



Plato's Dreams Realized: Surveillance and Citizen Rights, from KGB to FBI

Alexander V. Avakov

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Surveillance of private citizens is increasing in the US and abroad. This book explores the frontiers of legal theory within the United States with regards to modern surveillance and its effects on human rights.

Alexander Avakov briefly shares his personal experiences, first in the Soviet Union with the KGB and then with the American national security state, outlines various ways in which surveillance of citizens is increasing, then examines the bases of our expectations of liberty, from Plato to the US Constitution.

America, he shows, declared high-minded legal ideals but has consistently cheated in their implementation. There is logic, tradition, and a stable modus operandi in the way the American security apparatus violates the Constitution. This book analyzes this socio-pathology of law in the U.S. with regards to national security beliefs.

He gives an overview of documents he was able to receive pursuant the Freedom of Information Act mostly blacked out, although they describe his own suspicious activities, i.e. letter-writing. He broadens the discussion to address the wider issue of electronic surveillance by the government. Former CIA and FBI director William Webster describes the agencies use of spiderweb electronic surveillance against "foreign agents" with breathtaking directness.

Avakov then examines the art of electronic surveillance as well as the extent of modern total surveillance, with a consideration of the impact of electronic surveillance on rights, and the philosophical basis for the connection between rights and privacy.

Without privacy, there is no autonomy of person; without autonomy of person, there is no freedom. Yet the United States government employs several legal mechanisms, especially against foreign intelligence agents, which hinge on innovative uses of electronic surveillance. Such techniques include the use of friendly countries intelligence services and Echelon to avoid the ticklish problem of obtaining warrants.

The information collected by the Foreign Intelligence Surveillance Court (FISC) used to be barred from presentation in criminal court as evidence, because it entailed a much weaker probable cause requirement than domestic surveillance. However, developments in connection with the war on terror, such as the USA Patriot Act, allow the US government use of FISC surveillance information for criminal persecution. The resultant weakening of the exclusionary rule and due process in general violate the Constitution.

The history of political spying in the US, as well as warnings by US legal authorities, point to the dangers of electronic surveillance to human rights.

The author concludes with a discussion of practical solutions to counter these dangers as suggested in a number of publications.

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