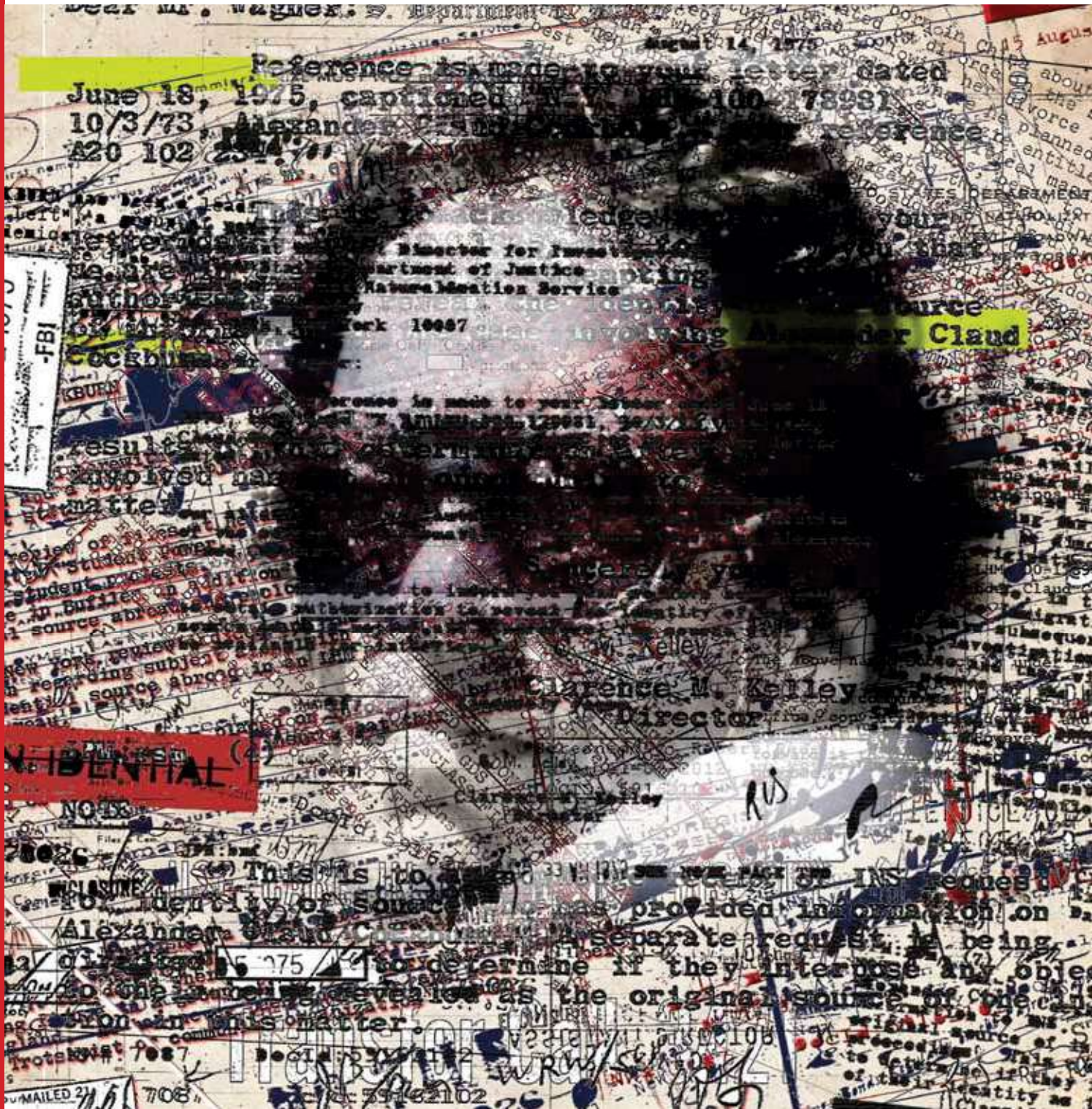


# CounterPunch

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# Inside Cockburn's FBI File: Snoops, Snitches and Secrets

BY DAVID PRICE

Over the past decade, while writing pieces for *CounterPunch* documenting Federal Bureau of Investigation (FBI) monitoring of American activist intellectuals, I had several conversations with Alexander Cockburn about FBI surveillance of political radicals. He took it as a matter of course that a nation's secret police would keep tabs on critics, visionaries, and troublemakers. Yet ever the undeterred optimist, when considering the possibility of such surveillance directed at himself, Alexander maintained a nonchalant buoyancy, insisting he did not give this possibility much thought because his continued ability to freely write remained unfettered. If the FBI was monitoring him, it had not limited the freedoms of expression he claimed for himself, so he wasn't going to waste time worrying about such matters.

It's not that Alexander underestimated the power of the FBI to disrupt political movements. Over the years he wrote critically of the FBI's infiltration of environmental activists, the Black Panthers, his friend Edward Said, COINTELPRO, and topics such as the dangers of post-9/11 data mining. He just didn't let such possibilities alter the course or force of his attack.

Last July, a few days after Alexander's death, I filed Freedom of Information Act requests for records pertaining to him with the FBI and CIA. The FBI notified me that their record search revealed one set of documents that had previously been moved to the National Archives for storage. I re-filed my FOIA request with the National Archives and in November I received a small collection of FBI documents, only seventeen pages, spanning the years 1973-75. The FBI now claims these documents comprise Alexander Cockburn's complete FBI file.

It is surprising to find as outspoken a critic of American capital and empire as Cockburn to have such a paltry record of FBI attentions. There are good reasons to wonder if this initial release truly represents all FBI records pertaining to him. The FBI is notoriously sloppy and inefficient, and its responses to FOIA requests show recurrent patterns of inconsistently searching for records. Given the outdated state of the FBI's older record system, it is likely they hold yet to be identified records on Cockburn. Unfortunately, during the first Bush and Clinton administrations, a broad range of historic FBI records were destroyed rather than moved to safe storage at the National Archives. The extent of this damage to the historical record is not well understood by FOIA scholars.

But even with unresolved questions about the completeness of Cockburn's FBI record, the released seventeen pages combined with what is known of FBI efforts to limit political discourse during this period provide a disturbing view of how the FBI and Immigration and Naturalization Service (INS) used McCarthy era legislation to try and limit political discourse in America.

## 1973 Cockburn in New York

Cockburn's released FBI file (FBI 100-HQ-478026) was catalogued under the FBI's Central Records Classification System number "100," indicating he was the subject of an FBI Domestic Security investigation. This is the same FBI designation used for its numerous investigations of suspected communists, anarchists, socialists and other subversives since the Bureau's creation. The cumulative total of FBI "Domestic Security" investigations is unknown, but in the early 1990s the FBI disclosed it had to date undertaken over 1,300,000 "Domestic Security" investigations, producing files occupying over 22,000 cubic feet of space. We can only guess at the growth in size of these files in the post 9/11 era.

The FBI opened its initial record of Alexander Cockburn on August 15, 1973, with a brief report describing him and his work carrying a disclaimer that it was to be "made available to the Immigration and Naturalization Service only on the understanding that under no circumstances will it, or the identity of the originating agency, be disclosed to the public, to the subject of the report or to his representatives or employer, in any administrative or judicial proceedings without the written prior consent of the originating agency."

Alexander had moved to the United States in 1972 to work as a freelance journalist. The FBI described him as a, "leading figure of the 'New Left,' a group of revolutionary Marxist academics centered round the 'New Left Review,' since 1966. Although closely associated with members of Trotskyist and Communist groups, he is not known to have been either a Trotskyist or a Communist himself, and is probably best described as a Revolutionary Marxist." The FBI's report included a copy of Cockburn's INS application requesting Permanent Resident Status in the United States.

The following week, the FBI's New York Special Agent In Charge (SAC) submitted a report to FBI Director Clarence M. Kelly summarizing the Bureau's knowledge of Cockburn. This investigation occurred during the midst of significant administrative upheaval within the FBI, coming just fifteen months after J. Edgar Hoover's death, with Kelly being the FBI's third post-Hoover director. The memo header listed Cockburn's name along with the FBI subject heading "SM—SWP" FBI shorthand meaning: Subversive Matter—Socialist Workers Party, a designation likely revealing more about FBI predilections for inventing political affiliations than Cockburn's actual party ties.

The FBI reported Cockburn had submitted a request for an "adjustment in immigrant status" and referenced information coming from a "confidential source abroad," writing that, "a review of files at [FBI] Headquarters indicates that Cockburn edited 'Student Power,' a British publication relating to student protests. No other pertinent information is available in Bufiles [Bureau Files] in addition to that furnished by confidential source abroad and enclosed herewith." The report conceded that Cockburn "has never been known to have been a member of a Trotskyist or Communist Organization as such."

The New York SAC wrote FBI Director Kelly that his office would review its files, incorporate any relevant in-

formation along with information from their confidential sources and submit this on a LHM (Letterhead Memo) to FBI Headquarters and the INS, stressing that the restrictions protecting the identity of MI-5's informer be maintained with the INS. This reference to a Letterhead Memo indicated FBI plans to release a memo designed to be distributed with attribution outside the Bureau, in this case, the outside agency receiving the LHM was the INS.

An October 3, 1973 FBI memo referenced eight copies of a LHM, including one copy sent to the INS. This LHM described Cockburn as a "revolutionary Marxist," biographical information, including information on his father Claud Cockburn and his mother, Patricia Arbuthnot (nee), and stressed his links to the *New Left Review* and Marxist academics. The FBI included the summary of a 1954 interview, with Claud Cockburn's former wife, identified by the FBI as Mrs. Robert Gorham Davis, who described Claud's journalism career.

While the FBI Letterhead Memorandum portrayed Alexander Cockburn as a subversive involved in radical socialist movements, no released records indicate further FBI

including John Steinbeck, William Carlos Williams, and Langston Hughes to Alan Ginsberg were tracked by Hoover's FBI, and the Bureau at times worked with the INS to revoke visas of foreign authors residing in or visiting the United States. The breadth of this surveillance remains unknown, but back in 1991 Tim Weiner documented in a *Philadelphia Inquirer* investigative series that US immigration authorities then maintained a "blacklist" identifying over 367,000 individuals not to be allowed into the United States. Weiner determined that "ninety-six percent of those names were tacked onto the list for ideological reasons," among those writers denied entry to the US identified by Weiner were Carlos Fuentes, Farley Mowat, and Doris Lessing. McCarran-Walter has been used to deport Graham Greene from Puerto Rico, and to deny Marxist sociologist Thomas Bottomore an entry visa to the US.

Such uses of McCarran-Walter powers to limit intellectual and political discourse are not an archaic practice from a past age. In 2007 Dr. Riyadh Lafta, the Iraqi scientist who coauthored the 2006 *Lancet* study estimating the number of Iraqi deaths resulting from the American invasion exceeded

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## Today, the Obama administration continues post-9/11 policies allowing the use of secret testimony in INS deportation cases.

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action or interest in him in 1973. The reasons for the FBI or INS's lack of further activity immediately after this initial 1973 series of memos is unclear, but given the rise of Watergate investigations, with the impeachment resolution introduced in Congress months earlier, and the beginning of scrutiny into a broad range of FBI activities, rapid shifts in FBI leadership, and accounts in memoirs of a range of FBI insiders, we know that the FBI was adopting a new posture of historically relative caution and was not perusing radical political activities as aggressively as it had just a few years earlier.

The next entries in Cockburn's FBI would come in 1975, but before discussing these records, some historical information contextualizing the FBI and INS's roles in monitoring, deporting and denying entry visas to suspect writers is in order.

### FBI Hounding Authors

The legal foundation of the INS and FBI's mid-1970s investigation of Alexander Cockburn was the 1952 Immigration and National Act, more commonly known as the McCarran-Walter Act. This McCarthyism era law includes provisions for barring entry to the US to subversives and allowing the deportation of those involved in subversive activities. Though the Act was vetoed by President Truman, his veto was overridden by both House and Senate votes. The Act has been revised several times; 1990 revisions removed some political exclusionary restrictions, but the McCarran-Walter Act remains in place, now with post-9/11 political manifestations.

There is a long history of the FBI monitoring authors the Bureau believes subversive. Hundreds of American authors

over 600,000 people was denied entry to the US when she was invited to present an academic talk at the University of Washington. This past year the US State Department denied a visa to German journalist Gabriele Weber (well known for her anti-Nazi research, having thousands of records on Adolf Eichmann released), seeking to conduct research at the US National Archives.

It is this historical pattern of the INS and FBI working in tandem to monitor progressives or radicals, and at times denying entry or even deporting non-American writers or others that the context of these FBI records takes on significance. The FBI and INS interest in Cockburn was part of an ongoing application of the McCarran-Walter Act to limit American political discourse.

### 1975 FBI & INS Deportation Prospects

Alexander Cockburn came to the FBI and INS's attention during a time that his writings were making a significant splash on American journalism. His "Press Clips" column in the *Village Voice*, co-written with James Ridgeway, was pioneering a new form of media criticism, and his regular contributions to *The New York Review of Books*, *Harpers*, *Esquire*, and other publication were expanding American political discourse.

After fourteen months of inaction, in January 1975 the FBI began administrative proceedings to release information detailing Cockburn's involvement in subversive activities that could lead to his expulsion from the United States by the INS. A January 20, 1975 memo from Henry E. Wagner, Assistant

Director of Investigations, to the New York FBI Assistant Director in Charge, requested the disclosure of the identity of the individual who had made accusations to MI5 against Cockburn in an FBI Letterhead Memo dated October 3, 1973. Wager wrote that this information could be used for “deportation proceedings” against Cockburn.

Five months later, the INS’s Assistant District Director for Investigations wrote the FBI’s Assistant Director in Charge reminding him that in January, the INS had requested the release of the identity of Cockburn’s 1973 informer. This request was to have been sent to the FBI’s Liaison Division Matters.

Released internal FBI Records Branch slips document FBI Headquarters personnel searching central records for information on Cockburn, locating apparent references in at least five other FBI files. These files were indexed relating to: domestic security, foreign counterintelligence, “miscellaneous-nonsubversive,” research matters, and income taxes.

A now declassified July 1975 FBI memo referenced a 1973 MI5 report of a confidential informer provided unspecified damaging information on Cockburn. This memo stated that the INS wanted to interview “the original source of information for possible use in deportation proceedings.” The memo requested permission to identify the source of the information on Cockburn for use by the INS in possible deportation proceedings. Among the recipients of the memo was “Legat, London” the American embassy in London’s Legal Attaché, a member of the embassy personnel staff who is an FBI agent. The released summary of the MI5 report states:

Note: MI5, in 1973, provided information on Alexander Claud Cockburn and we, in turn, provided that information to INS, INS now wishes to interview the original source of information for possible use in deportation proceedings. This communication is being directed to determine if they interpose any objection to our release of their identity as the original source of information. . . . Delivered to Washington Representative of XXX by pld.

A July 29, 1975 memo declared that it was impossible to disclose the identity of the individual providing deleterious information on Cockburn. The FBI redacted information on the individuals and agencies cited in this document under FOIA exemption (b)7-D, an exemption allowing the withholding of information that could identify informers, or intelligence agencies conducting national security investigation.

The next month, FBI Director Kelly informed the INS that the FBI was “unable to obtain authorization to reveal the identity of the source in this matter and, therefore, the source will not be available for interview.” This ended FBI and INS interest in Cockburn in files so far released under FOIA. Whatever the nature of the information collected by MI5, it did not interfere with Alexander Cockburn becoming a US citizen, while retaining his Irish passport, in June 2009.

Alexander’s brother Andrew confirms that Alexander had protracted legal difficulties with the INS during this

period, adding that, “Alexander believed that at least one of the deportation efforts was sparked by a request from Rep. Peter Rodino, then chair of the Judiciary Committee, which controlled the INS budget.” He recalls that Alexander hired a top immigration lawyer, Stanley Mailman, “who drove them off.” While the specifics of the referenced MI5 information remains unknown, Andrew Cockburn speculates that “MI5’s interest in Alexander might have come from his work with Ralph Schoenman, former secretary to Bertrand Russell, who controlled a lot of money donated by Russell and put it to use in the antiwar movement in the late 60s. At one point Schoenman, banned from Britain, smuggled himself in and was looked after by Alexander who among other things took Ralph, who was being actively hunted by the authorities, to Number 10 Downing Street and photographed him standing between two smiling coppers at the front door, said picture appearing in *The Times* the next day.”

## Secret Evidence

These FBI documents suggest that the reason why deportation proceedings against Cockburn were not undertaken was the FBI’s refusal to disclose the identity of the MI5 informer. During the mid-1970s, constitutional safeguards, such as that most basic of Sixth Amendment protections allowing those accused of wrongdoing to face accusers, prevented the INS from using secret evidence to deport individuals from the United States. Today, the Obama Administration continues post-9/11 policies allowing the use of secret testimony in INS deportation proceedings.

Jaya Ramji-Nogales writes in a 2008 *Columbia Human Rights Law Review* article that while conditions of secrecy make it impossible to know how widespread governmental use of secret evidence is, the use of secrecy in immigration cases has increased since 2001. Ramji-Nogales observes that, “the government has not presented statistics on the use of secret evidence in immigration court since 2000, and because records of immigration proceedings are not publicly accessible, it is practically impossible to obtain this information independently. We do know of consistent efforts in Congress to expand the use of secret evidence in immigration proceedings as part of immigration reform legislation.”

The timing of Alexander’s move to America likely played a role in limiting the FBI and INS’s action against him. These records of the FBI and INS weighing deportation options coincided with a period of administrative upheaval within the FBI following J. Edgar Hoover’s death, the rise of congressional investigations of FBI abuses of power, and during an era when basic civil liberties mandating the right to face accusers still prevailed. The FBI’s 1975 renewed interest in exploring the possibility of deporting Cockburn coincided with the rise of the US Senate Church Committee and the House’s Pike Committee’s hearing investigating FBI and CIA’s illegal interference in domestic and international political activities, and it is possible that these larger historical processes limited the FBI’s ability to strike in ways that it had routinely just a few years earlier.

Given the pleasure that Alexander found arguing that

Gerald Ford was America's greatest President (largely because Ford's short term of office transferred "the Hippocratic injunction from the medical to the political realm, he did the least possible harm") I imagine he would have savored the historical point that it was the Ford administration's adherence to standards of fair play and the rule of law that prevented his deportation from the United States.

It is difficult to assess the impact on American letters and political life had the INS undertaken deportation proceedings and expelled Alexander from the United States. Certainly his critique would have flourished elsewhere, though without the American flavor he developed and the unique independence he found in Petrolia; but certainly American political and intellectual life would been much the poorer had the decidedly un-American activities of the FBI and INS prevailed.

### Postscript

One final note concerning the diminutive length of Alexander's released FBI file: the brevity of his file raises more questions than it answers.

Either the FBI has more files which they have either not located or have and intentionally won't release, or it is possible that no further FBI files on Alexander exist. It is tempting to speculate whether either outcome is a measure of FBI incompetence: either a recent incompetence in the Bureau's ability to search, identify, and release existing files, or a more ancient incompetence in evaluating the threat that was Alexander Cockburn. Having studied the extent of FBI surveillance during this period, I am betting on the former, though both remain possibilities. While FBI noncompliance with FOIA requests is a measure of the Agency's contempt of the law and a lack of Bureau professionalism, the federal courts do not look at such incompetence lightly. Three months ago, US Federal Judge Edward Chen awarded FOIA researcher Seth Rosenfeld \$470,459 in legal fees accrued in decades of Rosenfeld's legal efforts to access documents (from an uncooperative FBI) relating to FBI political oppression at UC Berkeley during the 1950s and 60s.

During the last two decades I have filed several hundred FOIA requests, and recurrently received initial responses claiming there were few or no files, only later to have hundreds of pages released upon appeal. In early December I filed a multi-pronged administrative appeal with the FBI, arguing that there are indications within the released FBI file showing that there are other referenced files relating to Cockburn that were not searched for or released to me. As results of these appeals become available, I will report on these findings here at *CounterPunch*.

I will be surprised if the currently released files turn out to be the final installment of the FBI's holdings on Alexander Cockburn. **CP**

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## No Magic Bullets: Deadly Lessons from the Sandy Hook Little Tyke Massacre

BY NANCY SCHEPER-HUGHES

*"We have met the enemy and it is us"—Pogo*

A few years ago just as I was about to deliver a lecture on 'violence in war and peace' in the auditorium of a large public university in the US the event was interrupted by police responding to a bomb threat. Although police dogs did not sniff out a bomb, the lecture was rescheduled and moved to the palatial home of the dean of undergraduate studies who lived in a suburban gated community. Or, rather, who lived in a gated community that had grown, my genial host explained, like a solid wall of invading kudzu around his lovely faux Frank Lloyd Wright home precariously encased in glass. The dean assured me that we would not be stopped or inspected by security guards posted at a kiosk at the gates of his community that evening. On principle he had refused to pay the membership dues that supported the elaborate security system that monitored the movements of all residents and their guests. A godfather clause permitted him to do so.

The whole thing was absurd, he said angrily. The real threat was not, as feared, from the surrounding low income neighborhoods but from inside the gated complex itself. Scattered among the upper middle class professionals living there were some *arrivistes* who had climbed the economic if not the social ladder by involvement in the local drug trade. One of these was the next door neighbor with whose children my host's seven year old son and five year old daughter had struck up a friendship. One afternoon his children came back with the usual stories of hide and seek, cops and robbers and cowboys and Indians, but on this occasion they boasted using *real* guns owned by the neighbor children's parents. Complaints were made, apologies delivered, and the guns were moved to a more secure locked cabinet, but the dean and his family remained trapped inside a pistol-packing, gun-loaded located gated community. He was considering selling his lovely home but would he have to inform prospective buyers about the private armory next door?

This was not the first time that a lecture I gave (or attended) was interrupted by violence. The first time was in 1994 at the University of Cape Town, just before the election of Nelson Mandela, when a short but deadly period of political anarchy created a vacuum during which several hundred civilians —black, brown and white— were killed in massacres in pubs, schools, worker hostels, churches and gasoline stations.<sup>1</sup> The Cape Town faculty knew how to duck and hide during academic lockdowns which occurred with alarming frequency. One of these lock downs occurred during a guest lecture by the British literary scholar, Terry Eagleton, who for some reason I was charged with introducing. Although I reassured Eagleton that the calls and response between police and angry protestors were more symbolic than actual skirmish-