

AFD Ep 324 Links and Notes - The Pinkertons, Part 2

[Bill] -- *"Inventing the Pinkertons - or Spies Sleuths Mercenaries and Thugs (Being the story of the nation's most famous (or infamous) detective agency"* by S. Paul O'Hara, Johns Hopkins University Press, 2016

In addition to infiltrating labor societies like the Mollie Maguires or labor radicals like the Chicago anarchists, infiltrating nascent union activities and exaggerating threats became the bread and butter of the Pinkertons – particularly as their armed guard role became less acceptable or even less legal.

From the Private Army of Capital Chapter:

- A secret advertisement to businesses from the Pinkertons was leaked at one point in the 1890s, which outlined their services against labor organization: “Corporations or individuals desirous of ascertaining the feeling of their employees and whether they are likely to engage in strikes or are joining any secret labor organizations with a view of compelling terms from corporations or employers can obtain, on application to the Superintendent of either of the Pinkerton offices, a detective suitable to associate with their employees and obtain this information. It is frequently the case that by taking a matter of this kind in hand in time and discovering the ringleaders and dealing promptly with them serious trouble may be avoided in the future.” (pp.87-88)

The Closed-Frontier (Mountain West) chapter: [This was where their infiltration function was much more predominant than guard functions]

- In the 1890 census, the frontier was deemed closed. The Western role of the Pinkertons was already shifting away from its functions of glorified bounty-hunting and bank or train robbery investigations from the Wild West and more toward its conventional role within consolidated capitalism, although they still sometimes spied on various rough characters and troublemakers on behalf of territorial or state governments in the west, and they were certainly pursuing Butch Cassidy and the Sundance Kid and their Wild Bunch gang from 1899 onward
- The Pinkertons served in similar labor infiltration and armed guard functions in the Mountain West states as they did back east except on behalf of mineowners and ranching tycoons instead of factory owners.
 - In fact the literally explosive first conflict [at Coeur d’Alene Idaho in 1892](#) at the same time as the Homestead strike that resulted in a US Army intervention, detention camps for strikers, and military rule for 4 months was the direct result at union anger over infiltration by high-level Pinkerton operatives. This also served to provide a model as the Homestead strike had: Pinkertons for infiltration of unions but state militias and federal troops for actual armed suppression. It was repeated in the 1899 strike at Coeur d’Alene, which we discussed in episode 220. Often the Governors would act quickly to move in troops at the first signs of strikes provoked by Pinkerton agents given that striking miners could detonate large quantities of explosives to disrupt the mine (or if scab workers incompetently detonated the mines by accident), even if there was no other violence. The Denver office operations in the entire Mountain West region were generally overseen by James McParlan who had been the very first infiltration agent of the Pinkertons back in the early 1870s.
 - Controversially, the Pinkertons also illegally kidnapped Bill Haywood, a future IWW co-founder, from Wyoming and delivered him across state

lines to stand trial in Idaho on false charges, which proved to be another blow against the Pinkertons in public opinion, as we discussed in previous episodes, particularly given Clarence Darrow's vicious skewering of them during the trial while serving as defense counsel. One of Darrow's star witnesses was a Pinkerton stenographer at the Denver office named Morris Friedman who had access to lots of files and went on to publish a book called "The Pinkerton Labor Spy" that stripped away whatever remaining mystique the agency had. He compared the agency's anti-labor persecution to that of the Imperial Russian secret police. (Apparently it later came to light that the Russian secret police literally once paid Pinkertons to follow a Russian liberal during a US trip.) He also alleged that he had routinely been ordered to doctor reports from regional agents and spies to greatly inflate the threat posed by organized labor so that the Denver office could sell more contracts to spooked tycoons. This book was followed by a tell-all by one of the top Pinkerton agents in the Mountain West, Charles Siringo, whose falling out with the agency led him to spill a lot of their secret activities and provocations, many of which he had himself led. He even acknowledged Pinkerton fabrications of evidence against Chicago anarchists in relation to the Haymarket trial, although he also railed against labor unions in the book too.

From the Rise of the State chapter: [Despite all their efforts to stop unions from forming to begin with, many unions did form and the Pinkertons were there to keep infiltrating]

- Labor infiltration by Pinkerton continued, but guard functions and increasingly detective functions were taken over by new state forces and agencies (as well as competing private detective services). Other companies specialized in scab labor also took that function away from the Pinkertons because the reputation had become so damaged and dangerous to the new companies branding themselves as "families" as a way to fend off labor organizers
- In 1936, Senator Robert LaFollette took advantage of growing fears of fascism and the sense that private bands of armed thugs working for industrialists was closer to Mussolini's Blackshirts or Hitler's Brownshirts than anything else to convene hearings specifically targeted at all of the Pinkertons remaining activities and crimes that were being overlooked. He especially focused on the notion that spying and infiltration of labor by Pinkertons and their competition was an unfair restraint against the rights of workers of free speech and free assembly. The LaFollette investigation found that American labor unions were filled to the gills with undercover private spies working on behalf of not only the corporations but also middle and lower managers, and that in some cases these spies now held positions of actual power within the unions. In 1937, Pinkerton and competitors were compelled to dissolve their anti-union spying divisions, although of course these legacies live on in other forms to present.

[Rachel on modern Pinkerton labor infiltration]

<https://www.theguardian.com/technology/2018/mar/16/silicon-valley-internal-work-spying-surveillance-leakers>

Companies will also hire external agencies to surveil their staff. One such firm, Pinkerton, counts Google and Facebook among its clients.

Among other services, Pinkerton offers to send investigators to coffee shops or restaurants near a company's campus to eavesdrop on employees' conversations.

"If we hear anything about a new product coming, or new business ventures or something to do with stocks, we'll feed that information back to corporate security," said David Davari, a managing director at the firm, adding that the focus is usually IP theft or insider trading.

Facebook and Google both deny using this service.

Through LinkedIn searches, the Guardian found several former Pinkerton investigators to have subsequently been hired by Facebook, Google and Apple.

<https://www.theverge.com/2020/4/20/21228324/amazon-whole-foods-unionization-heat-map-union>

The heat map apparently uses more than two dozen different metrics to track which Whole Foods stores may unionize. The heat map focuses on monitoring three main areas: "external risks," "store risks," and "team member sentiment," according to *Business Insider*.

External risks:

- local union membership size
- distance in miles between the store and the closest union
- number of charges filed with the National Labor Relations Board alleging labor-law violations
- and a "labor incident tracker," which logs incidents related to organizing and union activity
- percentage of families within the store's zip code that fall below the poverty line the local unemployment rate

Store risks:

- average store compensation
- average total store sales
- a "diversity index" that represents the racial and ethnic diversity of every store (lower diversity = higher risk of unionization)
- Rates of workers' comp claims

Team member sentiment

- employees' feedback on the quality and safety of their work environment and whether they feel supported and respected, among other things

<https://arstechnica.com/tech-policy/2020/09/amazon-deletes-anti-union-listing-watches-workers-secret-social-groups/>

The tool Amazon uses to monitor social media discussions (as well as several reports generated by that program) was left sitting around exposed on a website called Shark and Ink,

Motherboard found. The site "has no obvious ties to Amazon, and the tool does not use traditional Amazon infrastructure, suggesting Amazon wanted to keep the tool and its surveillance secret," Motherboard observed. After the story was published, however, Amazon confirmed that the information the reporters found was indeed genuine.

Amazon was monitoring more than 60 groups, according to a list Motherboard found ([PDF](#)). Employees were not supposed to make public the existence of the social media monitoring program, according to a page that was included among the files: "The information related to different posts reported out from various social forums are classified," Amazon instructed employees. "DO NOT SHARE without proper authentication. Most of the Post/Comment screenshots within the site are from closed Facebook groups. It will have a detrimental effect if it falls within the reach of any of our Delivery partners. DO NOT SHARE without proper authentication."

In other words: don't let the drivers find out we're watching, because then it will be harder for us to watch.

Motherboard shared a redacted report ([PDF](#)) showing what kind of information the software pulls together. The reports include the full names and posts from drivers who make noteworthy posts in social media groups, as well as data categorizing what kind of content is seen most often. Issues with the app, for example, were logged between 29 and 56 times per week in the analysis of one group that Motherboard shared.

As the report demonstrated, analysis of the Facebook group's contents allowed Amazon employees to spot actual pain points for drivers and escalate recurring issues internally to teams equipped to handle them. However, reading these "secret" groups also gave Amazon advance insight into drivers "planning for any strike or protest against Amazon."

Preventing employees from organizing is a key focus for Amazon right now. It's apparently so important to the company that it was hiring for at least two roles specifically dedicated to monitoring and preventing "labor organizing threats," among other risks—listings it took down as soon as the Internet noticed.

The listings sought experienced analysts, preferably fluent in a second language (including Hindi, Tagalog, Spanish, Arabic, French, Mandarin, Korean, Japanese, or Brazilian Portuguese) and with prior experience in analytics from "the intelligence community, the military, law enforcement, or related global security role in the private sector."

The analyst's key responsibilities, according to the listing, would be to compile white papers and reports for senior company leadership with assessments of certain risk factors. The "dynamic situations" upon which the holder of the position would be expected to report include "protests, geopolitical crises, conflicts impacting operations" and other "sensitive" topics. The analyst would also report on "highly confidential" matters "including labor organizing threats against the company" and "establish and track funding and activities connected to corporate campaigns (internal and external) against Amazon." And last but not least, the analyst would help Amazon's in-house lawyers put together documents for use in court filings, "including restraining orders

against activist groups," since legal uses intelligence assessments "to demonstrate to court[s] of law that activist groups harbor intent for continued illegal activity vis-à-vis Amazon."

"Workers, especially Black workers, have been telling us all for months that Amazon is targeting them for speaking out," said Dania Rajendra, director of Athena—one of those employee activist groups Amazon wants to gather intelligence against. "This job description is proof that Amazon intends to continue on this course."

"Every single person in the United States has the right to speak up and to join with others to improve the conditions under which we live and work," Rajendra added. "And we have every right to demand better for our communities from a corporation worth a trillion dollars... And since Monday is Labor Day, let's remember that Pinkertons and 'goon squads' didn't stop communities around coal mines or auto plants or sugar plantations from organizing for real democracy in past centuries—and these 'intelligence analysts' won't stop us now."

<https://www.theverge.com/2020/9/9/21429635/amazon-keith-alexander-board-of-directors-nsa-cyber-command>

General Keith Alexander was the director of the NSA during the Snowden leaks and was critical of reporting on the documents that Snowden released.

And a side note on their image:

<https://www.esquire.com/uk/latest-news/a25945407/the-actual-pinkerton-detective-agency-is-suing-red-dead-redemption-2/> (lol)

Pinkerton Consulting and Investigations is embroiled in a legal battle with Take-Two Interactive, which owns *Red Dead* developer Rockstar Games, over what it has called [a "baseless" and "inaccurate" portrayal](#) of its forebears from 110 years ago.

Take-Two hit back, [asking for a judgment to have the characters in *Red Dead* declared fair use under the First Amendment](#) and suggesting that the new Pinkertons are trying to profit from *Red Dead's* enormous success. As Pinkerton agents have turned up in fiction quite a lot - *Deadwood* and *Bioshock Infinite* jump to mind - they might have a point. As Take-Two's lawsuit puts it, Pinkerton "cannot use trademark law to own the past".

<https://www.jdsupra.com/legalnews/the-take-two-interactive-v-pinkerton-63564/>

Then, just a few months later on April 11, 2019, Take-Two and Rockstar voluntarily dismissed their case, stating that Pinkerton withdrew its claims against RDR2, which could be viewed as a win for Take-Two and Rockstar. But why in tarnation did Pinkerton withdraw its claims so quickly? Did the game companies pony up some confidential settlement money, or did Pinkerton have second thoughts? Did Take-Two and Rockstar call Pinkerton's bluff? For now, all we can do is wonder and watch as the parties gallop off into the sunset.