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*Founded in 1960 as the National
Committee to Abolish HUAC*

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*In Memory of
Frank Wilkinson,
Director Emeritus &
Chauncey Alexander,
President Emeritus
and all who went before...*

October 26, 2012

To: Members
Privacy and Civil Liberties Oversight Board

From: Sue Udry, Executive Director
Defending Dissent Foundation

Re: Statement for the Record

The Defending Dissent Foundation has long advocated for the reconstitution of the Privacy and Civil Liberties Oversight Board, which we believe will play a vital, independent role in oversight of privacy and civil liberties for national security programs and policies. In recent years, our nation has adopted a variety of new programs and policies designed to combat terrorism, and it is critical that we incorporate robust safeguards for privacy rights and civil liberties.

Specifically, the Defending Dissent Foundation directs the attention of the PCLOB to the monitoring and collection of data based on First Amendment activities by the Federal Bureau of Investigation and by the Department of Homeland Security's Fusion Centers.

Federal Bureau of Investigation

In 2008, the Attorney General's Guidelines for FBI investigations were rewritten, removing important restrictions on the FBI's investigation authorities, overturning longstanding limitations on FBI investigations of public demonstrations, and authorizing the FBI to conduct invasive "assessments" without having a factual basis for suspecting wrongdoing.

Even before those restrictions were removed, the Department of Justice Inspector General found that that the FBI had been spying on domestic activist groups without justification. The 2010 report, “A Review of the FBI’s Investigations of Certain Domestic Advocacy Groups,” looked at FBI investigations into groups including Greenpeace, People for the Ethical Treatment of Animals (PETA), the Thomas Merton Center and the Catholic Worker and some individuals from 2001 – 2006. The report details several incidents, such as surveillance of a peace rally in Pittsburg and the FBI’s categorizing Catholic Worker civil disobedience activities as ‘terrorism.’ The report also detailed FBI efforts to cover up their mistakes when they were made public.

The Inspector General’s report was limited to a short time period (2001-2006) and only looked at investigations into a handful of groups which had already been exposed in the media. In recent years, additional instances of FBI monitoring of peaceful domestic advocacy groups have come to light, but a comprehensive understanding of how far-reaching the problem is has not been possible. We urge the PCLOB to look into this issue.

Department of Homeland Security Fusion Centers

Fusion Centers were intended to be at the center of sharing terrorism and homeland security information for state and local law enforcement, but have little oversight and few guidelines to protect privacy and civil liberties. As a result, Americans’ privacy and civil liberties are threatened.

A Majority and Minority Staff Report issued by the Permanent Subcommittee on Investigations of the Senate Homeland Security Committee on October 3, 2012 found significant problems with fusion centers, including “shoddy” intelligence reports “endangering citizens’ civil liberties and Privacy Act

protections.” Although intelligence reports developed by fusion centers are not generally made public, three reports came to light a few years ago:

- The [*Virginia Fusion Center 2009 Terrorism Threat Assessment*](#) identifies dozens of activist groups across the political spectrum as terrorist threats, but indicates that very few of the groups have ever actually engaged in any kind of criminal activity, although some are accused of petty vandalism or tax evasion and the like. The document also indicates that the Fusion Center has no evidence that any of these groups are planning any kind of terrorist activity, but still recommends that they be closely monitored, because of their political beliefs.
- A North Central Texas Fusion Center document issued in 2009 warned that some Muslim groups engage in lobbying Congress, and that “Tolerance is growing in more formal areas. The Department of Treasury recently hosted a conference titled "Islamic Finance 101" which indicates the possibility that the government hopes to secure recycled petrodollars in exchange for conforming to Shariah economic doctrine.”
- A Missouri Fusion Center report noted that “Militia members most commonly associate with 3rd party political groups. It is not uncommon for militia members to display Constitutional Party, Campaign for Liberty, or Libertarian material. These members are usually supporters of former Presidential candidate (sic): Ron Paul, Chuck Baldwin, and Bob Barr... ”

It is difficult for citizens to obtain information about how deep this problem is. It required a lawsuit for the Boston Police Department to release a trove of documents that reveal that Boston Police officers have worked within the local Fusion Center, the Boston Regional Intelligence Center (BRIC), to monitor the lawful political activity of local peace groups and track their movements and beliefs. This information has been retained in searchable electronic "intelligence" reports bearing labels such as

"Groups - Civil Disturbance," "Groups--Extremists," "HomeSec-Domestic" under the heading "Criminal Act."

We urge the PCLOB to consider how Fusion Centers monitor groups and individuals and develop intelligence reports based on lawful First Amendment activity.

The Defending Dissent Foundation would be pleased to provide additional information about these issues. Please contact Sue Udry at 202-529-4225 or sue.udry@defendingdissent.org