From Stop Watching Us to The Day We Fight Back: An Analysis of the Success of Actions

Within the Broader Context of the Anti-Surveillance Movement

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## Abstract

To better grasp the process by which discrete actions in the course of a social movement are designed I will develop a case study of two discrete days of action within the Anti-Surveillance movement. I plan to compare and contrast the Stop Watching Us and The Day We Fight back actions within the greater scope of the Anti-Surveillance movement to understand the process behind organizing protest actions. This analysis will glean information about how organizers' intentions are reflected in the outcomes of their protests, and how actions with differing designs, goals, and outcomes may be constructed using a common infrastructure set in place by the movement as a whole.

Background

The history of mass state surveillance (Lyon, 2002) of citizens worldwide begins not with Edward Snowden's sweeping disclosures of the global near-panoptic n assembled by the National Surveillance Agency, but instead during the 1970s with the revelation of the NSA's existence as well as the activities it performed during a senate investigation (United States Senate Select Committee on Intelligence, 1976, p.124). Over the next four decades the organization's brief expanded from maintaining hundred name long watch-lists of anti-war dissidents, suspected drug traffickers, and potential assassins (Schorr, 2006) whose phone calls were monitored to collecting metadata on the telecommunications of as many people as possible, a number reaching into the billions by the summer of 2013. This explosive growth in the purview of government surveillance agencies has not been limited to the United States. State surveillance programs are now nearly ubiquitous throughout Europe as well, a byproduct of similar policy evolution across the western world as well as a 'nod-nod wink-wink' system that developed when agencies not permitted to surveill their own citizens arranged to spy on the citizenry of other countries and exchange their findings under the table for reports on their own populations (Corerea, 2013). The rest of the world's citizenry is faring little better; Communist Party rule in China has ushered in a surveillance state of far greater scope than the western world could lawfully construct, even within the west's increasingly flexible legal frameworks, and the rest of the developed world is experiencing similar scrutiny from their own governments.

The most recent anti-surveillance mobilization wave within the broader context of social movement resistance to the expansion of the surveillance state is a natural consequence of these recent revelations. These social movements have experienced a substantial upswing in public support (Greenwald, July, 2013), especially with regard to issues that concern everyday citizens

such as the expansion of the scope of the surveillance state into the sphere of everyday life and worries that a dystopia similar to those described by Orwell and Huxley is being set up by those in power. However, while the concerns of ordinary citizens about the information presented by the surveillance leaks are important, social movements resisting the expansion of state surveillance have even greater cause to be concerned. The history of the United States government's repression of movements for social, racial, and economic justice means that the expansion of state surveillance in the United States brings with it greater risks for members of these movements than for ordinary citizens.

This repression of dissent in the United States dates back to 1798, a mere ten years after the Constitution was signed, with the enactment of the Alien & Sedition Acts (Alien Act, 1798), (Sedition Act, 1798) by the Federalist administration of John Adams which, instead of foreign agents, targeted Republicans who were accused of being French Agents attempting to bring the "Reign of Terror" to the United States (Curry, 1988, p. 3, 5). Throughout the antebellum United States advocating the abolition of slavery was considered by a sizable number of jurisdictions to be a seditious act and the House of Representatives instituted a gag order to prevent discussion of the topic on the House floor (Holst, 1888, p. 245). Expansion into Native American territory, often paired with military intervention, was repeatedly justified by claims that the actions were necessary because of threat to national security posed by attacks on European settlers who settled on Native American land, despite treaties signed to prevent such settlement.

In fact, this theme of labeling any who participate in political dissent against the status quo in America continues to this day. Anarchists and socialists were prosecuted in the early decades of by the Department of Justice's newly formed Bureau of Investigation for attempting to speak out against American participation in World War I, an activity made illegal and labeled

"Unamerican" by the Espionage ("Espionage Act", 1917) and Sedition ("Sedition Act", 1918) Acts of 1917 and 1918 respectively. Surprisingly enough while over one thousand people were convicted of crimes under these acts, no person was ever convicted of any spy activity (Goldstein, 1978). During World War II over 70,000 American citizens of Japanese descent were interned (War Relocation Authority, 1946) as a "military necessity" because the government believed that it could not trust their loyalty during a war with Japan (Rostow, 1945), especially after the bombing of Pearl Harbor. Similar mistrust lead the Justice Dept to seek out "infiltration" of disloyal persons" ("Exec. Order No. 9835", 1947, p. 627-631) within the US Government during the early years of the Cold War culminating with the McCarthy hearings and the subpoena of thousands of Americans (Lamont, 1990) for testimony about their association with the Communist Party or the political affiliation of their friends, colleagues, or neighbors. Soon after this, in 1956, the FBI began the Counter Intelligence Program (Churchill & Vander Wall, 1990, p. xii, 303), a series of covert and occasionally illegal projects aimed at infiltrating and disrupting domestic political organizations. Dubbed COINTELPRO, this program set the standard for government behaviour towards political and social movement organizations for the rest of the century (Saito, 2002).

Under COINTELPRO operations against a particular group began with surveillance. Between 1960 and 1974, the FBI utilized illegally over 650 bugs, 2000 wiretaps, and opened over 55,000 letters (Churchill & Vander Wall, 1990, p. 304). The surveillance was intended not only to gather information about the targets, but also to intimidate and induce paranoia in movements for social change (Churchill & Vander Wall, 1990, p. 39-40).

Simultaneously, the Bureau would begin disseminating false information with two purposes. The FBI's 'gray propaganda' was intended to discredit the targeted group in the eyes

of the public and generate tensions between groups with similar goals (Churchill & Vander Wall, 1990, p. 43-44). The other 'black propaganda' was the fabrication of leaflets and flyers purporting to materials spread by the targeted group. In reality, these publications were doctored by the FBI to severely damage the reputation of the group they claimed to be authored by. A particularly salient example of this propaganda is the doctored coloring book for children produced by the Bureau to discredit the Black Panthers spread by an FBI infiltrator (Churchill & Vander Wall, 1990, p. 159). Instead of pushing the Black Panthers' goals, the book promoted racism and violence and to this day the Black Panthers still have a reputation among the American public as violent 'cop-killers' ("Police hunt for ex-Black Panther accused of killing, wounding cops", 2000).

COINTELPRO practices didn't end there. The Bureau also attempted to foster intragroup conflict, primarily through the use of faked mail between members (Senate Select Comm. to Study Government Operations with respect to Intelligence Activities, 1976, p. 8). Agents sent an anonymous letter to Dr. Martin Luther King, Jr. suggesting that he commit suicide to avoid the fallout from alleged sexual misconduct; accompanying the missive were hours of tape from bugs the FBI placed in his Washington, D.C. hotel room (Churchill & Vander Wall, 1990, p. 55, 57), (Senate Select Comm. to Study Government Operations with respect to Intelligence Activities, p. 82). Due to their success infiltrating organizations they wanted weakened, the Bureau also spread rumours and manufactured evidence suggesting that key personnel within movement organizations were actually infiltrators, employed by the FBI. This tactic, dubbed 'bad-jacketing' served not only to discredit many activists that the Bureau wanted rid of, but also resulted in the murders of some activists accused of betraying others within the organization

(Churchill & Vander Wall, 1990, p. 49-51), (Senate Select Comm. to Study Government Operations with respect to Intelligence Activities, p. 46-49).

If that wasn't enough, COINTELPRO also called for the abuse of criminal justice system in delaying and disrupting legitimate protest actions by monitored organizations. Working with local law enforcement, the FBI repeatedly had activists arrested to harass them, increase paranoia, waste their time in preliminary incarceration, and deplete their resources through the posting of bail bonds and the necessity of having attorneys on retainer (Churchill & Vander Wall, 1990, p. 44). When the vast majority of the Bureau's surveillance revealed that its targeted groups were engaging only in lawful activities (Socialist Workers Party v. Attorney General of the United States, 1986) agents provocateur were used to advocate that the groups engage in illegal activities and violence, giving the FBI a convenient excuse to stamp them out (Churchill & Vander Wall, 1990, p. 219-233). This, along with the use of perjured testimony and falsified evidence allowed the government to imprison activists whose causes and activities it found inconvenient.

The final, and most drastic, measure set out by COINTELPRO was the government participation in direct physical assaults and assassinations. This area of the policy is the least well documented as the FBI has almost always used surrogates to perform such blatantly illegal tasks. Nonetheless the Bureau was repeatedly documented as having provided the necessary intelligence, logistics, and other necessary resources for successful operations in this area to external actors (Churchill & Vander Wall, 1990, p. 53). Most prominent among these shell operations is the murders of Illinois Black Panthers Mark Clark and Fred Hampton. The FBI had long been concerned about Hampton's ability to build coalitions, especially multi-racial ones supporting Black Panther causes (Jones & Singh, 1998); as a result they collaborated with local

police culminating in an early morning assault on his apartment (Churchill & Vander Wall, 1990, p. 64-77). According to eyewitnesses, though Hampton survived the initial assault on the apartment, after discovering that he was not yet dead officers on the scene executed him with two shots fired point blank to the head (Churchill & Vander Wall, 1988).

Forty one years have passed since the exposure of COINTELPRO to the public in 1971; within the year FBI director J. Edgar Hoover announced the mothballing of the centralized counterintelligence program (Cassidy & Miller, 1999). However, strategies developed during the COINTELPRO era remain in use to this day. The arrest of activists for disturbing the peace during protests only to release them after that day's protests have subsided is now a standard tactic among police forces across the western world (McPhail, Schweingruber, & McCarthy, 1998). Those responsible for some of the biggest leaks of classified information since the release of the Pentagon Papers have been ubiquitously labeled seditious and traitors. Chelsea Manning is now serving 35 years in prison as a result of conviction of charges including violation of the Espionage Act (Tate, 2013). Julian Assange, founder of WikiLeaks, remains in residence at Ecuador's London Embassy due to an outstanding extradition order to Sweden for questioning over sexual offences that emerged after his publication of the Manning Leaks in the summer of 2010 (Gill & Woods, 2012). Edward Snowden remains in Russia where he has been granted temporary asylum (Fantz, Black, & Martinez, 2013). If he returns to the United States he faces criminal charges including the violation of the Espionage Act (Finn & Horowitz, 2013). Since the leaks he has been labeled both a traitor (Epatko, 2014) and hero (Cassidy, 2013). Case Study

Among the most important findings of the Snowden Leaks was his exposure of the infrastructure of state surveillance in the U.S (Gellman, 2013). The disclosures of the summer of

2013 allowed the public a valuable glimpse into the legal framework behind the operations of the NSA (Gellman) as well as an explanation of how the organization gathered data and metadata on millions of Americans daily (Greenwald, June, 2013). Perhaps most important was the resulting combination of a wellspring of public support (Greenwald, July, 2013) for actions taken to protest the near universal government surveillance as well as the exposure of the ambiguously legal framework upon which this operation rests. The recent wave of mobilization within the broader context of movement organization resistance to state surveillance is best attributed to these favorable conditions. Social Movement Organizations and Non-Government Organizations such as Demand Progress, Free Press, The Electronic Frontier Foundation, Fight for the Future, Access, and the American Civil Liberties union have seized this opportunity; the groups have set up an underlying infrastructure within which protests are organized to oppose the continuation of state surveillance of citizens without Constitutional justification and support legislation designed to reduce or completely remove this intrusion into the lives of ordinary Americans. It is within this context that my investigation into the structure of overall movements and discrete protest actions within that movement begins.

The origins of these organizations are as disparate as their current goals are aligned. Demand Progress was founded by the late Aaron Swartz in 2010 to garner support for legal movements against internet censorship and similar subjects ("Demand Progress", n.d.) and was instrumental in the actions against the Stop Online Piracy and PROTECT IP Acts of 2011 (Gross, 2012). Free Press is devoted to changing media and technology policies to strengthen democracy and promote the public interest ("About Free Press", n.d.); the organization was instrumental in scuppering AT&T's T-Mobile takeover bid in 2012 (Aaron, 2011). The Electronic Frontier Foundation (EFF) promotes digital rights worldwide by engaging in a wide

range of legal activity against legislation it finds abusive to digital rights as well as other article within the legal framework that it finds egregious ("About EFF", n.d.). Fight for the Future, founded in 2011, is another advocacy group focused on copyright legislation, online privacy, and internet censorship ("Fight for the future", n.d.). Like Demand Progress they were heavily involved in the 2011 action against SOPA and PIPA (Gross). Access is an advocacy group which focuses on promoting an open and free internet and was founded in response to censorship during the Iranian elections of 2009 ("About Access", n.d.). Finally, The American Civil Liberties Union (ACLU) was founded in 1920 in response to the violations of the civil rights of anti-war protesters during the First World War. The present-day organization focuses on fighting the violation of American citizens' civil rights with no specific focus on any particular one of those rights ("About the ACLU, n.d.). This combination of relatively young movement organizations with a few of their older kin are responsible for the structure behind the recent sequence of anti state-surveillance actions in the United States.

## Information Gained From Interviews

Over the course of the past semester I reached out to several activists involved in two protest actions, Stop Watching Us and The Day We Fight Back (TDWFB), and asked them whether or not they would be willing to give me interviews addressing the construction of these actions and their outcomes. The interviews I conducted were primarily over the phone, although I did ask some questions via email, particularly follow-up questions. I managed to interview three activists in total, and from their accounts I have been able to reconstruct the process behind the organization of the most significant protest actions in the anti-surveillance movement over the past year.

In the immediate aftermath of the Snowden Leaks on June 5, 2013 members of the six groups listed above began reaching out to each other. United by a common concern about the growing surveillance state and the magnitude of the invasions of privacy that were occurring daily these organizations quickly decided to pool their resources in the face of this new political opportunity. Within two weeks an open letter to Congress was posted on the internet entitled Stop Watching Us with a form at the bottom where ordinary citizens could sign to make their concerns about the surveillance revelations heard. Not content with merely making their voices heard on the internet, the coalition set to organizing a physical protest. October 26, 2014 was chosen as the date for the Stop Watching Us Rally in Washington, D.C.

To coordinate setup for the rally between members of this freshly formed coalition, an infrastructure for communication between constituent organizations had to be established. The backbone of this new organizational framework: the internet mailing list (A. Glaser, personal communication, Apr 2014). Over the course of the Stop Watching Us protest action three separate mailing lists were set up around it (K. Maher, personal communication, Apr 2014). The first and primary list was simply the Stop Watching Us mailing list which was set up to keep the organizations comprising this anti-surveillance coalition in close contact. Soon after, when the decision was made to hold a physical rally, the rally mailing list was created for the organizers of the physical aspect of the protest to plan and coordinate their action for three hours on October 26. The final mailing list, dubbed the steering list, was devoted to the maintenance of the effects that the rally and protest had. In essence, the steering list was designed use the influence gathered by Stop Watching Us to 'steer' the direction that the conversation around state surveillance took after the conclusion of the rally and protest action.

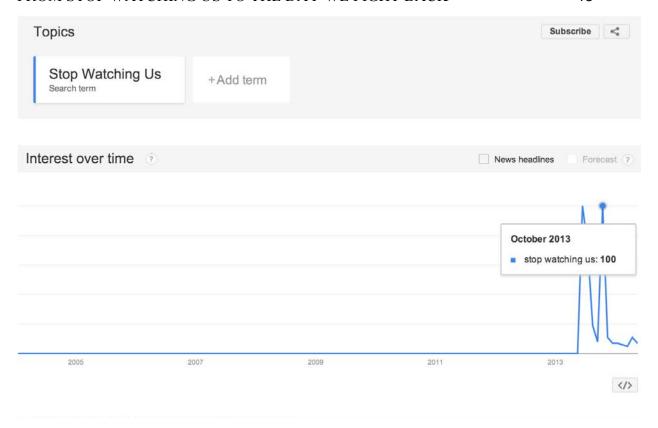
Though the primary means of communication between the constituent organizations of the anti-surveillance coalition was through email facilitated by these three mailing lists during the organization of Stop Watching Us, there are a few tasks that email is woefully inadequate for. One of the largest failures of email is the inability to ensure complete coordination across a wide group of people since each person in the group has different email checking habits and varying ranges of ability to consistently and immediately respond to important messages. The coalition's answer was the use of Internet Relay Chat (IRC) for situations that demanded a higher level of coordinated activity than the day to day strategizing that took place on the mailing lists (K. Maher, personal communication, Apr 2014). The coalition held IRC parties to hash out logistics at critical points during the organization of the action, especially approaching the date of the protest. Other teams, like the group responsible for the construction of the Stop Watching Us website relied heavily on IRC because of the large need for coordination when working on tasks in that area.

Once the infrastructure for intra-coalition communication was set up, the constituent groups fell to acquiring support from other organizations. The strategy adopted for drumming up support among outside organizations was personalized outreach (K. Maher, personal communication, Apr 2014). A spreadsheet of organizations whose support was desired was drafted and then activists signed up on the form to contact that group and ask for their support if they had a personal connection there. For example, if an activist's best friend in college now works for Google, that activist would be responsible for contacting Google and asking for their support (assuming that the activist's friend was in a senior enough position to be able to influence the decision of whether or not to pledge an organizations' support to the cause of the rally). Through the use of personal relationships and connections the organizers of Stop

Watching Us managed to get a sizable number of NGO's and SMO's onboard, including such companies as the Mozilla Foundation.

The goal in mind for the Stop Watching Us rally was fairly simple in nature. The coalition desired to present a counter narrative to surveillance within the U.S. as well as provide a platform from which the opposition to state surveillance could be heard (A. Glaser, personal communication, Apr 2014). The other chief desire of the organizations behind Stop Watching Us was that the conversation around government surveillance in America would shift from a print and digital discussion to a physical expression of displeasure with the state.

By these measures of success, the Stop Watching Us protest action/rally was wildly successful. The event gathered relatively large quantities of media coverage for a modern protest action, which exactly reflects the goals of the organizers in garnering public attention towards this issue. The following chart (Google Trends, 2014) demonstrates the various peaks in media coverage of the rally. The first peak on the chart reveals the early petition sent out by activists to gather evidence of public approval for the message that Stop Watching Us wished to convey. The second, larger peak belongs to the day of actual physical protest, October 26th.



The rally prompted the organization of a sister group in the U.K., titled Don't Spy on Us and engaged new protesters across the world, involving them in the issue ("About Us", n.d.). Perhaps most interesting is the effect of Stop Watching Us on the imagery associated with the anti-surveillance movement. During the planning of the rally, one of the items budgeted for by the coalition was the hiring of a photographer to document the rally. The resulting images were then licensed for the public to be able to use and have seen a fair amount of use over the course of the past year. However, the most effective image to come out of Stop Watching Us was the logo for the protest itself, distributed on the Stop Watching Us Website ("Resources", n.d.).



The hand representing the pupil of an eye is nearly synonymous with the antisurveillance movement now and the image has been used to protest overreaches of state power worldwide, especially in Turkey where it was picked up quickly and used to protest Erdogan's overreaches of power (Maher, personal communication, Apr 2014).

In contrast to the Stop Watching Us rally, TDWFB protests were organized around significant dates, not significant events or pieces of legislation. TDWFB was initially conceived by Demand Progress and Free Press in tandem due to the fact that the first few months of the year was significant to both organizations, although for different reasons. The rough one year anniversary of the death of Aaron Swartz, the founder of Demand Progress and good friend of David Seagal the current director of the organization, fell around a month before the planned action on February 11. Internet Freedom Day (IFD), an extremely important date for the Free Press organization fell around a week after Aaron's death. Together Demand Progress and Free Press developed the idea of a protest within the broader anti-surveillance movement to memorialize Aaron's death as well as commemorate IFD (A. Glaser, personal communication, Apr 2014).

Because of the manner of its conception, the goals for The Day We Fight Back differed quite a bit from Stop Watching Us. Instead of targeting specific legislation or responding to specific events The Day We Fight Back was designed as both a response to the Aaron's death

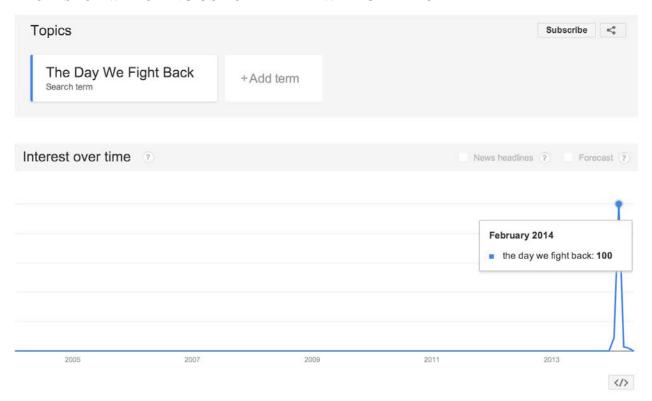
and IFD. At the same time, it also served as an attempt to influence reform legislation being considered around the planned time of the protests, including the Freedom Act, as well as provide a kind of continuity to the anti-surveillance movement in the face of a few fairly unexciting months (K. Maher, personal communication, Apr 2014). More interesting than the original goals of TDWFB however is the manner in which it was constructed and what infrastructure was used to do so.

In fact, the very same infrastructure used by the anti-surveillance coalition that organized Stop Watching Us was re-used by Demand Progress and Free Press to set up the initial structure for the organization of TDWFB. The members of the Stop Watching Us rally were quickly added to a very similar organization structure comprised of a solitary mailing list paired with several IRC channels for use in coordination and logistical communication. Similar methods were used to contact and persuade partner organizations from Stop Watching Us to sign on to supporting this project. However, some organizations didn't find the prospect of pledging their full support to a project at a slightly different point in the life cycle of the anti-surveillance movement. This fairly inopportune timing combined with little controversial legislation to dispute and the dip in knowledge and interest among everyday citizens led some major Silicon Valley companies to support TDWFB indirectly as opposed the direct support that they pledged to Stop Watching Us (A. Glaser, personal communication, Apr 2014). This kind of mixed opinion on the merits of TDWFB was very similar to reactions post protest on the efficacy of TDWFB.

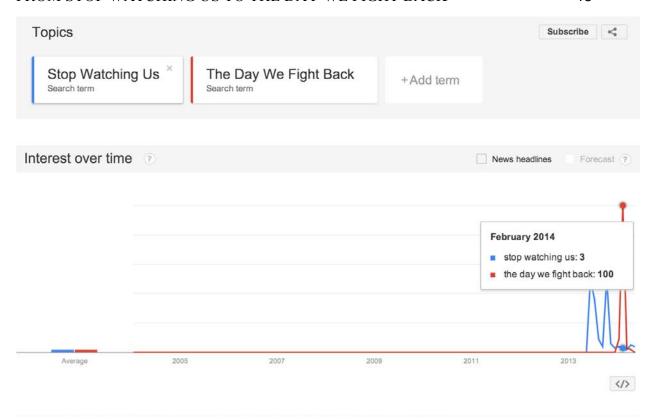
In fact, TDWFB generated a wide range of opinions. According to the mass media, the action was a miserable failure. Media sources cited the lack of 'punch' behind the protests compared the total site blackouts of the SOPA/PIPA protests as a huge downside to TDWFB while expressing disappointment in the lack of a cohesive statement made by the organizers

other than their expression of displeasure with the status quo. While some of these criticisms are fair, especially those concerning a lack of a completely cohesive message to come out of the protests, most of the complaints about the scope of the protests may be explained by a difference in intentions. Anti-surveillance activists never expected nor even intended for TDWFB to become as massive of a protest as the SOPA/PIPA actions of early 2012. Instead the event was designed to bring continuity to a period of the anti-surveillance movement that was rather sparse in terms of activity to get really excited/incensed about. However, several individuals within the anti-surveillance coalition believed that even though the core idea behind the protests was sound, they would have preferred an approach that focused on pushing anti-surveillance legislation.

In fact, most ironically TDWFB became a sort of pseudo-failure due to the lack of mass media excitement about the protests. One of the key drivers of Stop Watching Us' success was that it got so much sheer media coverage that it spread wildly, far beyond the expectations of its planners. Unfortunately TDWFB failed to have a similarly spectacular impact in the mainstream media (Google Trends). The image below plots interest in TDWFB against time.



While Stop Watching Us had a semi-sustained period of interest in the action, aided by the planning and physicality of the protest. (See the comparison chart plotted below, courtesy of Google Trends)



Since Stop Watching Us was actually a physical protest, it had to be planned longer in advance, giving activists time to better inform the media. The coalition behind the anti-surveillance movement in the United States appears to be coming to the realization that online actions are no longer sufficient to make changes by themselves. and it is unlikely that any more completely online protests will be occurring in the near future.

Other lessons learned by the anti-surveillance coalition over the course of the past year include one of the more obvious: their organizations are far more effective when they pool their resources than when they attempt to act independently. However, coalition organizers were concerned by the finding that they have not not been able to reach as broad of a demographic that they would like. While the Stop Watching Us and The Day We Fight Back actions were unsurprisingly quite effective at reaching the libertarian and technology literate demographics, they were much less effective at reaching minority groups who, ironically enough, are more

likely to be under state surveillance than their peers who are better reached by the actions. This trouble reaching minority groups is compounded by the media's coverage of protest actions leading to the erasure of minority citizens participating in movement actions (Khalek, 2013). Finally, activists within the coalition developed the opinion that Congress responds very little to direct contact by their constituents. Instead, these activists believe that they only respond with any real urgency to large amounts of media coverage, suggesting that the reason behind the success of Stop Watching Us compared to The Day We Fight Back was directly linked to how successful the media portrayed each respective action as (K. Maher, personal communication, Apr 2014).

## Conclusion

The construction and planning of the Stop Watching Us rally and The Day We Fight Back actions were very similar in structure, but varied in outcomes, both planned and desired. Stop Watching Us capitalized on excellent timing and gathered over 500,000 signatures on a petition to end government surveillance of private citizens; the action also culminated with a successful physical protest in Washington, D.C., developed imagery and iconography that would drive the anti-surveillance movement worldwide, and led to the passage of legislation that began the slow crawl toward making ubiquitous surveillance illegal. (K. Maher, personal communication, Apr 2014). Though it followed the same construction formula as Stop Watching Us, TDWFB suffered from poor timing both in terms of sagging public support and little related legislative material being considered by Congress around the time of the protest. Nonetheless, the action pumped some life into the anti-surveillance movement and kept the debate around the role of the NSA and other security agencies going until the next opportune time to act.

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