

The New COINTELPRO and the Modern Pinkertons: Political Policing in the United States

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Hello everyone and thank to the Transnational Institute, The No-TAP Movement, and Mark Neocleous for inviting me to this workshop. Today, I am presenting a small slice of much larger research project on a series of interagency intelligence hubs in the United States called "fusion centers." These intelligence centers bring together state and local police with federal law enforcement and intelligence agencies. While they were ostensibly set up to for counterterrorism purposes, they have quickly shifted toward an amorphous "all crimes, all threats, and all hazards" orientation.

In the United States there are now 79 of these fusion centers that are recognized by the Department of Homeland Security (DHS). They join 190 other intelligence taskforces that have been put in place by the various arms of the federal government since the 1970s. In my forthcoming book on University of California Press, *Pacifying the Homeland: Intelligence Fusion and Mass Supervision*, I argue that fusion centers are central component of reconfigured security apparatus that is enabling the reduction of the US prison population without any corresponding return to rehabilitation or what some scholars call "penal welfarism."

Instead, high-tech policing transforms entire communities into open air prisons.

In this way, fusion centers represent a historically specific articulation of the structural imperative of police power to administer poverty and pacify class struggle.

While the United States has a uniquely overdeveloped domestic intelligence apparatus, the fusion center model has spread to Europe.

In my understanding, the Committee of Counter-terrorism Strategic Analysis is the closest Italian analogue to what we call fusion centers in the United States. Given that this workshop is oriented around the struggle to block the construction of the Trans-Adriatic Pipeline, my comments today will focus on the role the fusion centers have played in the pacification of pipeline struggles in United States.

Specifically, I am going to make four points: (1) I will explain how political policing changed in the United States since the 1970s; (2) I will relate these changes to wider processes of state formation, what I term as the transition from the *herrenfolk*-welfare state to the workfare-carceral state; (3) I will detail the role of fusion centers in the fight over the Dakota Access Pipeline; (4) I will conclude with implications for movements.

In the United States all conversations about political policing happen in the shadow of COINTELPRO, the infamous counterintelligence campaign to pacify social movements directed by the Federal Bureau of Investigation (FBI), the principal federal law enforcement agency in the US. By 1971, when a group of activists broke into an FBI field office, stole documents, and exposed the program, the FBI was targeting every major left group in the United States.¹

1 Betty Medsger, *The Burglary: The Discovery of J. Edgar Hoover's Secret FBI* (New York: Knopf, 2014).

COINTELPRO was incredibly successful pacification program. It is implicated in the breakup of major organizations and coalitions. This impact is not lost on contemporary observers. Indeed, “the specter of COINTELPRO”—to quote the subtitle of one recent report on fusion centers—still haunts the politics of the United States.² Term specter is an apt one. COINTELPRO is dead. It may haunt politics in the US but the COINTELPRO model does not characterize political policing today.

COINTELPRO was uniquely centralized. J. Edgar Hoover, the FBI director from 1924 to 1972, personally directed COINTELPRO and reviewed every operation. On several occasions, FBI special officers in charge (SACs) wanted to discontinue a program area because specific movement categories, such as New Left or Black Power, did not exist in their jurisdiction.

Hoover never approved any such requests. This intransigence compelled SACs “to avoid censure by identifying ‘worthy’ targets in the absence of political protest through the construction of deviance narratives that connect[ed] subversion to visible personal characteristics.” With no organized New Left activity to subvert, for example, FBI agents focused on “homosexuality and Jewishness” to explain “the ‘spoiled’ and ‘non-conformist’ tendencies of various affluent college students” who sympathized with New Left causes and adopted the aesthetic of the counterculture but were not actively organized.³

This centralization was COINTELPRO’s undoing. When activists exposed COINTELPRO, the paper trail clearly implicated Hoover. Fusion Centers, in contrast, are decentralized. While they are recognized by DHS, they are managed by municipal police or state (i.e. “provincial”) police. Operationally independent from DHS, fusion center directors work within the loose framework of “recommendations” and “baseline capabilities.”⁴

In this environment, fusion centers tailor their services in response to unique needs of their local partners. For political policing, this arrangement creates a range of potential outcomes. In pacification of Occupy Wall Street, an example I discuss at length in the book, some encampments were crushed by the iron hand of police repression and others were swept away the velvet glove of negotiated management. These divergent outcomes reflect the specificities of the state apparatus.

COINTELPRO was a project of what I call the *herrenvolk*-welfare state, a term I use to explain how the dynamics intertwined nature of racial- and labor-formation in the United States produced a weak welfare state.

A product of the era of monopoly capitalism largely contained within state boundaries, centralized *herrenvolk*-welfare state narrowed the state’s response to political challenges as seen in the uniform aggressiveness of COINTELPRO. In contrast, fusion centers are constitutive component of the contemporary workfare-carceral state, a term I use to capture the pairing of economic liberalization and carceral expansion in the United States since the 1970s.

²Electronic Privacy Information Center, “Spotlight on Surveillance: “National Network” of Fusion Centers Raises Specter of COINTELPRO,” EPIC, June 2007, <https://www.epic.org/privacy/surveillance/spotlight/0607/default.html>. (Accessed March 4, 2014).

³ David Cunningham & Barb Browning, “The Emergence of Worthy Targets: Official Frames and Deviance Narratives Within the FBI,” *Sociological Forum* 19, no. 3 (2004), 351-352, 360-363.

⁴ US Department of Justice’s Global Justice Information Sharing Initiative, *Baseline Capabilities for State and Major Urban Area Fusion Centers*, 2

As a reflection of increasingly globalized capital and the related extension of commodification and competition to all aspects of life, the workfare-carceral has reorganized all of government, including police forces, around market models.

The resultant decentralization opens specific instances of political policing to local political pressures. Indeed, private interests—not politicians or government officials—appear to be the leading actors in some of the most notorious recent examples of political policing, like the crackdown on Occupy and the showdown over the Dakota Access Pipeline (DAPL) in North Dakota. In this way, political policing in the United States today is not New COINTELPRO.

Instead, it represents the return of the Pinkerstons, the notorious private detective agency that industrialist and railroad barons hired to defeat labor militants in the late nineteenth century.

Indeed, the pacification of the mobilization against the DAPL shows how fossil fuel interest and private security firms operated through the fusion centers to defeat the mobilization *and* encourage other fusion centers to monitor similar campaigns against fossil fuel infrastructure. In the spring of 2016, the Standing Rock Sioux began to organize against the DAPL, which would cut through their lands and endanger water supplies.

The effort eventually drew thousands to the area, including representatives from at least 300 indigenous nations, making it the largest gathering of Native American peoples in more than a century.

The “water protectors,” as the protesters became known, assembled in three encampments and launched direct actions to stop construction. Numerous federal, state, and local entities, including North Dakota’s fusion center, North Dakota State and Local Intelligence Center (NDSLIC) created an “Intelligence Group” to provide real-time monitoring and a coordinated response.

Importantly, TigerSwan—a security contractor hired by Energy Transfer Partners, the firm building the pipeline, to provide security on the construction site—also joined the taskforce.

Best known for its work in US-occupied Iraq and Afghanistan, TigerSwan quickly became a dominant and aggressive force in the Intelligence Group. As documents obtained by journalists Alleen Brown, Will Parrish, and Alice Speri show, TigerSwan led the effort to pacify protest.⁵

With echoes of COINTELPRO-style countersubversion, the security contractor went beyond monitoring and sought to exploit “ongoing native versus non-native rifts, and tribal rifts between peaceful and violent elements” in order to “delegitimize the anti-DAPL movement.”⁶

TigerSwan complemented these efforts with psychological warfare, euphemistically called a “social engagement plan,” to “protect the reputation of DAPL.”⁷

5 Alleen Brown, Will Parish, and Alice Speri. “Standing Rock Documents Expose Inner Workings of “Surveillance-Industrial Complex” *The Intercept*, June 3, 2017; Alleen Brown, Will Parish, and Alice Speri, “Leaked Documents Reveal Counterterrorism Tactics Used at Standing Rock to ‘Defeat Pipeline Insurgencies.’” *The Intercept*, May 27, 2017. <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>. (Accessed May 27, 2017).

6 John Porter, “Internal TigerSwan Situation Report.” TigerSwan, October 16, 2016, <https://theintercept.com/document/2017/06/03/internal-tigerswan-situation-report-2016-10-03/>. (Accessed May 27, 2017).

No mere public relations push, this work also included arresting journalists and imposing a no-fly zone over the protest encampments.⁸ As the demonstration continued, repression ratcheted up.

In September, private security sicced dogs on protesters obstructing the bulldozing of a sacred site. In October, riot police used tasers, pepper spray, beanbag rounds, and sound cannons to disperse a blockade that had stopped traffic for days. In the process, they arrested 127 demonstrators. In November, they sprayed protesters with fire hoses in below-freezing weather and shot tear gas and rubber bullets to clear protesters who were blocking a bridge. Over 300 people received treatment for hypothermia, and 26 were hospitalized.⁹

These escalating confrontations punctuated the daily intelligence gathering.

The camps were subject to aerial surveillance and penetrated by infiltrators and informants. In addition, NDSLIC analysts trolled social media and mined databases to create reports that the Intelligence Group reviewed in daily meetings at the emergency operations center in Bismarck, the state capitol.

One of these analyses was a network analysis that included Red Fawn Fallis, a water protector who was singled out by police and arrested in an October confrontation. During the arrest, officers wrestled Fallis to the ground, where they claim she fired three shots from a revolver. Parrish later reported that the owner of the gun, Heath Harmon, was a paid FBI informant that infiltrated the protest encampment and entered a romantic relationship with Fallis.¹⁰

By the time security forces cleared the encampment in February 2017, police arrested nearly five hundred protestors, six of whom, including Fallis, faced felony charges.¹¹

Fossil fuel interests continued to work through fusion center after the disruption of the anti-DAPL demonstrations.

7 DAPL Security, "Security Operations Overview," TigerSwan, October 16, 2016, <https://theintercept.com/document/2017/05/27/security-operations-overview-2016-10-16/> (Accessed May 27, 2017); "Internal TigerSwan Situation Report." TigerSwan, September 7, 2017; <https://theintercept.com/document/2017/05/27/internal-tigerswan-situation-report-2016-09-07> (Accessed May 27, 2017); John Porter, "Internal TigerSwan Situation Report," TigerSwan, September 9, 2016, <https://theintercept.com/document/2017/05/27/internal-tigerswan-situation-report-2016-09-22> (Accessed May 27, 2017).

8 Alleen Brown, Will Parish, and Alice Speri, "Police Used Private Security Aircraft for Surveillance in Standing Rock No-Fly Zone," *The Intercept*, September 29, 2017 <https://theintercept.com/2017/09/29/standing-rock-dakota-access-pipeline-dapl-no-fly-zone-drones-tigerswan> (Accessed September 27, 2017); Alleen Brown, "Arrests of Journalists at Standing Rock Test the Boundaries of the First Amendment," *The Intercept*, November 27, 2016, <https://theintercept.com/2016/11/27/arrests-of-journalists-at-standing-rock-test-the-boundaries-of-the-first-amendment> (accessed December 1, 2016).

9 Brendan McQuade, "Guns, Grenades, and Facebook," *Jacobin*, December, 5, 2016, <https://www.jacobinmag.com/2016/12/standing-rock-sioux-dakota-access-dapl-obama-trump>, (accessed December 5, 2016).

10 Will Parrish, "An Activist Stands Accused of Firing a Gun at Standing Rock. It Belonged to Her Lover — an FBI Informant." *The Intercept*, December 11, 2017, <https://theintercept.com/2017/12/11/standing-rock-dakota-access-pipeline-fbi-informant-red-fawn-fallis/> (accessed December 11, 2017).

11 Joseph Bullington, "Standing Rock Felony Defendants Take Plea Deals, Still Face Years in Prison," *In These Times*, February 22, 2018, <http://inthesetimes.com/rural-america/entry/20936/standing-rock-felony-defendants-dakota-access-pipeline-water-protectors> (accessed March 11, 2018); Alleen Brown, Will Parish, and Alice Speri, "As Standing Rock Camps Cleared Out, TigerSwan Expanded Surveillance to Array of Progressive Causes." *The Intercept*, June 21, 2017, <https://theintercept.com/2017/06/21/as-standing-rock-camps-cleared-out-tigerswan-expanded-surveillance-to-array-of-progressive-causes/> (accessed June 21, 2017).

TigerSwan's pacification project grew into what Brown, Parrish, and Speri described as a "multistate dragnet." The security contractor monitored another protest camp in Iowa, and tracked two activists who sabotaged the pipeline in North Dakota and Iowa.¹² After security forces cleared the encampments, TigerSwan targeted what they called the "Anti-DAPL diaspora," monitoring other protests against pipeline construction and demonstrations opposing the then-incoming Trump administration in Illinois, Iowa, Minnesota, Oklahoma, Oregon, Pennsylvania, South Dakota, and Texas.¹³ These efforts were not frictionless. One document noted tensions between TigerSwan and law enforcement in Iowa, where, "Calhoun, Boone and Webster county law enforcement are not supportive of DAPL Security's mission" because they were reluctant "to arrest or cite trespassing individuals."¹⁴

TigerSwan's leading role and the tensions between the security contractor and the hesitancy of some police agencies provide underscore the break with the COINTELPRO model. Fusion centers are not *the* center of political policing. They are a channel through which particular interests can flow.

In the case of the DAPL, TigerSwan called water protectors as "terrorists," and compared them a "jihadist insurgency."

After the showdown at Standing Rock, fusion centers analyst produced intelligence products that accepted TigerSwan's analysis. For example, the DHS Office of Intelligence and Analysis (I&A) jointly produced an intelligence report with fusion centers in Iowa, Illinois, North Dakota, Montana, South Dakota, and Washington that detailed the "targeting, tactics, and procedures" used to pacify "suspected environmental rights extremists."¹⁵

The NDSLIC collaborated with another DHS-recognized fusion center, the Central Florida Information Exchange, to draft an assessment on impact the anti-DAPL movement was having on the Sabal Trail Pipeline, a natural gas conduit constructed in Alabama, Georgia, and Florida during 2016 and 2017.¹⁶

Fusion centers in Oklahoma, Arkansas, and Tennessee also partnered with DHS I&A to report on the threat of "environmental rights extremists" to the Diamond Pipeline, project constructed in those three states in 2016 and 2017.¹⁷

12 Alleen Brown, Will Parish, and Alice Speri, TigerSwan Responded to Pipeline Vandalism by Launching Multistate Dragnet," *The Intercept*, August 26, 2017, <https://theintercept.com/2017/08/26/dapl-security-firm-tigerswan-responded-to-pipeline-vandalism-by-launching-multistate-dragnet> (accessed August 26, 2017).

13 John Porter, "Internal TigerSwan Situation Report," TigerSwan, February 2, 2017, <https://theintercept.com/document/2017/06/21/internal-tigerswan-situation-report-2017-02-27> (accessed June 21, 2017).

14 Brown, Parish, and Speri, "Leaked Documents Reveal Counterterrorism Tactics Used at Standing Rock"; Porter, "Internal TigerSwan Situation Report." TigerSwan, October 16, 2016.

15 DHS office of Intelligence Analysis, "TTPs Used in Recent US Pipeline Attacks by Suspected Environmental Rights Extremists, The Department of Homeland Security, May 2, 2017, <https://theintercept.com/document/2017/12/11/may-2017-field-analysis-report/> (Accessed March 20, 2018).

16 Central Florida Information Exchange and North Dakota State and Local Intelligence Center, "Criminal Activities and Incidents Surrounding the Dakota Access Pipeline and Impact on the Sabal Trail Pipeline," April 2017. <https://theintercept.com/document/2017/12/11/april-2017-joint-intelligence-bulletin>. (Accessed March 20, 2018).

17 DHS Office of Intelligence Analysis, "Potential Domestic Intelligence Threats to Multi-State Diamond Pipeline Construction Project," The Department of Homeland Security, April 7, 2017, <https://www.documentcloud.org/documents/4404359-DHS-Bulletin-Aug-9.html> (accessed March 7, 2018).

Showdown at the Standing Rock and the subsequent diffusion of the pacification project through fusion center networks raises a three points for the struggle here against the TAP. First, these struggles are iterative.

Although I did not have time to get into these details in this talk, the dynamics of contemporary political policing in the US are shaped, in large part, by the reforms to the security apparatus that followed the exposure of COINTELPRO.

The showdown at Standing Rock also appears to have escalated efforts to pacify similar pipeline struggles, as the lessons from the anti-DAPL fight travel through the fusion center network.

The security apparatus has adopted learned from movements.

Second, the iterative nature of these struggles means that the specific institutional arrangements surrounding any pacification project matters.

I know very little about the security apparatus of European Union and its various member states. That said, I think the key security agencies to investigate would be the Committee of Counter-terrorism Strategic Analysis here in Italy, and Intelligence and Situation Centre that operates under the EU's European External Action Service.

I'd think trying to determine the relationship between these entities and other police intelligence agencies in countries that TAP is running through like the State Security Division of Hellenic Police in Greece, for example, would also be worthy task. Of course, the role of private security also needs to be determined.

Third, struggles within the state present opportunities to disrupt pacification. While my work is deeply focused on the specificities of the United States, I know the structural competitiveness that characterizes workfare states is general condition across the states in the core regions of the world-economy. These arrangements sharpen jurisdictional rivalries and increase the likelihood for both dysfunction and abuse.

These internal struggles may present movements with opportunities. Activists in the United States have been unable to block the construction of the DAPL or the Keystone Pipeline with a combination direct action, mass mobilization, and moral suasion. Perhaps we should supplement our traditional protest and movement building with efforts to monitor—and even infiltrate?—the security apparatus, identify internal fissures, and exploit them. This question moves away from liberal or social democratic reformism and places us into dangerous territory. Of course, the danger is already here. Regardless of what humans decide to do, whether we transition to a post-carbon economy or not, the twenty-first century will be a time of abrupt and irreversible changes in the web of life. We can come up with plenty of clever analyses of how security works to suppress change and administer a world remade in capital's image but, if we want humanity to survive this century, we will have to politically confront security. This half-baked suggestion is my contribution to such dangerous thinking.