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The NSA and CIA are criminal enterprises



By David Hoffman

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When I first started writing for **Pravda.Ru** over ten years ago, I thought I could help change the world. However, at some point, I cannot exactly say when, I lost this faith and writing simply became more of a catharsis and less about believing that my words would make a difference.

As this transformation occurred, I could not help but wonder how many other writers, musicians, artists, and activists endured the same experience.

It was then I remembered the life and untimely death of Phil Ochs.

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During the early 1960s, Ochs was a popular folk musician who sang about the critical issues of his day: the civil rights movement; the war in Vietnam; the United States government's invasion of the Dominican Republic; economic inequality; religious hypocrisy; student rights; and police brutality. Despite the magnitude and seriousness of these issues, when Ochs sang about them his voice always conveyed a vibrant optimism and hope for change.

However, after witnessing the Chicago police department's violent response to the protests at the Democratic National Convention in 1968, Ochs came to realize that his music would not change the world. Protest songs rarely enjoyed the same radio airplay and popularity as more traditional offerings, leading Ochs to believe that the only way music could change the world was if Elvis Presley became Che Guevara. To emphasize this, he began dressing like Elvis at his concerts, much to the confusion, and, as *Wikipedia* explains, often the disdain of his audiences.

When this experiment failed, Ochs, hampered by writer's block, depression and alcoholism, and with his vocal cords severely damaged during a mysterious "mugging" while touring Africa, committed suicide in 1976.

But it was not only Ochs' descent from optimist to pessimist that made me recall his life. It was also the recent news that the activists who burglarized a Philadelphia area FBI office in 1971 had finally revealed their identities.

The documents these activists stole exposed the FBI's secretive *COINTELPRO* operation—a program of domestic spying that had resulted in the harassment, wrongful imprisonment, and even the murders of numerous civil rights and anti-war activists. According to a memo issued by then-FBI director J. Edgar Hoover, *COINTELPRO* was designed to "enhance the paranoia endemic in these [activist] circles and will further serve to get the point across there is an F.B.I. agent behind every mailbox."

Ochs was a *COINTELPRO* target. After his death, it was revealed that the FBI had a file on him roughly 500 pages long, and he was still considered to be "potentially dangerous," even after his death. In keeping with *COINTELPRO*'s "mission," the FBI made Ochs aware of their surveillance, noting that he "refused to be interrogated by FBI agents on October 1, 1968 . . ."

I have written about the abuses perpetrated under *COINTELPRO* in numerous other **Pravda.Ru** articles, such as [GO ASK THE PANTHERS](#) (3/12/2007), so I will not repeat them here. What is significant to this article is the revelation one of these activists made regarding the motivation behind the 1971 burglary. In a recent article by Dylan Stableford ([After 42 Years, Burglars of FBI 'Cointelpro' Docs Reveal Their Roles](#), **Yahoo News**, 1/7/2014), Bonnie Raines states, "...All the usual things we always did—picketing, marching, signing petitions—didn't make any difference whatsoever."

Stableford also quotes an FBI spokesman who says the 1971 burglary "contributed to changes to how the FBI identified and addressed domestic security threats, leading to reform of the FBI's intelligence policies and practices and the creation of investigative guidelines by the Department of Justice."

Yet, the question remains, would these reforms have ever taken place if Raines and her colleagues had not committed a crime, risking prosecution and imprisonment, to expose the abuses perpetrated under the auspices of *COINTELPRO*?

This question resonates again today in regard to Edward Snowden and his revelations about the extent of the spying being conducted by the National Security Agency (NSA). Although the debate about Snowden incessantly revolves around whether he is a traitor or a hero, the relevant issue is whether any of the discussions about this spying, and any of the reforms being proposed because of them, would have even occurred if Snowden had not committed an act the United States government considers criminal.

This is especially true in a milieu where Barack Obama, who once campaigned on the promise of a more "open government," and his lackey, Attorney General Eric Holder, obsessively prosecute individuals, like Bradley Manning and former CIA agent John Kiriakou, who expose governmental abuses, yet ignore, and in some cases zealously defend, those who perpetrate and/or cover up these abuses.

For example, the Obama administration leapt to the defense of John Yoo and Jay Bybee, whose "torture memos" not only instigated the abuse of Jose Padilla, an American citizen, but also compelled a panel of despicable federal judges-Raymond C. Fisher, N. Randy Smith, and Rebecca R. Pallmeyer from the Ninth Circuit Court of Appeals (where Bybee now also serves as a judge)-to deny Padilla (and, by the egregious precedent they've set, all American citizens) any legal recourse for the torture he suffered at the hands of his own government.

Thanks to this duplicitous policy, Obama and Holder have habitually refused to prosecute abuses committed by the NSA and the Central Intelligence Agency (CIA), even though, under America's RICO statute, both agencies are criminal enterprises.

To fall under RICO, a criminal enterprise must engage in a "pattern" of criminal activity involving certain "predicate offenses." These include kidnapping, obstruction of justice, and murder. This clearly makes the CIA a criminal enterprise due to the kidnapping of Khaled El-Masri, a German citizen who was abducted, sodomized, shackled, and subjected to sensory deprivation until the CIA realized it had kidnapped the wrong person; the actions of former CIA official Jose Rodriguez who, in defiance of a court order, destroyed videotapes depicting the CIA's use of torture; and the nameless CIA agents who tortured detainees to death in Afghanistan and Iraq.

The NSA also falls under RICO because it has violated federal laws designed to protect computers and similar access devices, and it has also committed the crimes of fraud and obstruction of justice. Federal judge Richard Leon recently ruled that the NSA's "data mining" program, accomplished by collecting telephone records and other data from "virtually every [American] citizen," is unconstitutional; the NSA collects this data under the fraudulent guise of "fighting terrorism," even though both Leon and the Privacy and Civil Liberties Oversight Board have stated that such "data mining" has been ineffective in identifying and preventing terrorism; and James Clapper, America's Director of National Intelligence, lied to Congress when he claimed the NSA did not intentionally collect data on Americans.

It is clear that both these agencies are out of control, above the law, and contemptuous of every principle America has been built upon, and they are simply using the so-called "war on terror" as a pretext to undermine and destroy the fundamental freedoms enshrined in the Bill of Rights, the very document they claim to be protecting.

And yet they call Snowden a traitor!

As I was researching this article, another all too familiar case of American injustice was making headlines. In Fullerton, California, two police officers who were videotaped beating a homeless man named Kelly Thomas to death were acquitted by a jury of all charges, even though one of these officers had displayed his fists and told Thomas he was going to "f**k [him] up," and the other boasted how he had "probably [hit Thomas] twenty times in the face with [his] Taser."

This sickening and immoral verdict, coming so soon after the acquittal of George Zimmerman for killing Trayvon Martin, serves, in many people's eyes, as nothing more than an invitation for police officers and vigilantes to beat, maim, and kill people (especially the poor and racial minorities) indiscriminately and unfettered by any fear of legal repercussions for doing so.

The outrage generated by these two cases has prompted demands for federal criminal charges and prosecutions. While I wholeheartedly endorse the bringing of such charges, I hope others beside myself can see the hypocrisy in the federal government prosecuting state law enforcement officers for crimes that federal law enforcement and intelligence officials have committed with impunity.

The criminal activities of the NSA and CIA, coupled with the Thomas and Martin verdicts, have reaffirmed three fundamental assertions I've made in several **Pravda.Ru** articles over the years about the loathsome depravity of America's legal system: 1). It works harder to perpetrate and/or rationalize injustice than it does to do justice; 2). It exists to conceal and/or endorse governmental abuses and lawlessness instead of combating them; 3). Some of the worst criminals in America are those empowered to enforce or interpret the law.

These government-sponsored criminals are especially dangerous because they are not only emboldened by the arrogance of believing they are morally superior to those they victimize, they also do not have the inconvenience of fearing capture and imprisonment that criminals who operate outside of the government habitually face.

While it is unfortunate that people have to break the law to expose governmental abuses and criminality, it has become distressingly clear, as Bonnie Raines asserted, that achieving meaningful and lasting change in America through the use of legal means is oftentimes more illusory than real.

Something else is also distressingly clear: regardless of whether it is the criminals who operate outside of the law or the criminals who operate within it, the innocent will always be the ones to suffer.