largely through the liberal support received for COINTELPRO—White Hate Groups, Hoover and the FBI achieved sufficient insularity and autonomy to establish counterintelligence programs against domestic targets without the approval of Congress or other actors outside the FBI.”⁵⁸

Cunningham found that under COINTELPRO the FBI generally sought to “control” the activities of the Klan and reduce its use of violence and other illegal means of political dissent. On the other hand, the FBI sought to “eliminate” the New Left and others deemed to be subversive.⁵⁹

The consequences are real. Veteran investigative reporter Ross Gelbspan covered the attacks on the Committee in Solidarity with the People of El Salvador (CISPES) in the 1980s. He reported that hundreds of offices, homes, and cars were broken into, files were ransacked or stolen, but valuable equipment was left untouched. Several years, hundreds of interviews and many thousands of pages of FBI files later, Gelbspan documented how the FBI forged back-channel ties to far-right anti-communist groups in the U.S. and a shadowy network of government agencies and death squads in El Salvador, and how the press was used in the campaign. Gelbspan concluded the perpetrators of the robberies will probably remain a mystery, but reveals the FBI repeatedly lied to Congress about the extent and purpose of its investigations into the same network of Central America activists victimized by the robberies.⁶⁰

LIBERAL SWITCH HITTING

According to sociologist Wojtek Sokolowski, “The state by definition is an oppressive apparatus, and if it is not oppressive it is not a state.” He observes, however that since “it is clear, from historical record, that the state sometimes is controlled by the propertied class and sometimes it is not or even acts against the propertied class.... [A] far more interesting

to ‘international terrorism.’” This rhetoric should sound familiar because it is identical to the justifications today for the Patriot Act and other erosions of our collective civil liberties.

The Reagan-era SSST committee was blocked by “No More Witch Hunts,” a national organizing campaign that produced an educational pamphlet and held rallies in several major cities. In Chicago an audience of over 1,000 heard speeches by Victor Navasky of *The Nation* magazine, and Harold Washington (then an Illinois congressman, later the mayor of Chicago).⁴² This is an example of liberals and radicals working in an effective and principled tactical coalition to defend civil liberties from right-wing and state attacks. Debra Chaplan, who helped organize the national campaign while at the Center for Constitutional Rights, says that such broad coalitions are important to build public support, and that progressives need to consider carefully reaching across political boundaries to extend these coalitions.⁴³

A national network of liberals and radicals—and a few conservatives and libertarians—have been working collaboratively to develop tactics to roll back the Patriot Act and other attacks on civil liberties for all. This broad network blocked the passage of the “Violent Radicalization and Homegrown Terrorism Prevention Act” in 2008.

In late 2011, this task took on renewed urgency when a coalition of countersubversive liberals and conservatives in Congress revealed plans to stigmatize dissent and target Muslims. In the Senate, a provision in the Department of Homeland Security authorization bill created a coordinator “to counter violent extremism in the U.S., particularly the ideology that gives rise to Islamist terrorism.” In the House, the Wolf Amendment to the intelligence bill would create a commission on “terrorism and domestic radicalization.” This shifts attention from criminal acts to “radical” ideas and “extreme” views on politics and religion. This attempt to demonize radical thought and dissent and target Muslims is led by Democratic Senator Joseph Lieberman, a Cold War liberal hawk turned neoconservative bigot.⁴⁴

COUNTERSUBVERSION “EXPERTS”

Subversive panics and right-wing witch hunts rely on countersubversion “experts” who tell scare stories often built around pre-existing ethnic, racial, political, or religious bigotry. These experts roll in and out of favor.⁴⁵

In August 2007, the New York City Police Department (NYPD) released a 96-page document entitled "Radicalization in the West: The Homegrown Threat." The study misrepresented sociological theories about mass movements and was laced with bigoted assertions about the nature of Islam. A coalition of groups representing both Muslim communities and civil liberties activists joined to criticize the report, which relied on bogus "expertise."⁴⁶ By 2011, several media reports and studies had demonstrated that right-wing Islamophobic "experts" were training federal, state, and local law enforcement and anti-terrorism agents using shockingly biased and inaccurate claims.⁴⁷ One such pseudo-expert is Republican Party icon and former U.S. Representative Newt Gingrich; another is terrorism pundit Frank Gaffney, a favorite of the Christian Right. One progressive media group issued a study calling these and others the "Smearcasters."⁴⁸ Attorney Thomas Cincotta, active with the National Lawyers Guild, produced a major study on Islamophobic speakers who train law enforcement.⁴⁹ Cincotta warns, "we keep exposing these so-called 'experts' as bigots who spread false and inflammatory information about Islam and terrorism, but they keep getting booked to conduct trainings for law enforcement, keep getting invited as guests on TV and radio, and are cited approvingly across the Internet."⁵⁰

Discredited "experts" get recycled as the nation's fear of subversion grows. Various times in his remarkable career, right-wing spymaster John Rees has been condemned or congratulated by the FBI and local police intelligence units for his knowledge of left-wing political movements and groups. In the 1960s, one FBI memo described Rees as "an unscrupulous unethical individual and an opportunist who operates with a self-serving interest. Information he has provided has been exaggerated and in generalities. Information from him cannot be considered reliable." A few years later Rees was again supplying information to the FBI and local Red Squads.⁵¹

CYCLES OF REPRESSION

Repression by the colonial settlers against the original population moved from displacement, to genocide, to counterinsurgency, to a normalized structure of institutional oppression.⁵² Andrea Smith extends this model from the Colonial period to the current wars in Afghanistan and Iraq.⁵³ Historic episodes of repression tied to subversion panics include the passage of the Alien and Sedition Acts; Chinese Exclusion legislation; the

Palmer Raids; the antifascist "Brown Scare"; internment of Japanese citizens and residents during World War II; McCarthyism; the FBI's illegal COINTELPRO operations; and the campaign against Muslims and Arabs following the terror attacks on September 11, 2001.

At various times the state moves from containment, to countersubversion, to counterinsurgency as part of the primary goal of defending and extending existing hierarchies of power and wealth. Scholars of repression have noted that state agencies and their privatized proxies are engaged in an endless system of moves and countermoves in which dissidents, radicals, and insurgents develop new ways to organize and government agents and their informers and vigilantes develop new ways to clamp down on that organizing. Sociologist Gary Alan Fine puts it this way:

The question is how to define troubling actions as illegal subversion. At each point the strategy of the government is to target those who have not committed a crime but who have sympathies that stand against state power. Yet, at each historical moment, agents of social control must work around those constraints that resulted from the past excesses of regime power. Each episode provides the conditions for addressing future troubles. Put another way, government response is culturally path dependent. As Charles Tilly (1996) reminds us, we improvise until we are, for the moment, satisfied with the outcomes.⁵⁴

FEDS AND RIGHT-WING GROUPS

Why is it that the U.S. government seems so ready to make use of the right to violently attack the left, but not the other way around? The history of the United States demonstrates there are complex relationships and dynamics involving consistent state political repression against left-wing dissidents, periodic crackdowns on right-wing dissidents, and occasional state tolerance and even alliances with right-wing vigilantism.⁵⁵

This latter situation was made abundantly clear when in the 1960s an arrow streaked into a Chicago-area anti-war coffeehouse, terrorizing the patrons. The bowman was with the Legion of Justice, a right-wing vigilante group working with the Chicago Police "Red Squad" in a collaborative effort providing information on the left to the FBI.⁵⁶ During