

# Government Intelligence Abuse

## The Theories of Frank Donner

by Chip Berlet

**Summary:** Donner's thesis about intelligence agency abuses explains why anti-terrorist legislation won't stop violence but will curtail civil liberties.

[This is an expanded version of an article that first appeared in CovertAction Quarterly, Summer 1995.]

Frank Donner (1911-1993) was an attorney active with the American Civil Liberties Union who literally wrote the book analyzing how political surveillance and domestic repression are carried out by agents of US intelligence agencies. He argued that intelligence agents were often chasing scapegoats. Donner identified communism as the right wing's primary scapegoat during this century, and researched how rightwing paramilitary groups were encouraged by intelligence agencies and local police red squads to fight alleged collectivist subversion. With the collapse of the Soviet Union and statist communism in Europe, the proto-fascist militia movement has transformed the dysfunctional scapegoat of the "red menace conspiracy" into the "one-world government, new world order conspiracy." The government itself has become the new subversive collectivist enemy and a target for a heinous act of right-wing terror in Oklahoma City.

In response the countersubversion empire is trying to rise phoenix-like from the ashes of the Cold War by asking that its investigative talons be unsheathed to fight a paranoid rightwing movement it helped create. The anti-terrorism legislation proposed in Congress is a farce. The many lawsuits against political spying advised by Donner found scant evidence that widespread infiltration and bugging of social movements found terrorists or stopped acts of violence, but much evidence that the protectors of privilege use these repressive tools to undermine demands for social change. The weapons we give the FBI today to fight the right will inevitably be aimed at progressives and other dissidents in our society. It is a shame that Donner is not around to comment on these tragic ironies.

By the time Frank Donner died in 1993, the central thesis of his investigations into government abuses of law enforcement powers had moved from the obscure to the self-evident. At the core of his life's work was a key contention: The unstated and primary goal of surveillance and political intelligence gathering by state agencies and their countersubversive allies is not amassing evidence of illegal activity for criminal prosecutions, but punishing critics of the "status quo" in order to undermine movements for social change.

Donner presented his ideas not just in legal briefs, but in scholarly settings and the popular press.<sup>1</sup> His evidence came not only from digging in archives--helped by paralegal "file ferrets" who passed on anything interesting to him--but also from work in the trenches. He began in the 1940's as a civil liberties attorney. When the Cold War intensified in the late 1940's and early 1950's, he represented targets of Red Menace witch hunts, defending persons charged with sedition under the Smith Act, counseling those dragged before congressional committees, and writing appeals for defiant witnesses slapped with contempt citations.

These experiences "illuminated in a new perspective the underpinnings of repression in our political culture," according to Donner. He reached the "conviction that surveillance, people watching, and similar activities unrelated to law enforcement constituted a serious and largely ignored threat to political freedom."

In 1971 Donner was named director of the American Civil Liberties Union Project on Political Surveillance. Consider the times. That year, at the height of the Vietnam war, a still secret group calling itself the Citizen's Commission to Investigate the FBI raided the FBI office in Media, Pennsylvania. The raiders sent copies of the files they stole to mainstream, alternative, and campus journalists. While progressive activists had long contended that civil rights, student rights, and antiwar activists were victims of FBI surveillance and harassment, there was little hard evidence. Now there was both evidence and a name for the program, COINTELPRO, a contraction for CounterIntelligence Program. The Media, PA raid sparked mass media interest, Congressional hearings, and lawsuits. In each arena Donner acted as adviser and expert. He argued that COINTELPRO was not a series of isolated instances of abuse, but rather was part of an institutionalized system using surveillance as "a mode of governance" and political control.<sup>2</sup>

It took almost ten years for Donner to take these ideas and expand them into the book "The Age of Surveillance: The Aims & Methods of America's Political Intelligence System."<sup>3</sup> Some ten years later he followed with "Protectors of Privilege: Red Squads and Political Repression in Urban America."<sup>4</sup>

In both books, Donner asserted that "Intelligence in the United States serves as an instrument for resolving a major contradiction in the American political system: how to protect the status quo while maintaining the forms of liberal political democracy."<sup>5</sup> Donner explained that "...intelligence institutions have in the past acquired strength and invulnerability because of their links to two powerful constituencies: a nativist, antiradical political culture and an ideological anti-communism, identified with Congress and the executive branch respectively." Donner went on: "

---

<sup>1</sup> One of his early pieces was a 1954 article in "The Nation" analyzing the role of the government informer.

<sup>2</sup> Donner, "Theory and Practice of American Political Intelligence," in the "New York Review of Books," April 22, 1971.

<sup>3</sup> Donner, Frank. "The Age of Surveillance: The Aims & Methods of America's Political Intelligence System." New York: Alfred Knopf, 1980.

<sup>4</sup> Donner, Frank. "Protectors of Privilege: Red Squads and Political Repression in Urban America." Berkeley: University of California, 1991.

<sup>5</sup> Donner, "Age," p. 3.

=== "From this political culture have emerged a steady stream of powerholders--elected and appointed--eager to implement its assumptions. This layer of officialdom is supported by nativist cadres, an old-boy bureaucratic net that keeps the flame burning in those periods...when the excesses of countersubversion stir the winds of criticism. The nativist suppressive syndrome also supplies private sector recruits (individuals, organizations, and a media support structure) which have historically collaborated with official intelligence in the pursuit and harrassment of targets."<sup>6</sup>

Donner placed countersubversion in a social, historical, and psychological context.

=== "The American obsession with subversive conspiracies of all kinds is deeply rooted in our history. Especially in times of stress, exaggerated febrile explanations of unwelcome reality come to the surface of American life and attract support. These recurrent countersubversive movements illuminate a striking contrast between our claims to superiority, indeed our mission as a redeemer nation to bring a new world order, and the extraordinary fragility of our confidence in our institutions. This contrast has led some observers to conclude that we are, subconsciously, quite insecure about the value and permanence of our society. More specifically, that American mobility detaches individuals from traditional sources of strength and identity--family, class, private associations--and leaves only economic status as a measure of worth. A resultant isolation and insecurity force a quest for selfhood in the national state, anxiety about imperiled heritage, and an aggression against those who reject or question it."<sup>7</sup>

This mentality was both fed by and resulted in periodic bouts with state repression. Countersubversion and repression became a part of the American body politic that transcended the specificity of anti-communism, but in which anti-communism had come to play a central and exaggerated role. In fact, Donner perceived an institutionalized culture of countersubversion: "Traditionally countersubversion is marked by a distinct pathology: conspiracy theory, moralism, nativism, and suppressiveness. Some of these elements in the countersubversive syndrome are found in other movements, but they are all prominent in anti-communism."<sup>8</sup> It was the institutionalized culture of countersubversion that most concerned Donner who worried that:

=== "An independent organ of state administration operating to monitor, punish, and frustrate extra judicially the political activities of a country's nationals is the classic embodiment of a political police force and, indeed, a benchmark of a police state. Certainly we are far from a police state; but it would be a semantic quibble to deny that the FBI is a political police force with a counterrevolutionary mission typical of such units in nondemocratic societies."<sup>9</sup>

Since evidence of actual wrongdoing was minimal, Donner suggested that within the intelligence community, "The selection of targets for surveillance, operations such as informer infiltration and wiretapping, and file storage practices reflect what may be called the politics of deferred reckoning, the need to know all about the enemy in preparation for a life or death showdown..." The intelligence community "anticipated" threats by relying on "ideology, not behavior, theory not practice." It treated activities which might be

---

<sup>6</sup> Donner, "Age," Introduction, xix-xx.

<sup>7</sup> Donner, "Age," p. 10.

<sup>8</sup> Donner, "Age," p. 10.

<sup>9</sup> Donner, "Age," p. 4.

aimed--some time in the future--at undermining the government, as subversive. "Domestic countersubversive intelligence is, in theory, future-oriented: 'subversive' activities are, in the language of the Bureau, those aimed at future overthrow, destruction, or undermining of the government, regardless of how legitimate these activities might currently be or how tenuous the link between present intentions and ultimate action."<sup>10</sup>

This view justified the constant surveillance and dossier compiling: it would be needed in the future when the true evil plan of the subversives surfaced.

As the specifics of the popular culture changed, so did the language used to describe the menace, although the institutionalized procedures remained remarkably constant--merely made more efficient with the advent and advances of computer technology. In the genesis of witch hunts, subversive begat extremist which begat terrorist. Donner noted the addition of the term "extremist" to the countersubversive arsenal of demonizing language, and in his new introduction he discussed how the Reagan Administration and the New Right used the term "terrorist" to marginalize dissident groups.<sup>11</sup>

While Donner did not predict the end of the Cold War, he did foresee that in the future, intelligence operations would be needed "to replenish the supply of subversives from the ranks of dissidents." There was "too much at stake for conservative power holders to abandon a countersubversive response to change movements." As long as the culture of surveillance was institutionalized as a mode of governance, intelligence operations would serve to not only blunt protests against government foreign policy decisions, but also to "discredit the predictable movements of protest against the threat of war, nuclear weaponry, environmental contamination, and economic injustice."<sup>12</sup>

===“The co-star in the script for the revival of domestic countersubversion is the influential grouping of foreign policy and military defense hawks, which ranges from the American Security Council to the Coalition for a Democratic Majority (CDM), composed of moderate Democrats...to an offshoot, the Committee on the Present Danger, and other cold war forces. The potential for an alliance even more durable than in the fifties between nativism and this élitist sector has been strengthened by the emergence of a sense of the decline of America's role as a world power.”<sup>13</sup>

Central to rationalizing surveillance and disruption was the fear of revolutionary violence. Donner explained that "appeals relating to collectivism and statism have little power to stir mass response. But the charge of violence, however mythic it has become, is the rock on which the intelligence church is built. It accommodates repression to democratic norms that exclude violent methods."<sup>14</sup> During the Cold War, violence from anywhere on the left was quickly attributed to communists, while violent, rightwing groups such as the Ku Klux Klan were seldom targets of widespread surveillance for political repression. Not seen as part of a global revolutionary movement that threatened

---

<sup>10</sup> Donner, "Age," pp. 4-5.

<sup>11</sup> Donner, "Age," pp. xv, 5, 455-460.

<sup>12</sup> Donner, "Age," p. xv.

<sup>13</sup> Donner, Age, pp. 453-454.

<sup>14</sup> Donner, "Age," p.17.

US hegemony, they were monitored, as Donner put it, "primarily for crime prevention purposes."<sup>15</sup>

This double standard objectively made "a special contribution to conservative politics," since social change movements of the left could be smeared as nurturing agents and fellow travellers of the violent revolutionary global red menace, while activists of the right could escape blame for the criminal excesses of a few reactionary and fascist zealots.

A key tool used to justify the anti-democratic activities of the intelligence establishment was propaganda designed to create fear of a menace by an alien outsider. The timeless myth of the enemy "other" assuages ethnocentrist hungers with servings of fresh scapegoats. As Donner noted: "In a period of social and economic change during which traditional institutions are under the greatest strain, the need for the myth is especially strong as a means of transferring blame, an outlet for the despair [people] face when normal channels of protest and change are closed."<sup>16</sup>

The agitator index (ADEX) or rabble rouser index was authorized in August 1967 after inquiries regarding ability of the FBI to "identify individuals prominent in stirring up civil disorders, but was abandoned in April 1971 as redundant."<sup>17</sup>

=== "The listing of individuals, whether for ultimate detention in the event of war or for clues to the source of civil disorders, masked an underlying tension between passive monitoring and barely suppressed aggression. Why wait for the future showdown? What can be done to get at these people now? This tension found an outlet in special programs directed at 'key figures' and 'top functionaries,' singled out for close penetrative and continuous surveillance."<sup>18</sup>

"Like the agitator concept, the claim of foreign influence is a means of discounting domestic unrest," said Donner, who added that a "second reason for externalizing the motivation and impetus of dissent is that it enables intelligence to justify its efforts as defensive, a necessary and temperate response to enemies gnawing away at the nation's entrails."<sup>19</sup>

Donner called the process by which dissidents are made outlaws "subversification." Both individuals and groups are targeted. The focus on individual ringleaders, outside agitators, foreign agents, hidden conspirators, and master manipulators is purposeful:

=== "The emphasis on individuals--'cherchez la personne!'--plays another quite separate role in the intelligence schema. It personalizes unrest and thus detaches it from social and economic causes. Under this view the people are a contented lot, not

---

<sup>15</sup> Donner, "Age," p. 17.

<sup>16</sup> Donner, "Age," p. 11.

<sup>17</sup> Donner, Age p. 166.

<sup>18</sup> Donner, Age p. 166)

<sup>19</sup> Donner, "Age," p. 19.

given to making trouble until an 'agitator' stirs them up. As soon as he or she is exposed or neutralized, all will be well again."<sup>20</sup>

Fear of foreign-inspired communism (at least for the moment) has been retired as the alien subversive "other" but it has standins: Islamic fundamentalists are said to threaten the very survival civilization as we know it, environmental activists are portrayed as potential terrorists. With the end of the Cold War, the alien threat has been externalized as foreign in a novel way: for instance in academia there is the corollary countersubversive hysteria over the imagined PC police-radicals, feminists, homosexuals, people of color--who are seen as spreading ideas that are alien and foreign to the idealized western culture that nativists embrace as the real America. These mythical scapegoats are constructed to defend the status quo and preserve the perquisites of power as interpreted by the self-appointed guardians of wealth and wisdom who equate their commerce with our culture.

New movements are put through subversification to "fuel backlash charges that our national security is endangered by a sinister conspiracy of dissidents who have deliberately depleted out intelligence resources to prepare the way for a takeover." In this Kafka-meets-Orwell world, lack of evidence of the conspiracy becomes proof that one exists. Donner explains that "Since no evidence of such a conspiracy will emerge, the accusers will exploit, as in the past, its nonexistence: Is it not obvious that a cover-up was part of the conspiracy and that the absence of proof demonstrates its effectiveness?"<sup>21</sup> The recent work of journalist Steven Emerson and the interviews with former FBI hardliner Oliver "Buck" Revell are examples of this process.<sup>22</sup>

Ironically, there is a handful of conspiracist anti-repression personalities whose status rests on their ability to reel off hundreds of names of evil government agents or right-wing activists. By creating a mirror image of the countersubversion culture they are fighting, they fall into a Byzantine web of intrigue that obscures the social and economic conditions which actually shape history. Donner avoided this parody of analysis and still produced what Robert Sherrill of the "Nation" called "The only book I know of that straightforwardly--without the slightest hyperbole but without drawing back from the only conclusion possible--portrays Hoover and the F.B.I. as the fascistic machine that they were."<sup>23</sup>

Donner knew that the larger social system was not a form of fascism, but he also recognized that the authoritarian impulse of the institutionalized surveillance and dossier-collecting apparatus pulls the country in that direction. He saw in the Watergate scandal evidence of a "covert vigilante state" where those who challenged presidential policies became targets, just as in a police state. He applauded "the public airing of official misconduct--the train of admissions, defensive pleas, resignations "exposes," and court

---

<sup>20</sup> Donner, "Age," p. 14.

<sup>21</sup> Donner, "Age," p. xv.

<sup>22</sup> Emerson makes unsubstantiated allegations of widespread conspiracies in Arab-American communities and brushes aside his lack of documented evidence by implying it only proves how clever and sinister the Arab/Muslim menace really is. This is a prejudiced and arabaphobic twist on the old antisemitic canard of the crafty and manipulative Jew. Revell, who once networked rightwing agents provocateur for the FBI, now poses as a counterterrorism expert who uses the lack of evidence that widespread terror networks emerge from the center of social movements as the very reason the FBI needs more powers to infiltrate and wiretap to the core of such movements. In fact, terror cells emerge from the periphery of such movements and are generally resistant to intelligence operations.

<sup>23</sup> Donner, "Age," back cover.

trials," but concluded that these revelations "cannot alter the hard reality that our democratic commitment is threatend by a vigilante political culture deeply rooted in our past."<sup>24</sup>

Frank Donner readily admitted falling prey to an occupational hazard for people studying intelligence operation abuses--he obsessively collected documents illustrating political repression by law enforcement agencies. And there were millions of pages to sift. It's hard to recall who came up with the name file ferrets for those of us paralegals who reviewed surveillance reports on lawsuits against government spying in the mid 1970's, but I do recall one of my first instructions was to send a copy of anything interesting to Donner. At the time he had been actively fighting for civil liberties for some 30 years and his theories of political repression essentially wrote the field guide for the file ferrets.

---

<sup>24</sup> Donner, "Age," p. 29.