

INFORMATION MONOPOLY DEFINES THE DEEP STATE

The last decade witnessed the rise of deep state – an entity not clearly delineated that



ultimately controls the military-industrial complex, establishing its own operational policy and practice outside the view of the public in order to maintain its control.

Citizens believe that the state is what they see, the evidence of their government at work. It's the physical presence of their elected representatives, the functions of the executive office, the infrastructure that supports both the electoral process and the resulting machinery serving the public at the other end of the sausage factory of democracy. We the people put fodder in, we get altered fodder out – it looks like a democracy.

But deep state is not readily visible; it's not elected, it persists beyond any elected official's term of office. While a case could be made for other origins, it appears to be born of intelligence and security efforts organized under the Eisenhower administration in response to new global conditions after World War II. Its function may originally have been to sustain the United States of America through any threat or catastrophe, to insure the country's continued existence.

Yet the deep state and its aims may no longer be in sync with the United States as the people believe their country to be – a democratic society. The democratically elected government

does not appear to have control over its security apparatus. This machinery answers instead to the unseen deep state and serves its goals.

As citizens we believe the Department of State and the Department of Defense along with all their subset functions exist to conduct peaceful relations with other nation-states while protecting our own nation-state in the process. Activities like espionage for discrete intelligence gathering are as important as diplomatic negotiations to these ends. The legitimate use of military force is in the monopolistic control of both Departments of State and Defense, defining the existence of a state according to philosopher Max Weber.

The existing security apparatus, though, does not appear to function in this fashion. It refuses to answer questions put to it by our elected representatives when it doesn't lie to them outright. It manages and manipulates the conditions under which it operates through implicit threats. The legitimacy of the military force it yields is questionable because it cannot be restrained by the country's democratic processes and may subvert control over military functions.

Further, it appears to answer to some other entity altogether. Why does the security apparatus pursue the collection of all information, in spite of such activities disrupting the ability of both State and Defense Departments to operate effectively? Why does it take both individuals' and businesses' communications while breaching their systems, in direct contravention to the Constitution's Fourth Amendment prohibition against illegal search and seizure?

What we have seen instead is a new facet of deep state manifest as a corollary to Weber's definition of state.

According to Weber, an entity is *"a 'state' if and insofar as its administrative staff*

successfully upholds a claim on the 'monopoly of the legitimate use of physical force' in the enforcement of its order."

Deep state as we currently understand it, however, appears to claim a different monopoly. It is not content with tightly focused actionable intelligence. It seeks collection and control of all information. Whether this effort is legitimate or not does not concern it as it is outside the definition of the state; existing outside any state entity and oversight by the Constitution, the Bill of Rights, any subsequent law, the deep state is extralegal, beyond legitimacy.

It is not merely extralegal but illegitimate, though, when it works in contravention to the stated goals of the state. It becomes a parasite sucking away citizens' resources without adding value in return to the state.

Based on all the documentation we have seen both before Snowden and after Snowden, deep state has systematically planned, developed, and implemented information collection systems. What looked like one-off wiretaps here and there has become a digital hydra. One head is lopped off as it is revealed in court or by leaks, and a multitude of others emerge to take its place, more virulent than the avatar it augments.

Room 641A in San Francisco seems like a minor annoyance compared to the likelihood that entire transoceanic cables have been spliced and mirrored, the communications in the pipeline duplicated and stored.

The information gathering does not serve the direct interests of the state, in order for the state to wield its legitimate force. The Boston bombing is a perfect example of terrorism that should have been identified and revealed to the state in adequate time to protect the public – yet the state could not and did not respond due to its blindness to information which would have revealed the plot's existence.

Information gathering serves purposes that do

not benefit the public but businesses. The materials gathered by spying on Brazilian government officials did not help the American people but a very narrow range of business interests, specifically the petroleum industry. This calls into question not only the legitimacy of the deep state's information gathering, but the clients or masters to whom deep state answers. Who or what benefits from this kind of information?

The deep state influences the accrual and control of information in other spheres, through coercive fear, gestated uncertainty, and manipulated doubt. Lawmakers and members of the executive office act in ways that are unpredictable, ridiculous, obscure, and ultimately to the benefit of the deep state's growing grasp and control of information; their efforts are impacted by misleading testimony, incomplete records, and redacted reports when they are not acting out of fear of being compromised by the security apparatus itself.

Former VP Dick Cheney's fight to protect the information he allegedly gathered for Energy Task Force represents the point at which the deep state intersected with the Executive Office, using the executive office's powers to build a firewall behind which it could obtain authority and resources, and legal precedent through which it could act with impunity. As long as deep state functions are carried out as a necessary part of the executive's deliberation, it feels protected and empowered to carry out its aims.

The executive office further assures deep state's continued information monopoly by appointing to the judiciary those who tend to side with the state on First- and Fourth Amendment-related cases.

In the pursuit and prosecution of Aaron Swartz for tapping into and sharing publicly-funded research inside the pay-walled garden JSTOR, we see the executive acting to protect inadequately defined intellectual property interests. It is

unclear to the public who benefited from the prosecution, but Swartz and the public did not gain access to the intellectual properties they had paid for through tax dollars supporting public universities' research or public grants that directly funded research. Activists who may have considered liberating the publicly-funded research are surely reluctant to pursue this at risk of being hounded to death as Swartz was.

MPAA's and RIAA's combined efforts to limit flow of intellectual property through manipulation of lawmakers and the executive office ensures that the entertainment industry is protected, while offering the deep state an excuse to trawl through information moving between and within states. It is in the interest of deep state's monopolistic aims for MPAA and RIAA to press for even more control of copyrighted materials.

And now without adequate open discussion among elected representatives, the Trans-Pacific Partnership may expand the reach of the American component of deep state – assuming that the entity is no longer united with a single government – intended to assure the free flow of information across the widest stretch of the earth, from the fastest growing economies. This is not merely the manifestation of the knowledge economy or the information superhighway; the control and trade of information is the source of power.

At some point individuals as well as what remains of the state they have elected need to address the rights of information creators. The open source community maxim, Information Wants To Be Free, should be examined and considered more carefully; as deep state continues its march toward monopolistic control of information without the consent of information creators, what does "free" really mean?