

What We Know about Recent Surveillance of Lawful First Amendment Activity

A new domestic surveillance apparatus has been erected in the US, with its hubs the nation's 72 fusion centers. So widely has the intelligence net been cast that peaceful, protected First Amendment activity has frequently been labeled as "terrorism-related," and law-abiding individuals have come under the suspicion of law enforcement nationwide.

In September 2010, peace and justice activists in **Illinois, Minnesota** and **Michigan** found out they were under surveillance when their homes and offices were raided by the FBI and computers and files confiscated. Fourteen individuals were issued with subpoenas. It soon became known that a trusted long-term member of one of the groups was an FBI informant. In December, a further nine people were issued with subpoenas. All have refused to testify before a Chicago grand jury.

Others have found out about government spying on their activities when documents were leaked. In September, **Pennsylvanians** learned that the Institute of Terrorism Research and Response - a self-described "preeminent Israeli/American security firm providing training, intelligence and education to clients across the globe" - was using its \$125,000 government contract to compile a triweekly intelligence bulletin featuring groups opposed to drilling for natural gas, anti-war protests, "black militants," a gay and lesbian festival and Muslims observing Ramadan.

In December 2010 the **Tennessee ACLU** was amazed to find itself listed on an Internet map entitled "Terrorism Events and Other Suspicious Activity." Thanks to the Tennessee Fusion Center, a letter it sent to school superintendents asking them to be supportive of all religious beliefs during the holidays was labeled a "suspicious activity."

A September 2010 report by the Justice Department's Inspector General concluded that the FBI had "little or no basis" for investigating many advocacy groups and had lied to cover up this fact. FBI head Robert Mueller was given "mistaken and misleading" information which he conveyed to the Senate Judiciary Committee. Thousands of documents obtained through FOIA lawsuits reveal the extent of the FBI's abuse of its authority.

In the words of former FBI agent Coleen Rowley, "a secretive, unaccountable, post 9/11 homeland security apparatus has increasingly turned inward on American citizens" (January 14, 2011).



Other examples of government spying that have come to light:

Maryland

Through public record requests, the ACLU of Maryland discovered the systematic spying on and infiltration of peace and anti-capital punishment groups by the Maryland State Police. The Maryland State Police participates in the Maryland Coordination and Analysis Center, the state's fusion center, and has three of its troopers assigned to work with the FBI in the Joint Terrorism Task Force (JTTF).

During 2005 – 2006, the police kept groups and individuals under surveillance even though there was no evidence that they were involved in violent or criminal activity. Surveillance reports were shared with at least seven federal, state and local law enforcement agencies. Among the scores of activists who found out they had been wrongly named and tracked as suspected terrorists or whose groups had been infiltrated are the following:

- Chesapeake Climate Action Network
- Baltimore Pledge of Resistance
- Coalition to End the Death Penalty
- Amnesty International
- Max Obuszewski, a well known peace and anti-death penalty activist from Baltimore who was entered in a federal drug trafficking database as "Primary Crime...Terrorism-Anti Govern[ment]" and "Secondary Crime...Terrorism – Anti-War Protestors," both outlandish accusations.
- Bette Hoover, a Quaker anti-war activist, and retired nurse and grandmother of two, whose file listed her as a member of organizations she never belonged to (PETA, Ruckus) and placed her at demonstrations she had never attended.

Once you get into the dozen or so information-sharing networks that pass through the Maryland fusion center, how do you get out? And how many false leads have consumed valuable police time?

Virginia

A document leaked from the Virginia Fusion Center cited various historically Black colleges and universities that were seen as potential "radicalization nodes" for terrorists. The Nation of Islam and the environmental group Earth First! are among 33 groups regarded as potential terrorist threats.

Texas

A leaked "Prevention Awareness Bulletin" from the North Central Texas Fusion Center flagged such groups as the Council on American Islamic Relations, ANSWER, and the International Action Center, as well as former Georgia Congresswoman Cynthia McKinney and former US Attorney General Ramsey Clark. Muslim groups were listed without any specific allegations being given for fostering an "environment for terrorist groups to flourish."

Missouri

A report on the "modern militia movement" was leaked from the Missouri Information Analysis Center, the state's fusion center. It stated that militia members are "usually supporters" of presidential candidates Ron Paul, Chuck Baldwin, and Bob Barr and instructed the police to be on the lookout for bumper stickers associated with the Constitutional, Campaign for Liberty, and Libertarian parties.

Colorado

Documents obtained in 2005 by the ACLU revealed Joint Terrorism Task Force "domestic terrorism" investigations of anti-war protesters, environmental activists and "Black Extremists."

Pennsylvania

According to documents made public in March 2006, the FBI monitored anti-war activity and investigated meetings of the Thomas Merton Center for Peace and Justice, which was termed "a left-wing organization advocating, among many political causes, pacifism." Spying on the Merton Center was a focus of the DOJ Inspector General report (*see above*).

New York

The Department of Defense (DOD) conducted surveillance on protests planned by the War Resisters League near New York City recruiting stations. Documents from the DOD Talon database describe the League as advocating "Gandhian nonviolence." Protesters had agreed that they "will not use physical violence or verbal abuse toward any person" and "will not damage any property." Nevertheless, it was concluded that they may favor "civil disobedience and vandalism."

Georgia

Anti-war activity and other protests have been under regular surveillance. Vegetarian Catlin Child was arrested after a peaceful protest outside a Honey Baked Ham store for writing down the license plate of a car belonging to a federal agent who had been photographing the day-long demonstration.

California

Animal rights rallies, anti-war protests, student protests against military recruiting on campus, environmental and labor union organizing, and demonstrations against police brutality have all found their way into government databases in the California Anti-Terrorism Center, the California Office of Homeland Security and the Los Angeles County Terrorism Early Warning Center (LACTEW). A story broken by *The San Diego Union-Tribune* in 2007 revealed that the co-founder of LACTEW had organized military reservists and law enforcement officers to steal highly classified files from the Strategic Technical Operations Center at the Marine Corps base in Camp Pendleton, California and intelligence reports from the US Northern Command headquarters in Colorado Springs. The stolen files included surveillance dossiers on Muslims.

Washington

City of Tacoma records reveal that a former military employee helped compile information on anti-war groups. One of those under surveillance was a former Olympia City Council member.

Massachusetts

The same year as he launched the Commonwealth Fusion Center, then-Governor Mitt Romney recommended the close monitoring of mosques in a speech to Heritage Foundation (September 14, 2005). Subsequently, Boston piloted the FBI's program of "Suspicious Activity Reporting," putting innocent people seen taking "suspicious" photos at risk of being entered into a law-enforcement database.

The "Preventive Intelligence Bulletin" was leaked from the Intelligence Branch of the Department of Homeland Security. It lists "activities of various civil activists and extremist groups" for the month of March 2006. The groups that are cited include: Code Pink, ANSWER, United for Peace and Justice, the Independent Media Center and the Campus Antiwar Network. An event organized in Boston on March 18, 2006 made the list. It was on the topic "stop the violence, stop the war at home and abroad."

Stop Spying on First Amendment Activity!

The ACLU of Massachusetts is gathering support for the **Privacy and Personal Data Protection Act** that would protect residents' privacy and First Amendment rights. We hope you will work with us to pass this legislation.

For more information: visit

www.aclum.org

Flyer updated: 2/20/11.

