Watching the Government Watch Us: Should We Be Afraid?

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May 31, 1951 FBI Special Agent Philip Breed wrote a memo. It said:

> [A man] called at the Boston Office and talked with [me]. He said he is a member of the Unitarian Church, Wayland, Mass. He stated that about November 1950, Mr. Raymond Manker became minister of that church. Since he has assumed that position, he has impressed his parishioners as being a brilliant man but with extreme ideas along social lines.
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> [The man] was particularly suspicious of Mr. Manker because Manker seemed to be strongly opposed to the Government's position so far as the war in Korea is concerned. Manker has made the statement that the American people should resist in every way anything the government should do relating to war. He urged non-participation in such activities.
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> On 5/27/51, at the morning service he invited [a young man] to the pulpit to speak. [This was the Sunday given over to the church high school group, of which the young man was a member. The young man] talked about 20-25 minutes and his talk was in substance a tirade against capitalism. He quoted Theodore Parker, said money is the root of all evil, criticized the government's policies concerning relief, and said that the government's policy with regard to India was based on imperialism rather than humanitarianism.
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> After [the young man's] talk, Mr. Manker made a number of conflicting statements concerning him. He said he had furnished [the young man] with material on which the latter had based his opinion but claimed he, Manker did not know that [the young man] was actually going to talk about Manker's wife said that Manker had told her that he agreed entirely with the sentiments expressed by [the young man], but since then has changed his views overnight [The man] further stated that Mr. Manker has antagonized many people in the church as he has associated almost exclusively with the so-called ultra liberals among the membership, to the exclusion of others. The church has suffered greatly since Manker came there because of this split in the membership.
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> [He] described subject as follows: Name, Raymond Manker. Age, 26 or 27. Height, 5' 10 1/2 ". Weight, 145 lbs. Build, slim. Eyes, unknown [color]. Hair, black. Complexion, fair to ruddy. Peculiarities, wears glasses, dark rimmed; no mustache. [He] requested that under no circumstances should his name be mentioned in connection with this matter.

Thirty years after an FBI agent wrote this United States Government Office Memorandum, the government sent the memo to Rev. Ray Manker. He had requested it under the Freedom of

Information.

This report is of personal interest to me, because Ray Manker was my minister in Phoenix, Arizona when I was a child. Ray officiated at my mother's memorial service. Ray went with me to the Draft Board when I applied for status as a conscientious objector. Ray encouraged me to become a Unitarian Universalist minister. He delivered the sermon at my ordination.

Before he came to Phoenix, Ray was a minister in southern California. In his FBI file from that time was an anonymous letter to the director of the Federal Bureau of Investigation, J. Edgar Hoover, from someone who was angry with Ray. This letter passed through the offices of the No. 2 man, Clyde Tolson, and Alan Belmont, head of the Domestic Intelligence Division.

The Domestic Intelligence Division in Washington requested information on Ray Manker from the Bureau's office in Los Angeles and the Boston office. The Boston office reported the following:

> [He] was residing in Massachusetts during [the] early 1950's and while there was on the mailing lists of "New England Citizens Concerned for Peace" and "Southern Conference Education Fund, Inc." As minister of a church in Wayland, Massachusetts, he was described as being quite liberal in that he defended Russian policy and some aspects of communism and was critical of US policies particularly with regard to Korea. In 1956, he urged his parishioners to attend a meeting sponsored by the Citizens Committee to Preserve American Freedoms to protest the subpoenaing of musicians to appear before the House Committee on Un-American Activities.

Ray Manker is now in assisted living in a facility in Phoenix,and as far as I know, these reports on him are still in government archives. All activities that the memo describes were legal. Nevertheless, the information was collected and kept on file. The memo illustrates how it is possible in the United States to be subject to government spying even when we have committed no crime.

I first heard about how the National Security Agency was storing our phone records, back in 2006, when I talked to my cousin Richard Wiebe, a lawyer in San Francisco. The Electronic Frontier Foundation hired Rick to sue AT&T on behalf of its customers for violating privacy law. I learned from my cousin that AT&T was collaborating with the NSA in the massive, illegal program to wiretap and data-mine Americans' communications. The case included undisputed evidence provided by former AT&T technician showing AT&T had routed copies of Internet traffic to a secret room in San Francisco controlled by the NSA.

My cousin won this case in court. In response, in 2008 the United States Congress passed a law giving AT&T and other Telecom companies retroactive immunity from liability for participation in the warrantless surveillance programs. Congress passed this law because the National Security Agency insisted that the collection of phone records in bulk was stopping terror incidents. Although this evidence of government spying on our phone calls became public in 2006, most people were not concerned. This changed last June when Edward Snowden revealed the

operational details of the global surveillance of the NSA. Starting last summer some members of congress asked the administration if all spying was truly helpful in protecting Americans. In the end, the NSA could only document a single case, where it had actually made a difference. Because of this gathering of phone data, a court convicted a San Diego cab driver of sending $8,500 to a Somali terrorist group. In December 2013 the President's hand-picked "Review Group on Intelligence and Communications Technologies" announced that the phone records program added no unique value to the many surveillance programs already underway.

More information on global surveillance appears each week. Thursday the British newspaper The Guardian reported that the NSA has helped a British intelligence agency called the Government Communications Headquarters, or GCHQ, to intercept and stored the webcam images of millions of internet users. A surveillance program code named Optic Nerve collected still images of Yahoo webcam chats in bulk and saved them to British Government Communications Headquarters databases. Why is the NSA helping British Intelligence? Perhaps one reason is that this way NSA can spy on us without violating United States law. There are no restrictions under British law to prevent the British spy agency from intercepting and storing Americans' images.

The Guardian reported that the webcam spying produced some unexpected results. A leaked document put it this way, "Unfortunately … it would appear that a surprising number of people use webcam conversations to show intimate parts of their body to the other person." The document estimates that up to 11 percent of the Yahoo-intercepted webcam imagery contains "undesirable nudity."

Should I be afraid? I am not doing anything wrong. When I use a webcam, I keep my clothes on. Why should I be afraid?

Information is power. In the words of the American Civil Liberty Union, "Even if you lead a quiet life, you run the risk that someday you might end up in a power struggle--however big or small--with someone who controls or can access sensitive information about your private life."

Information is power. Governments gather information and they also try to control the distribution of information. Twenty-five years ago, a Unitarian Universalist named Tim Berners-Lee invented the World Wide Web. March 12, 1989 Berners-Lee wrote a memo. (He said later always date your memos.) He wrote:

> The hope would be to allow a pool of information to develop which could grow and evolve with the organization and the projects it describes. For this to be possible, the method of storage must not place its own restraints on the information. This is why a "web" of notes with links (like references) between them is far more useful than a fixed hierarchical system.

Today, as the director of the World Wide Web Consortium, which oversees the Web's continued development, Tim Berners-Lee functions as a kind of benevolent dictator. His belief in the open sharing of information has made the World Wide Web what it is today. Information is power. Tim wants to empower everyone for encouraging access to information. In 2012, he was honored

at the open ceremony of the summer Olympics in London. He tweeted, "This is for everyone."

The World Wide Web Consortium is at MIT in Cambridge, MA. Berners-Lee often receives e-mails from people suggesting ways to improve the Web and he refers these to working groups. In the late 1990s, he started receiving excellent ideas by e-mail from someone named Aaron Swartz. He put Swartz on one of the core working groups. With members from all over the world, this elite group of computer programmers confer and decide by e-mail about the rules that govern the Web. In 2000, Berners-Lee decided that it would be useful for everyone to come to MIT to meet face to face. He e-mailed an invitation. Aaron Swartz replied saying in order to travel to Cambridge MA he would have to get permission from his mother. Berners-Lee e-mailed back "Aaron, how old are you?" "14," Aaron replied.

Aaron Swartz went on to attend Sanford University. He was passionate about preserving the open free flow of information on the Web. In 2006, at the age of twenty, Aaron created the Open Library, an online project intended to create one web page for every book ever published. He downloaded the Library of Congress's complete bibliographic dataset. The library charged fees to access this data. Swartz posted the dataset on Open Library, and made it available free of charge. In this way, the Library of Congress lost control of its information, and lost its income from fees. An investigation followed. The data at the Library of Congress is not copyright protected. Because of this, the government did not prosecute 20-year-old Swartz.

Aaron Swartz continued this crusade for open free access to information. In 2008, now 22-years-old, he downloaded and released about 2.7 million federal court documents. Although public documents, the federal courts were charging eight cents a page. The federal courts used the fee to finance technology, but by controlling access to the information, the fund had accumulated a surplus of 150 million dollars. Swartz made the court documents freely available. Investigators ultimately decided not to press charges because the documents were, in fact, public.

In 2010, 24-year-old Swartz took on JSTOR. JSTOR, short for Journal Storage, is a digital library containing back issues of academic journals. For a fee, it provides full-text searches of almost 2,000 journals. Swartz saw JSTOR as an example of elite intellectual control, limiting access to information. In late 2010 and early 2011, using MIT computers, Swartz downloaded many academic journal articles from JSTOR.

Before he could post the academic articles on the web, MIT police arrested Aaron Swartz. A federal grand jury indicted him on charges of wire fraud, computer fraud, unlawfully obtaining information from a protected computer and recklessly damaging a protected computer. For months, Swartz's lawyers negotiated with Federal Prosecutors. Nearly two years after the arrest, on January 9, 2013, prosecutors offered a plea deal. They said, "Swartz would have to spend six months in prison and plead guilty to thirteen charges if he wanted to avoid going to trial." If Swartz did not plead guilty, the prosecutor threatened to seek a sentence of seven years in prison. Two days later, January 11, 2013, Aaron Swartz hanged himself. No suicide note was found. He was 26 years old. Trying to understand his death, his girl friend said that Swartz lacked the money to pay for a trial and "it was too hard for him to . . . make that part of his life go public" by asking for help. He was also distressed, she said, because prosecutors had just subpoenaed two of his friends.

At Swartz's funeral, his friend, Tim Berners-Lee, delivered a eulogy. After his death, the American Library Association awarded Swartz their James Madison Award for being an "outspoken advocate for public participation in government and unrestricted access to peer-reviewed scholarly articles."

Information is power. Governments gather information and they also try to control the distribution of information. I admire my minister, Ray Manker, who remained steadfast in his values even while Hoover's FBI investigated him. I admire Tim Berners-Lee who invented a system for the open sharing of information, and continues to work to preserve this openness. I admire Aaron Swartz, who in his short life worked to make the web like a free library that everyone can access. And I admire Edward Snowden, who revealed the extent of the global surveillance of the NSA.

Should we be afraid of invasions of our privacy and attempts to limit access to information? Short bursts of fear can help us survive. Fear can help us jump out of the way of a snake or a spider. However, chronic fear is not helpful. Chronic anxiety can make it difficult for us to think clearly or act effectively. Chronic fear can make us physically sick or can even kill us.

So, no, to survive in the 21st century chronic fear, worry and anxiety are not helpful. As sailors know, when we are on a boat in a rough sea, to survive we need to remain calm and clear headed. In the same way we need to be calm and non anxious. Personally, to remain calm I go on bike rides. I take walks on the beach. I listen to restful music. I go to church each week. Then I calmly take action. I support the American Civil Liberties Union and The Electronic Frontier Foundation. And I give thanks and support to all who work to protect our privacy while preserving free access to information.