

# Spies and the Spied Upon: The Continuing Need for Human Surveillance

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STEVE HEWITT, NOV 17 2013

Considerable media coverage around the globe has been devoted to the on-going saga of the National Security Agency leaks emerging from the computer and files obtained by contractor and ex-Central Intelligence Agency employee Edward Snowden. The stories and the revelations themselves have sparked considerable political and public discussion over the limits on privacy and the intervention of the state into the lives of ordinary citizens. Some of this has concentrated on the implications of intrusive surveillance through technological collection on personal privacy. Hollywood movies such as *Enemy of the State* and *Minority Report* suddenly seem less works of futuristic fiction and more like contemporary documentaries.

And yet this emphasis is problematic in two important respects. First, it suggests that everyone is equally under threat from surveillance. More significantly, the focus ignores the continuing involvement of old fashioned human beings as key instruments of state surveillance.

The former is evident in the media and political discourses around the NSA revelations which almost seem to suggest that surveillance suddenly began after 9-11. Of course, surveillance by states against its citizens and others has existed for centuries; it eventually became more formalized and professionalized beginning in the 19<sup>th</sup> century with the rise of the modern state and modern state institutions such as the police and intelligence agencies. Yet, with surveillance in liberal-democratic states in the past there was never the suggestion that every individual faced equal attention from the panoptic gaze let alone equal consequences. Instead, states targeted “suspect communities,” a term coined by Paddy Hillyard to describe the counter-terrorist treatment of the Irish in Great Britain during the Troubles (Hillyard, 1993).

Historically, these were groups concentrated on because of their ideology or race and ethnicity or social class or religion or gender or age, or some combination of these characteristics. They found themselves on the receiving end of intrusive surveillance but because they were in some way marginalized from the mainstream their treatment did not regularly generate widespread comment or concern. The modern equivalent is what Muslim communities in liberal-democratic states have experienced since the attacks of 11 September 2001 (Aaronson, 2013; Hewitt, 2008). For those “suspect communities,” state surveillance could have real world consequences far beyond the “invasion of privacy” notions associated with the NSA’s indiscriminate information intelligence collection.

In terms of the second point, the discourse around the idea of blanket surveillance plays into the concept of electronic information collection as a drift net being dragged through the electronic ether gathering everything as it goes. Simultaneously, it obscures the fact that other types of surveillance and intelligence collection remain crucially important for state security agencies. If electronic information gathering is the drift net of the surveillance world, then informers and also undercover officers are the fishing pole equivalent with bait on the hook designed in liberal democracies to reel in a particular type of fish. Historically, in the United States for instance, examples include the Federal Bureau of Investigation’s heavy use of informers against the Communist Party of the United State of America in the 1950s and 1960s and against Black Power, Student Power and Women’s Liberation and numerous other groups and movements (Churchill and Van Der Wall, 1988; Rosen, 1999). And it remains the case in the 21<sup>st</sup> century in relation to counter-terrorism investigations as investigative journalist Trevor Aaronson illustrates in a recent book

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(Aaronson, 2013).

There are several reasons for the continued use of informers. They are cost effective in relation to technological and other forms of surveillance which can be expensive and labour intensive. Secondly, informers represent a proactive type of surveillance; a human being can ask specific questions as opposed to simply recording conversations. Then there is the ease with which they can be deployed: there is no requirement of the type of warrant needed for technological surveillance. The use of human spies helps overcome the methods by which technological surveillance can be avoided by not using telephones or the Internet (there's a reason Osama bin Laden's residence in Abbotabad lacked a telephone and Internet connection).

Informers also allow for the penetration of communities where those doing the targeting lack familiarity, as in the case of recent immigrants to a country. Finally, informers can be instruments of destruction for groups or individuals or political causes, blatantly through the methods of *agents provocateurs*, in which a course action is encouraged that will lead to obliteration, but through more subtle means as well in which the cause is undermined less obviously. Even the possibility of infiltration by informer can have an impact on the actions of groups and individuals (Hewitt, 2010).

All of the factors just described remain just as relevant in the 21<sup>st</sup> century as they did in the 19th, hence the continuing resort by the police and security agencies to the use of informers. Technological surveillance certainly receives the headlines. When it comes to specialized surveillance, however, there's nothing more effective and powerful than collection not through an impersonal piece of technology but through a living, breathing human being.

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