

## Opinion

### Sacrificing liberty for security: The new American way?

By Jeff Nall

Online Journal Guest Writer

October 22, 2005—I recently learned that I have my own FBI file. You might be surprised to find out that your activities are being monitored, as well, whether you feel they deserve to be or not. And, with Congress restoring nearly all of the PATRIOT Act's sun-setting provisions to their scorching, oppressive noon day glory, the time has come to ask ourselves—has freedom finally fallen to the fatalistic tandem of fear and security?

People like U.S. Attorney Michael J. Sullivan, District of Massachusetts, don't think so. Earlier this year, Sullivan argued that the "reauthorization of the USA PATRIOT Act will maintain the proper balance between guarding our civil liberties and protecting our homeland from those who seek to harm us" ("PATRIOT Act has not hurt civil liberties," *The Standard-Times*, May 25, 2005). And Attorney General Alberto Gonzales echoed the Bush administration, proclaiming that the PATRIOT Act is necessary to "protect our country against another terrorist attack." ("Gonzales defends USA PATRIOT Act," *The Advocate*, August 8, 2005).

Others dismiss the ACLU's claim that the FBI has made a habit of targeting groups and individuals because of their liberal brand of politics ("Documents Obtained by ACLU Expose FBI and Police Targeting of Political Groups," ACLU press release, May 18, 2005). Meanwhile, Bush supporters frequently complain that liberals are simply blowing things out of proportion and that the occasional intrusive measure is necessary in order to win the war on terrorism. I, however, fear the worst; that the brilliant blues of American pride are fading into the dull bruises of a nation that has lost its constitutional soul.

As an activist, I experienced, firsthand, the gross abuses such optimistic and faithful voices are deaf to. Last January 20, I joined about three dozen peaceful demonstrators in taking to the streets of Melbourne, Florida, to mourn the "reelection" of President Bush. In a funeral-style procession, we walked down one of the city's central thoroughfares brandishing anti-Bush posters, a nine-foot banner that read, "not a mandate," and hand-crafted Styrofoam headstones, commemorating the liberties eroding under the Bush administration.

The plan was to march from a nearby park to city hall. There we would break the headstones and refuse to bury our rights. But by the time we had arrived at city hall, about 45 minutes into the event, it was clear our rights had already been buried. Our group of about 36 protestors, including four children, a woman in a wheelchair, and at least four people over the age of 60, was met by nine city police officers. Worst of all, one police officer, a member of the crime scene investigation unit, was stationed across the street where he filmed the entire protest.

After the event, the Brevard County chapter of the ACLU obtained records about the police presence at the event. It turned out that former Melbourne police chief Keith Chandler had enacted a policy that made videotaping of anti-administration demonstrations a routine procedure. Chandler did so following the issuance of an FBI memo, in October 2003, which instructed law enforcement in the ways of monitoring legal protests. With the aid of an apologetic City of Melbourne police chief, Don Carey, whose organization unintentionally recorded a suspicious SUV that turned out to be from the Brevard County

Sheriff's Office (BCSO) and who implemented new rules to protect the exercise of free speech and discarded the routine videotaping policy, the ACLU discovered that the BCSO had coordinated intense, covert surveillance of the event.

The initial information released showed that officers, under the direction of Bruce Parker, Director of the Investigative Support Unit for the BCSO, photographed the license plates of demonstrators' parked cars, while others took photos of participants from the aforementioned unmarked SUV. At least one undercover officer infiltrated the demonstration. The sheriff's office even notified security at nearby Patrick Air Force Base about the event.

The BCSO had generated a list of six "persons of interest," a label often used when referring to suspected criminals. The records also showed that the BCSO had obtained the date of birth, Social Security number and address of each of the six listed persons. In my case, the BCSO directly referred to me as a "suspect," took down my car's VIN number, and had my email address.

In a follow-up records request, the BCSO released more than 500 pages revealing expansive surveillance operations around the entire county. The BCSO had not only spied on our demonstration, but had also conducted similar investigations of more than 10 other protests. Beginning back in 2002, the officers took photos and did background checks on members of the Cape Canaveral Coalition for Racial Justice. They also monitored events organized by the Global Network Against Weapons and Nuclear Power in Space, the International Association of Longshoremen, and Patriots for Peace (PFP), which organized several pre-war peace demonstrations.

In the case of PFP, a group I helped organize, the BCSO assigned an undercover officer to attend and report on peace rally planning meetings. To top it all off, the records revealed that my activism had somehow earned me an FBI number. (Even an issue of *IMPACT Press*, which I had previously written for, was scanned and placed into the file.)

Not surprisingly, all the groups the BCSO scrutinized were left-leaning organizations. In contrast, records show that BCSO attended only one right-leaning rally, "Rally for America," a support the troops/pro-Iraq war event. Though the event, held in March 2003, was attended by more than 1,000 people, BCSO took no photos and made no lists as it had done at other events. In fact, BCSO was actually present at the behest of the event's organizers who were concerned about potential counter-protestors.

When Bruce Parker attempted to publicly rebuff the accusation that the BCSO targeted liberal organizations, he only succeeded in solidifying his bias: "A pro-America rally does not attract anarchists to participate in the rally, except for those who might come to counter-protest. If they don't show up there, there's nothing to record [license] tags for. We're looking for anarchists that are going to commit violent acts" ("ACLU seeks reforms in county spy policy," *Florida Today*, May 16, 2005). Parker's comments beg the question, if anarchists wouldn't participate in a "pro-America" rally, why is he so convinced they'd participate in racial equality protests, peace demonstrations, and civil rights rallies? After all, what's more American than making use of the First Amendment and peaceably assembling? The answer lies with Sgt. Andrew Walters, the sheriff's spokesman. When asked what the six counter-inauguration participants, labeled "persons of interest," were of interest for, Walters said "Protesting in an anti-government assembly" ("Spying on citizens", *Florida Today*, March 23, 2005). Evidently, in the eyes of the sheriff's office, the only kinds of "pro-government" assemblies are cheerleading rallies praising the policies of the Bush administration.

In response to a torrent of media attention and fiercely critical newspaper editorials, Bruce Parker defended the surveillance tactics: "Before this last protest, demonstrators didn't even know we were present. We were there to make sure there were no protestors who could potentially be a problem, like a group of anarchists—to know who was there we had to get license tag numbers" ("Records reveal more spying," *Hometown News*, May 13, 2005). Parker said September 11 made such tactics necessary and even alluded to the fact his organization was working with the FBI: "We don't want there to be another September 11 where police agencies didn't do as much as they could do to follow up on leads that were

available... If we find anything, we immediately take it to the FBI" ("ACLU seeks reforms in county spy policy," *Florida Today*, May 16, 2005).

Considering the instructions of the once classified 2003 FBI memo, it's pretty clear that the FBI is leading local law enforcement agencies, like the BCSO, down a blurry path where constitutional dissent begins to look like terrorism: "Law enforcement agencies should be alert to possible indicators of protest activity and report any potentially illegal acts to the nearest FBI Joint Terrorism Task Force." The memo also advises: "Extremist elements may engage in more aggressive tactics that can include... trespassing, the formation of human chains or shields, makeshift barricades... peaceful techniques can create a climate of disorder."

In other words, agencies like the BCSO, likely acting on the FBI's directive to preemptively monitor the activities of lawful activists, are treating dissenters as they would terrorists. Epitomizing this purposeful convolution of the war on terror and a crackdown on dissent, Sheriff Jack Parker said this, in defending his organization's monitoring of the counter-inauguration rally: "We must both uphold the freedoms provided by the Constitution and at the same time protect the lives of our citizens. This is a delicate balance... Terrorists use anti-government activities to form alliances and recruit persons to perform acts of terrorism. If we did not take a special interest in activities that could attract terrorists, we would not be doing our job."

By equating First Amendment protected demonstrations to "anti-government activities" that attract terrorists, law enforcement leaders like Sheriff Parker prove to be inept defenders of the First Amendment. Blinded by ever-increasing policing powers, men like Bruce Parker can hardly tell the difference between ordinary Americans marching to preserve freedom and democracy in the U.S., and those associated with the Oklahoma City bombing. Responding to criticism over the surveillance of counter-inauguration protesters, Bruce Parker retorted, "We were trying to protect the citizens of the county. We want to make sure there is not another Terry Nichols among the protesters" ("Police had interest in war protestors," *Hometown News*, March 25, 2005).

By last June, Sheriff Parker had seemingly changed his tune, announcing that his agency would henceforth only gather intelligence on demonstrators who pose "an identifiable potential for violence." But the ambiguity of this language—what constitutes such "an identifiable potential"?—has satisfied few concerns, and raised new questions. Besides, with the PATRIOT Act fully renewed and back at his side, Guantanamo's the limit.

Though the ominous surveillance of lawful citizens in Brevard County has not yet been linked to the PATRIOT Act directly, Kevin Aplin, vice president of the Brevard ACLU, says one thing is certain: "We do know that the [Bush] administration has set a political climate where law enforcement feels emboldened to collect surveillance on First Amendment protected activities, using the war on terrorism as justification. The sheriff here has said they're looking for terrorists. So they're certainly using the war on terror to justify collecting intelligence on citizens that have broken no laws and are engaging in lawful First Amendment activities."

While many in the community decried such egregious policing, many fully agreed that secret monitoring and otherwise unconventional tactics were necessary in the interest of safety. During a city council meeting on the subject, Melbourne Mayor Harry Goode commented that extreme security measures were sometimes necessary because terrorists want to destroy everything that is America. "This is a whole different United States than the one we grew up in," he said ("Police to stop videotaping protesters," *Florida Today*, February 23, 2005). Many Brevard County residents writing into the local paper agreed. Bill Logan wrote: "Knowing we are under tight security since 9/11, and also knowing there are terrorist cells within our borders, they don't stop to think why police were filming. It's for their own protection." Anthony Marchione wrote, "There are many legitimate reasons to use various surveillance methods, some of which are not necessarily open to public scrutiny" (Letters to the Editor, *Florida Today*, March 13, 2005).

With fear guiding so many toward faith in security, the U.S. may travel a path not unlike that prophesied by an 80-year-old dystopian novel, *We*. Written by Russian author Yevgeny Zamyatin, *We* tells the story of a society, the One State, that decides the "only means of ridding man of crime is ridding him of freedom." To achieve its utopian society of perfect peace, the One State eradicates individuality, privacy, and freedom; and the citizens exalt the Guardians (secret police), who monitor their every action, for "lovingly protecting" them.

As America flees the open skies of liberty for the patriarchal shelter of authoritarianism, perhaps it's only a matter of time before we turn to the transparent walls of the One State: "At all other times we live behind our transparent walls that seem wove of gleaming air—we are always visible, always washed in light. We have nothing to conceal from one another. Besides, this makes much easier the difficult and noble task of the Guardians. For who knows what might happen otherwise?"

*This article originally appeared in [IMPACT.Press](#).*

*An alternative version of this piece, with additional information on the counter-inauguration protest, will appear in the upcoming book, *The Cost of Freedom* from [Howling Dog Press](#). The book will highlight the stories of those who have fought the Bush government through their activism.*

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