

Appeal of FOIA Request Nos. 1141750-00 through 1141771-00

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Report: FBI paid controversial NJ blogger for help

Associated Press - November 29, 2009 6:34 PM ET

TRENTON, N.J. (AP) - A newspaper says a New Jersey blogger accused of threatening federal judges apparently was paid by the FBI to help in its battle against domestic terrorism.

The Record of Bergen County reviewed numerous government documents, e-mails, court records and almost 20 hours of jailhouse interviews with Hal Turner. He faces trial this week on charges he made death threats against three Chicago-based federal appeals judges.

The newspaper reported Sunday that Turner received thousands of dollars from the FBI to report on neo-Nazis and white supremacist groups. Turner claims the FBI coached him to make racist, anti-Semitic and other threatening statements on his radio show.

Turner says he feels double-crossed by the bureau after his arrest. But documents show federal agents often admonished his extremism.

Federal prosecutors and FBI officials declined comment.

Information from: The Record of Bergen County, <http://www.northjersey.com>

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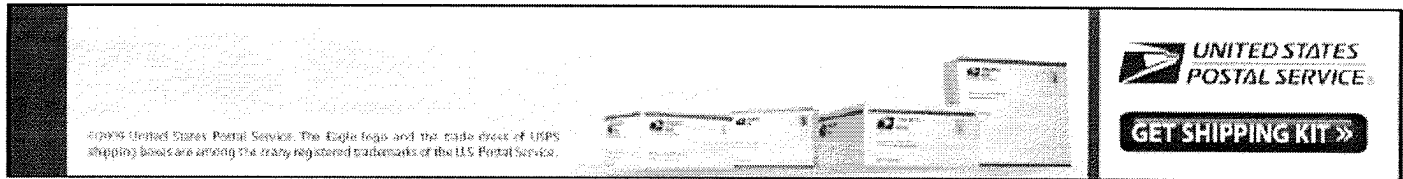
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Fusion Center takes aim at terror The Boston Globe But secrecy alarms civil libertarians

By Stephanie Ebbert, Globe Staff | September 26, 2005

FRAMINGHAM -- Three miles down the road from Shoppers World, in a nondescript office inside State Police headquarters, a team of young intelligence analysts is launching a new front against terrorism.

Called the Commonwealth Fusion Center, the operation was funded by the state last fall and officially opened in May with a mission: to provide statewide information sharing among local, state, and federal public-safety agencies and the private sector in coordinating intelligence against terrorism.

In a secretive operation that is alarming civil-liberties advocates, 18 civilian analysts examine criminal data and 23 intelligence officers -- State Police troopers who have the power to arrest -- work in the field. Raytheon Co. won a \$2.2 million contract to develop intelligence-sharing software for the state that aims to integrate databases and help analysts root out criminal trends.

The Fusion Center received more than \$3 million from the federal and state governments this year, excluding salaries for the 23 intelligence officers and Major Robert Smith, the center's leader, who are paid by the State Police, according to Katie Ford, spokeswoman for the state Executive Office of Public Safety.

Another \$1.7 million in state money has been allocated for 2006, and the Commonwealth is directing \$10 million in federal funds to regional efforts to upgrade technology to communicate with the Fusion Center's.

Fusion centers are an emerging trend nationwide, and at least a half-dozen states have established such centers in recent years. Last year Governor Mitt Romney, who chairs an intelligence-sharing group for the Homeland Security advisory council, called for a national network of state-based fusion centers.

"American law enforcement at the state and local levels have never done this kind of thing before," Smith said.

But what politicians regard as a vital technological defense against possible terrorist threats, civil libertarians view as an expensive new Big Brother. The American Civil Liberties Union is raising concerns about the potential for the center to use the new database to gather and store information on private citizens.

The ACLU filed a Freedom of Information Act request in May seeking Fusion Center policies, some of which are still being developed, said Carol Rose, executive director of the ACLU of Massachusetts.

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An advisory committee that will oversee the Fusion Center has not yet been appointed, Ford said.

"We need to have transparency," Rose said. "There's all sorts of questions about whether this is good from a civil-liberties perspective or public-policy perspective. Is it going to create a new level of bureaucracy? Is that more effective or less effective?"

Smith said the Fusion Center will hew to a privacy policy in federal regulations that prohibits criminal intelligence from being collected unless there is reasonable suspicion of a crime. According to those regulations, intelligence agencies cannot collect information on people's political, religious, or social views unless it is relevant to that crime.

"It's not a system that we're putting into place to spy on people. We really aren't," Smith said.

Similarly, state Public Safety Secretary Edward Flynn insisted that the center is not overstepping its bounds. "The Fusion Center analyzes criminal information already collected in the ordinary course of police business," Flynn said in a letter to the editor of the Globe this summer.

Analysts will have rapid access to financial information about individuals suspected of a crime, Smith said, "but we always have had access to it. If there's a predicated criminal offense, we can do searches."

Last week, state officials allowed a Globe reporter to visit the center, which is accessible only to analysts who work there and three high-ranking members of the State Police. Inside, the 1,600-square-foot office is mundane, outfitted with 23 narrow work stations. Five flat-screen televisions monitoring local and national news cover one wall, and in the room are a conference table, mini-refrigerators, a microwave, and toaster oven. Someone brought in a bundt cake. Analysts' pods are tacked with snapshots of friends and children; there was a wall poster of a kitten.

The State Police is looking to expand to a larger facility in Central Massachusetts that could house both a new crime lab and an expanded, 12,000-square-foot Fusion Center with rooms for interviews and training, Smith said.

Last month, the center chased 27 tips from residents, police, or other Fusion centers; in July, there were 38 tips, Smith said.

Smith declined to provide details about the nature of those tips or whether they were provided by people who have access to people's homes, like meter-readers, as the governor has suggested. (The terrorism tip line, advertised on the state public safety website and by local police departments, is 888-USA-5458.)

Speaking generally, Smith said tips include reports of people photographing or videotaping critical infrastructure, flying over potential terrorist threats, or trespassing.

Often analysts help debunk rumors of threats, saving authorities time and money, Smith said. After a series of manhole explosions in the North End in August, analysts at the Fusion Center quickly assured officials no terrorist link could be found. They also helped deflate a rumor about MS-13 gang members plotting to kill a law enforcement officer.

"Rumor control is a big thing for us," Smith said. "After 9/11, everything like that takes on a real nefarious intent. . . .Without that ability to control that rumor, huge resources could be deployed."

The center's staff members also help local authorities screen crime data for

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clues of criminal activity. "The notion is that by investigating credit card fraud or cigarette smuggling, you might find a chain that goes overseas" and potentially funds terrorist activities, Flynn told the Globe in an interview earlier this month.

Analysts also help local departments better assess criminal analysis. When the Springfield Police Department's computer system produced inaccurate crime statistics, a Fusion Center analyst helped work out the bugs and analyze the crime data for more targeted policing.

The center is staffed 24-seven with employees taking turns as watch officer as well as phone and TV news monitors, said supervisory security analyst, Lisa Palmieri. Each analyst specializes in four areas. For example, Palmieri, 43, oversees Hezbollah, government facilities and airports, Eurasian organized crime, and human trafficking.

The president of the International Association of Law Enforcement Analysts, Palmieri previously worked in Army intelligence and insurance investigations.

She and several other Fusion Center analysts were recruited from the New England State Police Information Network, one of six regional centers funded by the US Department of Justice that shares intelligence on criminal networks and helps local police departments analyze crime. Boston and eight surrounding towns are also forming a regional fusion center.

Critics say the fusion centers are unnecessary bureaucracy. Christopher H. Pyle, a former Army intelligence officer who exposed the military's surveillance of citizens during the 1960s and 1970s and who now is a professor of politics at Mount Holyoke College, said that the FBI's Boston office would be better suited for the job than the State Police.

"It creates the illusion that we're doing something. But it's only a illusion," Pyle said. "What we're doing is wasting money. It's a justification for getting more grants from the Department of Homeland Security."■

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'Fusion center' data draws fire over assertions

Politics, banners seen as suspect.

By T.J. Greaney

Saturday, March 14, 2009

Tim Neal of Miller County was shocked recently when he heard a radio program about a strategic report compiled by state and federal law enforcement agencies to combat terrorism.

On the Web

- [Controversial law enforcement report outlines Missouri 'militia' habits \[infowars.com\]](#)

Titled "The Modern Militia Movement," the report is dated Feb. 20 and designed to help police identify militia members or domestic terrorists. Red flags outlined in the document include political bumper stickers such as those for U.S. Rep. Ron Paul, talk of conspiracy theories such as the plan for a mega-highway from Canada to Mexico and possession of subversive literature.

But when Neal read the report, he couldn't help but think it described him. A military veteran and a delegate to the 2008 Missouri Republican state convention, he didn't appreciate being lumped in with groups like the Neo-Nazis.

"I was going down the list and thinking, 'Check, that's me,' " he said. "I'm a Ron Paul supporter, check. I talk about the North American union, check. I've got the 'America: Freedom to Fascism' video loaned out to somebody right now. So that means I'm a domestic terrorist? Because I've got a video about the Federal Reserve?"

Blogs and Web sites frequented by people interested in civil liberties issues have been overloaded in recent days with comments from angry readers who view the document as a precursor to an American KGB spying on U.S. citizens.

"The government is out of control, we are just trying to survive," wrote one poster who identified himself as John Adams.

But state law enforcement officials said the report is being misinterpreted. Lt. John Hotz of the Missouri State Highway Patrol said the report was compiled by the Missouri Information Analysis Center based in Jefferson City and comes purely from publically available, trend data on militias.

Hotz said MIAC, which opened in 2005, is a "fusion center" that combines resources from the federal Department of Homeland Security and other agencies. It was set up to collect local intelligence to better combat terrorism and other criminal activity, he said.

“All this is an educational thing,” Hotz said of the report. “Troopers have been shot by members of groups, so it’s our job to let law enforcement officers know what the trends are in the modern militia movement.”

The report’s most controversial passage states that militia “most commonly associate with third-party political groups” and support presidential candidates such as Ron Paul, former Constitutional Party candidate Chuck Baldwin and Bob Barr, the Libertarian candidate last year.

Hotz said using those or similar factors to determine whether someone could be a terrorist is not profiling. He said people who display signs or bumper stickers from such groups are not in danger of harassment from police.

“It’s giving the makeup of militia members and their political beliefs,” Hotz said of the report. “It’s not saying that everybody who supports these candidates is involved in a militia. It’s not even saying that all militias are bad.”

Not everybody agrees. At a “Tea Party” to protest wasteful government spending Thursday in Flat Branch Park, several people displaying the Revolutionary War-replica “Don’t Tread On Me” flag were upset to learn the MIAC report lists the banner as a “militia symbol.”

“That’s insane,” said Doug Wendt looking at the MIAC document. “That is not a militia symbol. That is American history. This is historic. The only animosity” American colonists “ever directed with this was towards England.”

Roger Webb, president of the University of Missouri campus Libertarians, also took offense. “It’s absolutely obscene,” he said of the report. “It seems like they want to stifle political thought. There are a lot of third parties out there, and none of them express any violence. In fact, if you join the Libertarian Party, one of the things you sign in your membership application is that you don’t support violence as a means to any ends.”

Neal, who has a Ron Paul bumper sticker on his car, said the next time he is pulled over by a police officer, he won’t know whether it’s because he was speeding or because of his political views.

“If a police officer is pulling me over with my family in the car and he sees a bumper sticker on my vehicle that has been specifically identified as one that an extremist would have in their vehicle, the guy is probably going to be pretty apprehensive and not thinking in a rational manner,” Neal said. “And this guy’s walking up to my vehicle with a gun.”

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Fusion Centers: Giving Cops Too Much Information?

By HILARY HYLTON / AUSTIN Monday, Mar. 09, 2009

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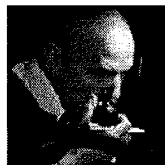
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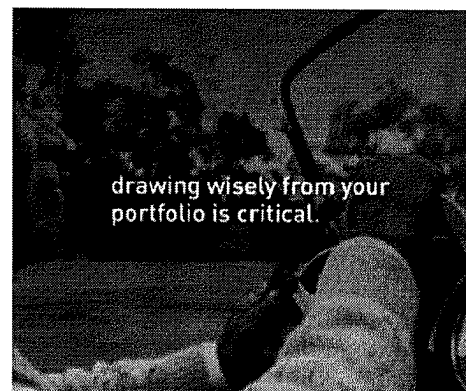
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At the time, it seemed one of the unanimous lessons of the tragedy of Sept. 11 — law enforcement agencies at all levels of government have to do a better job of sharing information with each other in order to prevent terror plots. Making that actually happen, of course, is easier said than done, which is why newfangled, multi-organizational agencies were set up to promote cooperation and overcome turf battles. But now critics claim that these so-called fusion centers are making it all too easy for government to collect and share data from numerous public databases.

Organizations like the American Civil Liberties Union are pushing bills to restrict fusion centers' access to data, most notably in New Mexico, where opponents hope to make government snooping a costly offense. Legislation has been introduced in Santa Fe that would prohibit any New Mexico law enforcement agency from collecting information about the religious, political and social associations of law-abiding New Mexicans. And in what would be a first for the nation, the bill would allow private citizens to sue law enforcement agencies for damages over the unauthorized collection of such data.

Privacy advocates point to a scandal in the state of Maryland, where last summer it was revealed that in 2005 and 2006 undercover members of the Maryland State Police had carried out surveillance of war protesters and death penalty opponents. Some of the intelligence gathered on the subjects, according to logs obtained by the ACLU last summer, may have found its way into databases shared with local, national and federal agencies



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through the state's fusion center. An investigation found the data collection represented a serious lapse in judgment, but the victims had little recourse, except public outrage.

"The lack of proper legal limits on the new fusion centers not only threatens to undermine fundamental American values, but also threatens to turn them into wasteful and misdirected bureaucracies that, like our federal security agencies before 9/11, won't succeed in their ultimate mission of stopping terrorism and other crime," the national ACLU notes in its report on the centers. There are federal and state privacy laws governing the centers, but a recent report by the Department of Homeland Security's own Privacy Office suggested that the multi-governmental nature of the centers allows the staffers to pick and choose a policy that suits their needs. The report, issued in late December, echoed some of the concerns laid out in earlier congressional and Government Accountability Office reports that warned of the potential for "mission creep" by the fusion centers.

There are approximately 60 "fusion centers" nationwide, with some focusing exclusively on criminal activity, others on both criminal and terrorist threats, and some on very specific acts, such as human smuggling, gang activity, online predators or drug trafficking. Much of the funding for the large state centers comes from the federal government, including a new infusion of \$250 million courtesy of the stimulus package to be spent by 2010 on "upgrading, modifying, or constructing" state and local fusion centers. The latest fusion center, the \$21 million Port of Long Beach facility, opened last month. Staffed by local, state and federal officials, it sits on a small swath of land inside the nation's second largest port and utilizes state of the art surveillance technology, including cameras that can read a badge from two miles away. Every state but Idaho and Pennsylvania has at least one fusion center; Texas, for instance, has its Texas Intelligence Center within the Texas Department of Public Safety "to collect, analyze, and disseminate intelligence information related to terrorist activities" covering the entire state. The state also has the North Central Texas Fusion System, covering a 16 county-area around the Dallas metro area that includes "regional homeland security, law enforcement, public health, fire, medical providers, emergency management, and private security". ([See pictures of SWAT teams around the world.](#))

Different missions and different mixes of manpower make each center unique. "If you've seen one fusion center — you've seen one fusion center," says Jack Tomarchio, former deputy director of intelligence for the Department of Homeland Security, who oversaw the development of most of the country's state fusion centers during the Bush Administration. Tomarchio says the centers have proved their value in fighting both crime and terrorism — sometimes exposing the link between the two, as in the case of cigarette smuggling in the Carolinas which funded terrorist groups abroad. They also have provided valuable information in preventing further attacks, he claims, adding that while he is not at liberty to disclose the kind of information mined, fusion center intelligence did reach the level of the daily presidential briefing in the Bush Administration.



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The model for the centers grew out of "intelligence-led policing" — a British initiative with its roots in the early 1990s. It has evolved into "a management philosophy that places greater emphasis on information-sharing and collaborative, strategic solutions to crime problems," according to Dr. Jerry Ratcliffe, a former British police officer and currently a Temple University professor who has lectured and written extensively on the subject. "It facilitates holistic crime prevention," Ratcliffe says. Rather than each department, or even squad, having its own databases, fusion centers allow access to multiple databases and sources of intelligence; the drug squad in one community can share information with the anti-gang task force in another, picking up on patterns that may indicate an emerging threat as gangs set up to move into a new market, or distribute new contraband, for example.

But that sharing of information troubles critics. New Mexico's All Source Intelligence Center, housed in an old National Guard building, has access to 240 state, regional and federal agencies and their databases, including agricultural and parks agencies, according to Peter Simonson, executive director of the state's ACLU chapter. Establishing what kinds of information is being processed by fusion centers can be difficult, Simonson says, since they do not store the records, or even collect them, but simply mine them through digital gateways. Records are accessed, not retained as they would be in specific case or investigative files. Simonson says the New Mexico chapter of the ACLU has filed several open records requests seeking to find out what kind of information is being reviewed, but has been stymied by the lack of a "material product." Other state ACLU chapters are pressing open records requests aimed at casting light on fusion center activities.

Groups like the ACLU have sued law enforcement agencies in the past aimed at exposing domestic spying, but individuals whose privacy has been violated have little recourse — "suing is a shot in the dark," Simonson says, given current state and federal laws. "There aren't any legal remedies and we are trying to create one," Simonson says, acknowledging that it may take more than one legislative session to pass the bill in New Mexico.

One of the most well regarded fusion centers was created under the leadership of former Arizona Governor Janet Napolitano, now Secretary of Homeland Security. During her confirmation hearings Napolitano highlighted her leadership in creating one of the first state anti-terrorism law enforcement fusion centers in the country, and her first directive at DHS ordered a thorough review of intelligence-sharing programs and methods aimed improving the flow of information to states, local and tribal governments. But in her testimony to Congress, she also cited her commitment to privacy: "As Governor, I created the Statewide Information Security and Privacy Office to ensure adequate controls and safeguards are in place for all State of Arizona government technology systems and business practices." However, Napolitano's appointment gives Simonson pause. "I think the Obama Administration has a much greater sensitivity to these issues than the previous Administration, but the track

record from Arizona would suggest that we still have good reason to be concerned."

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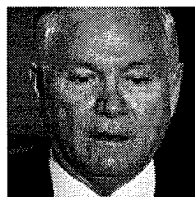


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Centers Tap Into Personal Databases

State Groups Were Formed After 9/11

By Robert O'Harrow Jr.
Washington Post Staff Writer
Wednesday, April 2, 2008

Intelligence centers run by states across the country have access to personal information about millions of Americans, including unlisted cellphone numbers, insurance claims, driver's license photographs and credit reports, according to a document obtained by The Washington Post.

One center also has access to top-secret data systems at the CIA, the document shows, though it's not clear what information those systems contain.

Dozens of the organizations known as fusion centers were created after the Sept. 11, 2001, terrorist attacks to identify potential threats and improve the way information is shared. The centers use law enforcement analysts and sophisticated computer systems to compile, or fuse, disparate tips and clues and pass along the refined information to other agencies. They are expected to play important roles in national information-sharing networks that link local, state and federal authorities and enable them to automatically sift their storehouses of records for patterns and clues.

Though officials have publicly discussed the fusion centers' importance to national security, they have generally declined to elaborate on the centers' activities. But a document that lists resources used by the fusion centers shows how a dozen of the organizations in the northeastern United States rely far more on access to commercial and government databases than had previously been disclosed.

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Those details have come to light at a time of debate about domestic intelligence efforts, including eavesdropping and data-aggregation programs at the National Security Agency, and whether the government has enough protections in place to prevent abuses.

The list of information resources was part of a survey conducted last year, officials familiar with the effort said. It shows that, like most police agencies, the fusion centers have subscriptions to private information-broker services that

keep records about Americans' locations, financial holdings, associates, relatives, firearms licenses and the like.

Centers serving New York and other states also tap into a Federal Trade Commission database with information about hundreds of thousands of identity-theft reports, the document and police interviews show.

Pennsylvania buys credit reports and uses face-recognition software to examine driver's license photos, while analysts in Rhode Island have access to car-rental databases. In Maryland, authorities rely on a little-known data broker called Entersect, which claims it maintains 12 billion records about 98 percent of Americans.

In its online promotional material, Entersect calls itself "the silent partner to municipal, county, state, and federal justice agencies who access our databases every day to locate subjects, develop background information, secure information from a cellular or unlisted number, and much more."

Police officials said fusion center analysts are trained to use the information responsibly, legally and only on authorized criminal and counterterrorism cases. They stressed the importance of secret and public data in rooting out obscure threats.

"There is never ever enough information when it comes to terrorism" said Maj. Steven G. O'Donnell, deputy superintendent of the Rhode Island State Police. "That's what post-9/11 is about."

Government watchdogs, along with some police and intelligence officials, said they worry that the fusion centers do not have enough oversight and are not open enough with the public, in part because they operate under various state rules.

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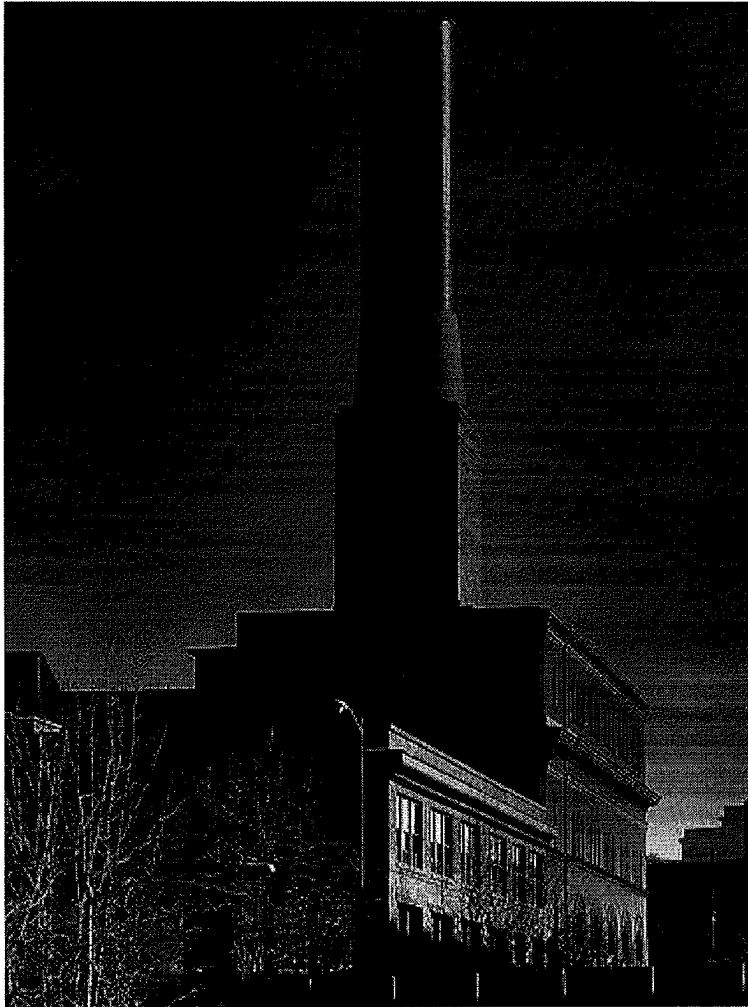
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Fusion Center Cash Infusion

By Ryan Singel  March 14, 2007 | 9:56 am | Categories: Uncategorized

The new Democratic Congress continues moving forward on a 9/11 commission bill, part of Speaker Pelosi's so-called 100-hour drive, with the Senate passing its version on Tuesday. Part of that bill includes increased funding for state and local intelligence centers, often referred to in sexy anti-terrorism parlance as 'fusion centers.' States have long complained that they don't get the real lowdown from the feds and that information sharing has been a one-way flow from the locals to the feds. The pending legislation proposes to increase funding to the centers, though the money may actually federalize the centers — leading some to charge that the centers are just a way to funnel state and local police info to the feds and to create a domestic intelligence agency like the surveillance happy Brits across the pond.

This afternoon at 3:30 EST, a House Homeland Security subcommittee will be holding hearings on the centers, but unfortunately they won't be hearing from Jim Harper, a policy analyst for the libertarian Cato Institute, who just released an analysis of fusion centers' promises and perils.

As established in the House bill, the FLEET grants would be conditional upon a number of requirements set by the Homeland Security Secretary such as eligibility requirements for law enforcement personnel detailed to the centers and hiring of personnel "representative of a broad cross-section of local and tribal law enforcement agencies and departments." The Homeland Security Secretary would have "general regulatory authority" to script, implement, and interpret the FLEET program and could revoke or suspend funding to a local fusion center at any time upon a determination that the fusion center "is not in substantial compliance."

The Senate bill would create a more broad-based grant program which would give state governments money to fund fusion centers (as well as other activities). The director of the Federal Emergency Management Agency would have the ability to pull funds for failure to "substantially comply." As in the House bill, these provisions would make the fusion centers dependent on the priorities of the Department of Homeland Security rather than the priorities of state and local law enforcement.

Placing fusion centers under the *de facto* direction of the Homeland Security Department would portend the creation of a new domestic intelligence agency along the lines of MI-5. The Senate bill would explicitly blend elements of criminal and terrorism intelligence, raising the prospect of state and local undercover agents working under the direction of DHS fusion-center liaisons. These operations would be outside the scope of traditional Justice Department guidelines on infiltrating domestic groups, leading expert such as ACLU's Tim Sparapani to worry, "we're setting up essentially a domestic intelligence agency." Without a guarantee that such written guidelines could be enforced, the slippery slope to spying on political dissidents — as the FBI's COINTELPRO did before such guidelines — is inevitable.

The fusion center program also would seem to require massive amounts of one-way "data-sharing" from the state and local law-enforcement agencies to Homeland Security and the DNI, and not in the other direction. Sen. Dianne Feinstein (D-CA) reported at a recent Congressional hearing that fusion centers in California were having big trouble getting intelligence from the feds: "DHS has resisted allowing the state and local [*sic*] to get top security clearances for what the state believes are territorial reasons... Intelligence that the [fusion center] director knows exists doesn't get sent to him. He's spent a good deal of time trying to get someone to pass him intel instead of having it pushed away. DHS is generally overly protective and resistant to working cooperatively from what the director believes is a fear of becoming irrelevant."

The full text isn't currently available, but it's issue 100 of Tech Knowledge. More fusion later, but I'd love to hear from any current fusers.

Photo: Jan Tik

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Posted by: Archibald Buttle | 03/15/07 | 9:53 am

Cato Institute frequently issues warnings about the dangers of increased US government intrusion into citizens' lives, but the Koch family (founders of Cato) has no problem with the revolving door between high levels of the US bureaucracy and US industry. (search 'Matt Schlapp')

Doesn't the construction of a seamless leadership class that spans both government and industry lead to the erosion of checks and balances on bad behavior like DHS waste, fraud, and abuse?

Posted by: [OPERATION: DE-FUSE > Fusion Center Cash Infusion | Threat Level | Wired.com](#) | 12/22/09 | 3:22 pm

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U.S. NEWS | DECEMBER 9, 2009

FBI to Assess Actions Before Hood Shooting

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By BRENT KENDALL

FBI Director Robert S. Mueller called Tuesday for an independent review of the agency's handling of information about the Fort Hood shooting suspect in the months before the rampage there that left 13 dead.

Mr. Mueller tapped former Federal Bureau of Investigation and Central Intelligence Agency director William H. Webster to conduct the review, which will examine the agency's policies, practices and actions prior to the Nov. 5 shooting at the Army base in Texas.

The Army psychiatrist charged in the shootings, Maj. Nidal Hasan, had contacts with a radical imam in Yemen while he worked at the Walter Reed Army Medical Center in Washington.

"It is essential to determine whether there are improvements to our current practices or other authorities that could make us all safer in the future," Mr. Mueller said in a statement.

The review is separate from a continuing Department of Defense investigation.

The National Security Agency intercepted 10 to 20 communications over the past year between Maj. Hasan and Anwar al-Awiaki, a Yemen-based cleric who knew three of the Sept. 11 hijackers.

Terrorism investigators assigned to an FBI joint terrorism task force reviewed the communications but concluded the contacts didn't merit further investigation. The Pentagon wasn't informed about the emails until after the shootings.

Write to Brent Kendall at brent.kendall@dowjones.com

Printed in The Wall Street Journal, page A4

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Activist Unmasks Himself as Federal Informant in G.O.P. Convention Case

By COLIN MOYNIHAN
Published: January 4, 2009

When the scheduled federal trial begins this month for two Texas men who were arrested during the [Republican National Convention](#) on charges of making and possessing Molotov cocktails, one of the major witnesses against them will be a community activist who acted as a government informant.

Brandon Darby, an organizer from Austin, Tex., made the news public himself, announcing in an open letter posted on Dec. 30 on [Indymedia.org](#) that he had worked as an informant, most recently at last year's Republican convention in St. Paul.

"The simple truth is that I have chosen to work with the [Federal Bureau of Investigation](#)," wrote Mr. Darby, who gained prominence as a member of Common Ground Relief, a group that helped victims of [Hurricane Katrina](#) in New Orleans.

He added, "I strongly stand behind my choices in this matter."

Mr. Darby's revelations caused shock and indignation in the activist community, with people in various groups and causes accusing him of betrayal.

"The emerging truth about Darby's malicious involvement in our communities is heart-breaking and utterly ground-shattering," said the Austin Informant Working Group, a collection of activists from the city who worked with Mr. Darby. "Through the history of our struggles for a better world, infiltrators and informants have acted as tools for the forces of misery in disrupting and derailing our movements."

Mr. Darby's letter answered lingering questions in the case of the two Texas men, David McKay and Bradley Crowder, both also from Austin. They are scheduled to go on trial in Minnesota on Jan. 26, and if convicted on all counts, each faces a prison sentence of up to 30 years.

Neither the United States attorney's office in Minnesota nor the F.B.I. would comment on Mr. Darby's announcement.

"As a matter of policy, we're not going to confirm or deny the identity of anybody who gives us information confidentially," said E. K. Wilson, an F.B.I. spokesman in Minnesota.

But in a telephone interview, Mr. Darby said that he had provided information leading to the arrest of Mr. Crowder and Mr. McKay, and that he planned to testify at their trial.

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Mr. Darby would not provide details about his undercover activities, but said he had also worked as an informant in cases not involving the convention. He defended his decision to work with the F.B.I. as “a good moral way to use my time,” saying he wanted to prevent violence during the convention at the Xcel Energy Center.

Documents that activists said were given to defense lawyers by the prosecution and printed on F.B.I. letterhead indicated that an informant — now identified as Mr. Darby — carried out a thorough surveillance operation that dated back to at least 18 months before the Republican gathering. He first met Mr. Crowder and Mr. McKay in Austin six months before the convention.

Mr. Darby provided descriptions of meetings with the defendants and dozens of other people in Austin, Minneapolis and St. Paul. He wore recording devices at times, including a transmitter embedded in his belt during the convention. He also went to Minnesota with Mr. Crowder four months before the Republican gathering and gave detailed narratives to law enforcement authorities of several meetings they had with activists from New York, San Francisco, Montana and other places.

One of his last conversations with Mr. McKay ended in an alley in Minneapolis, according to court documents, with Mr. Darby recording Mr. McKay talking about plans to use Molotov cocktails.

The F.B.I. reports mentioned dozens of people, most of whom have not been accused of any crime. In addition to listing biographical and physical particulars, Mr. Darby frequently offered observations on the motives, attitudes and states of mind of activists with whom he dealt.

“Part of what intrigues me is not only how he operates but what is the role of the F.B.I. in how he operates,” said Lisa Fithian, an organizer who is named in the reports. “We don’t know what we’re dealing with here.”

Some former friends of Mr. Darby have denounced him as a provocateur and said he might have enabled or encouraged Mr. Crowder and Mr. McKay to break the law. Mr. Darby denied that.

An F.B.I. agent swore in an affidavit that at one point Mr. McKay acknowledged that he intended to use firebombs. Such devices were never used, and both defendants have pleaded not guilty.

“The claim that the case is solely based on the testimony of informants is simply a wanton and willful untruth,” Mr. Darby said in the interview. “It omits the physical evidence, the confession and possibly the testimony of many others.”

In 2005, Mr. Darby went to New Orleans after Hurricane Katrina struck, joining Common Ground Relief as it provided medical attention and helped repair homes. He became a visible member of the group, sometimes acting as a spokesman and appearing on “The Tavis Smiley Show” on [PBS](#).

When The St. Paul Pioneer Press published an article in October that cited an unidentified source who named Mr. Darby as an informant in the case against Mr. Crowder and Mr. McKay, a co-founder of Common Ground, Scott Crow, defended Mr. Darby publicly and warned against “rumors, conjecture and innuendo.”

“I put it all on the line to defend him when accusations first came out,” Mr. Crow said. “Brandon Darby is somebody I had entrusted with my life in New Orleans, and now I feel endangered by him.”

Mr. Darby acknowledged that many people he spied on might not accept his explanation that he was motivated by conscience.

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"I am well aware," he said, "that I've stepped outside of accepted behaviors and that I've committed a sin in the eyes of many activists."

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A version of this article appeared in print on January 5, 2009, on page A14 of the New York edition.

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Activists Announce Letter to Governor Demanding Complete Investigation of Spying

Tue., Aug. 12, 2008 Filed in: [Maryland news](#)

Representatives of citizen activist groups held a press conference Tuesday, August 12, 2008 at the Maryland State Police Headquarters announcing a letter they are sending to Governor Martin O'Malley that details specific demands on the investigation his administration is undertaking of the police surveillance and infiltration of their groups.

Speakers were Max Obuszewski (Pledge of Resistance-Baltimore), Terry Fitzgerald, M.D. (Baltimore Coalition Against the Death Penalty), Ellen Barfield (Veterans for Peace, Baltimore Phil Berrigan Memorial Chapter #105), Rev. Pierre Williams (Baltimore United for Peace and Justice and Communist Party of Maryland), Mike Stark (Campaign to End the Death Penalty), Maria Allwine (Co-chair, Maryland Green Party and Pledge of Resistance-Baltimore), Lawrence Egbert, M.D. (Chesapeake Physicians for Social Responsibility and ACLU), Ben Dalby (International Socialist Organization), C. (Chuck) William Michaels, Esq. (Pax Christi-Baltimore), and Brendan Walsh (Co-founder, Viva House Catholic Worker).

Text of the letter:

12 August 2008

Governor Martin O'Malley
Officer of the Governor

State House
Annapolis, Maryland 21401

Dear Governor O'Malley:

As you are well aware, the public and the activist community in Maryland were startled by the recent revelations, as the result of an ACLU lawsuit and request for public documents, that investigative units of the Maryland State Police conducted covert surveillance in 2005 and 2006 of antiwar and anti death groups. This surveillance, as far as is currently known, included members of a State Police investigative unit covertly attending meetings and public activities of these groups, such as the Pledge of Resistance-Baltimore, the Campaign to End the Death Penalty, and the Baltimore Coalition Against the Death Penalty. This surveillance also included investigating core membership of these groups, taking down names of persons present at meetings and events, and filing investigative reports.

We condemn these activities as utterly gross violations of basic rights including First Amendment rights of freedom of association, freedom of assembly, and freedom of legitimate and nonviolent protest. Since the surveillance was revealed, other commentators and observers have condemned these activities. The revelations have produced calls for legislative hearings, demands from activists and from the public for more information, and have generated a statement from the State Police. According to the State Police, these covert activities are no longer conducted.

To further examine these revelations, you have appointed Stephen H. Sachs, former United States Attorney for Maryland and former Attorney General, to conduct an investigation into these surveillance revelations ("Investigation"). The Investigation supposedly is to be limited in scope to the 14-month time period of covert surveillance activity, as reflected in the documents as so far obtained by the ACLU. The Investigation's report is expected in 60 days.

There may be some value in an "independent" investigation into these surveillance actions by State police authorities. We look forward to the Investigation report. However, any comprehensive report, and any confidence to be given to its conclusions, can result only from a broad, independent, non-politicized, and carefully persistent examination of these activities.

Therefore, given your authority over this Investigation, we urge you, and Mr. Sachs, to consider the following items:

--The time frame for the Investigation report must be immediately extended to 90 days rather than 60 days. Given the importance of this issue and given that there is doubtless more surveillance activity and more documents to examine and review, than so far released, a 60 day period is simply not enough time to investigate this matter and to prepare and submit a report which would be of any value and in which the public can have any confidence.

--The time frame of this covert surveillance, so far as is known, is reflected only by surveillance documents so far released. We are convinced that this surveillance activity was conducted in a much larger time frame, both before and after the time period indicated by documents so far known. As to the death penalty, for example, surveillance of anti death penalty groups may reach back to 1997 and 1998 as executions in Maryland re-commenced,

and may include other groups (such as Maryland CASE) and individuals. The Investigation therefore must have the authority to demand from the State Police, a complete release (for later release by the Investigation to the ACLU), of all surveillance documents and reports--to the extent any of those documents still exist--which are in the possession of the State Police or of any other similar law enforcement unit.

--The Investigation should speak to or be in contact with persons named or otherwise identified in all surveillance documents, and with representatives of organizations named in those documents. A comprehensive investigation clearly would involve contact by the Investigation of individuals or groups so named, or opportunity for these individuals and groups to submit statements to the investigation.

--Since this surveillance was conducted after 2001, it is likely, especially following the information-sharing requirements and the joint cooperative law enforcement efforts undertaken after the 2001 USA PATRIOT Act, that information in these surveillance reports has been shared with or has been provided to other local or federal law enforcement agencies. These other agencies perhaps would include the FBI, DEA, DHS, and Maryland's Joint Terrorism Task Force (JTTF) or Fusion Center. It is critical to know the scope of this information sharing. The Sachs Investigation must have the authority to demand from the State Police a list of all local and federal law enforcement agencies that were provided summaries or copies of these surveillance activity reports, and to further require documentation from those agencies.

--So far, surveillance report documents released to date indicate that the nature of the surveillance was direct, personal infiltration by State police of meetings and activities. However, surveillance could have taken other forms. It therefore is also critical to know if this surveillance also involved other police activities, such as: reviewing personal mail, electronic surveillance of various types including wiretaps or interception of emails, surreptitious covert searches conducted under non-physical search warrants, and investigation of bank records such as through any version of a national security letter. The Investigation must demand an accounting from the State Police concerning details of all surveillance conducted as part of this State Police covert project, of any sort whatever.

--The Investigation should demand, to the extent that the names of persons identified in surveillance reports may have been shared with other law enforcement agencies such as FBI, DHS, TSA, DOT, or similar agencies and therefore to the extent those names may also have been placed on "terrorist watch lists" or any other "of-interest" lists maintained or shared by these agencies, that these names be immediately removed from such lists and that the agencies involved supply written verification, either publicly or to those involved, that the names have been removed.

--The Investigation should be given subpoena power to obtain documents and statements from the State police or other agencies, to whatever extent necessary to complete its objectives, rather than rely upon grudging cooperation of law enforcement agencies who clearly do not wish to be investigated.

--The Investigation should provide to the Maryland Attorney General, a list of all administration officials, government employees, or law enforcement personnel suspected of authorizing or of directly engaging in these illegal surveillance activities.

--The Investigation should verify whether this surveillance is continuing (despite State Police statements to the contrary) and must require, as one of its primary recommendations, that any covert surveillance which may still be underway be immediately halted.

--When the Investigation issues its report, the report and conclusions should be made public.

In addition, regardless of any report issued by this Investigation, we demand from the State Police and from any official of the State government involved in initiating and maintaining this surveillance, a public written apology to all groups and persons named in the surveillance documents. We also demand public accountability and explanation from those persons, some of whom are yet to be known, who initiated and maintained this surveillance.

We reiterate that state police covert surveillance of nonviolent activists is among the most insidious and disturbing activity that a government of a supposedly civil society can perpetrate against its citizens. The right to protest and the right to assemble are protected and recognized rights. There was no basis, whatsoever, for the State Police or any other law enforcement agencies to undertake covert surveillance of meetings and activities of local organizations interested only in peace, justice, and nonviolent social change.

We expect that this Investigation Report will clearly and comprehensively establish the length, breadth, scope, and specific details of this odious surveillance. We further expect that the Report will declare, in no uncertain terms, that this type of undercover infiltration of peaceful groups cannot and will not be tolerated. We further expect that the Investigation will recommend or lend its support to legislative changes prohibiting or imposing strict requirements for any surveillance of this type ever conducted in the future.

cc: Steven Sachs, Maryland State Police

SIGNED AND ENDORSED BY THE FOLLOWING GROUPS OR INDIVIDUALS:

GROUPS:

Baltimore Coalition Against the Death Penalty – Terry Fitzgerald, M.D.
Baltimore Phil Berrigan Memorial Chapter #105 Veterans for Peace – Ellen Barfield
Baltimore United for Peace and Justice -- Rev. Pierre Williams
Campaign to End the Death Penalty – Mike Stark
Chesapeake Citizens -- Diane Wittner
Chesapeake Physicians for Social Responsibility – Dr. Lawrence Egbert
Citizens for Integrity – Carol Bishop
Communist Party of Maryland – Rev. Pierre Williams
Defending Dissent Foundation – Sue Udry
International Socialist Organization – Alex Bennet
Jonah House – Elizabeth McAlister
Maryland CASE – Niambi Murray
Maryland Green Party – Maria Allwine
National Campaign for Nonviolent Resistance – Michelle Grise
Pax Christi-Baltimore - C. William Michaels, Esq.
PeaceAction Montgomery – Jean Athey

Pledge of Resistance-Baltimore – Max Obuszewski
Viva House Catholic Worker – Willa Bickham and Brendan Walsh
Women in Black – Baltimore – Sally Robinson
Xaverian Brothers USA -- Bro. Jeremiah O'Leary, CFX

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US News and World Report, May 8, 2006

Spies Among Us

Despite a troubled history, police across the nation are keeping tabs on ordinary Americans

By David E. Kaplan

In the Atlanta suburbs of DeKalb County, local officials wasted no time after the 9/11 attacks. The second-most-populous county in Georgia, the area is home to the Centers for Disease Control and Prevention, the FBI's regional headquarters, and other potential terrorist targets. Within weeks of the attacks, officials there boasted that they had set up the nation's first local department of homeland security. Dozens of other communities followed, and, like them, DeKalb County put in for--and got--a series of generous federal counterterrorism grants. The county received nearly \$12 million from Washington, using it to set up, among other things, a police intelligence unit.

The outfit stumbled in 2002, when two of its agents were assigned to follow around the county executive. Their job: to determine whether he was being tailed--not by al Qaeda but by a district attorney investigator looking into alleged misspending. A year later, one of its plainclothes agents was seen photographing a handful of vegan activists handing out antimeat leaflets in front of a HoneyBaked Ham store. Police arrested two of the vegans and demanded that they turn over notes, on which they'd written the license-plate number of an undercover car, according to the American Civil Liberties Union, which is now suing the county. An Atlanta Journal-Constitution editorial neatly summed up the incident: "So now we know: Glazed hams are safe in DeKalb County."

Glazed hams aren't the only items that America's local cops are protecting from dubious threats. U.S. News has identified nearly a dozen cases in which city and county police, in the name of homeland security, have surveilled or harassed animal-rights and antiwar protesters, union activists, and even library patrons surfing the Web. Unlike with Washington's warrantless domestic surveillance program, little attention has been focused on the role of state and local authorities in the war on terrorism. A U.S. News inquiry found that federal officials have funneled hundreds of millions of dollars into once discredited state and local police intelligence operations. Millions more have gone into building up regional law enforcement databases to unprecedented levels. In dozens of interviews, officials across the nation have stressed that the enhanced intelligence work is vital to the nation's security, but even its biggest boosters worry about a lack of training and standards. "This is going to be the challenge," says

Los Angeles Police Chief William Bratton, "to ensure that while getting bin Laden we don't transgress over the law. We've been burned so badly in the past--we can't do that again."

Rap sheets. Chief Bratton is referring to the infamous city "Red Squads" that targeted civil rights and antiwar groups in the 1960s and 1970s (Page 48). Veteran police officers say no one in law enforcement wants a return to the bad old days of domestic spying. But civil liberties watchdogs warn that with so many cops looking for terrorists, real and imagined, abuses may be inevitable. "The restrictions on police spying are being removed," says attorney Richard Gutman, who led a 1974 class action lawsuit against the Chicago police that obtained hundreds of thousands of pages of intelligence files. "And I don't think you can rely on the police to regulate themselves."

Good or bad, intelligence gathering by local police departments is back. Interviews with police officers, homeland security officials, and privacy experts reveal a transformation among state and local law enforcement.

Among the changes:

Since 9/11, the U.S. Departments of Justice and Homeland Security have poured over a half-billion dollars into building up local and state police intelligence operations. The funding has helped create more than 100 police intelligence units reaching into nearly every state.

To qualify for federal homeland security grants, states were told to assemble lists of "potential threat elements"--individuals or groups suspected of possible terrorist activity. In response, state authorities have come up with thousands of loosely defined targets, ranging from genuine terrorists to biker gangs and environmentalists.

Guidelines for protecting privacy and civil liberties have lagged far behind the federal money. After four years of doling out homeland security grants to police departments, federal officials released guidelines for the conduct of local intelligence operations only last year; the standards are voluntary and are being implemented slowly.

The resurgence of police intelligence operations is being accompanied by a revolution in law enforcement computing. Rap sheets, intelligence reports, and public records are rapidly being pooled into huge, networked computer databases. Much of this is a boon to crime fighting, but privacy advocates say the systems are wide open to abuse.

Behind the windfall in federal funding is broad agreement in Washington on two areas: first, that local cops are America's front line of defense against terrorism; and second, that the law enforcement and intelligence communities must do a far better job of sharing information with state and local police. As a report by the International Association of Chiefs of Police stressed: "All terrorism is local." Oklahoma City bomber Timothy McVeigh was arrested by a state trooper after a traffic stop. And last year, local police in Torrance, Calif., thwarted what the FBI says could have been America's worst incident since

9/11--planned attacks on military sites and synagogues in and around Los Angeles by homegrown jihadists.

The numbers tell the story: There are over 700,000 local, state, and tribal police officers in the United States, compared with only 12,000 FBI agents. But getting the right information to all those eyes and ears hasn't gone especially well. The government's failure at "connecting the dots," as the 9/11 commission put it, was key to the success of al Qaeda's fateful hijackings in 2001. Three of the hijackers, including ringleader Mohamed Atta, were pulled over in traffic stops before the attacks, yet local cops had no inkling they might be on terrorist watch lists. A National Criminal Intelligence Sharing Plan, released by the Justice Department in 2003, found no shortage of problems in sharing information among local law enforcement: a lack of trust and communication; lack of funding for a national intelligence network; lack of database connectivity; a shortage of intelligence analysts, software, and training; and a lack of standards and policies.

The flood of post-9/11 funding and attention, however, has started making a difference, officials say. Indeed, it has catalyzed reforms already underway in state and local law enforcement, giving a boost to what reformers call intelligence-led policing--a kind of 21st-century crime fighting driven by computer databases, intelligence gathering, and analysis. "This is a new paradigm, a new philosophy of policing," says the LAPD's Bratton, who previously served as chief of the New York Police Department. In that job, Bratton says, he spent 5 percent of his time on counterterrorism; today, in Los Angeles, he spends 50 percent. The key to counterterrorism work, Bratton adds, is intelligence.

The change is "huge, absolutely huge," says Michigan State University's David Carter, the author of *Law Enforcement Intelligence*. "Intelligence used to be a dirty word. But it's a more thoughtful process now." During the 1980s and 1990s, intelligence units were largely confined to large police departments targeting drug smugglers and organized crime, but the national plan now being pushed by Washington calls for every law enforcement agency to develop some intelligence capability. Experts estimate that well over 100 police departments, from big-city operations to small county sheriffs' offices, have now established intelligence units of one kind or another. Hundreds of local detectives are also working with federal agents on FBI-run Joint Terrorism Task Forces, which have nearly tripled from 34 before 9/11 to 100 today. And over 6,000 state and local cops now have federal security clearances, allowing them to see classified intelligence reports.

"The front line." Some police departments have grown as sophisticated as those of the feds. The LAPD has some 80 cops working counterterrorism, while other big units now exist in Atlanta, Chicago, and Las Vegas. Then there's the NYPD, which is in a class by itself--with a thousand officers assigned to homeland security. The Big Apple's intelligence chief is a former head of CIA covert operations; its counterterrorism chief is an ex-State Department counterterrorism coordinator. The NYPD has officers based in a half-dozen countries, and its counterterrorism agents visit some 200 businesses a week to check on suspicious activity.

Many of the nation's new intelligence units are dubbed "fusion centers." Run by state or local law

enforcement, these regional hubs pool information from multiple jurisdictions. From a mere handful before 9/11, fusion centers now exist in 31 states, with a dozen more to follow. Some focus exclusively on terrorism; others track all manner of criminal activity. Federal officials hope to eventually see 70 fusion centers nationwide, providing a coast-to-coast intelligence blanket. This vision was noted by President Bush in a 2003 speech: "All across our country we'll be able to tie our terrorist information to local information banks so that the front line of defeating terror becomes activated and real, and those are the local law enforcement officials."

Intelligence centers are among the hottest trends in law enforcement. Last year, Massachusetts opened its Commonwealth Fusion Center, which boasts 18 analysts and 23 field-intelligence officers. The state of California is spending \$15 million on a string of four centers this year, and north Texas and New Jersey are each setting up six. The best, officials say, are focused broadly and are improving their ability to counter sophisticated crimes that include not only terrorism but fraud, racketeering, and computer hacking. The federal Department of Homeland Security, which has bankrolled start-ups of many of the centers, has big plans for the emerging network. Jack Tomarchio, the agency's new deputy director of intelligence, told a law enforcement conference in March of plans to embed up to three DHS agents and intelligence analysts at every site. "The states want a very close synergistic relationship with the feds," he explained to U.S. News. "Nobody wants to play by the old rules. The old rules basically gave us 9/11."

"Reasonable suspicion." The problem, skeptics say, is that no one is quite sure what the new rules are. "Hardly anyone knows what a fusion center should do," says Paul Wormeli of the Integrated Justice Information Systems Institute, a Justice Department-backed training and technology center. "Some states have responded by putting 10 state troopers in a room to look at databases. That's a ridiculous approach." Another law enforcement veteran, deeply involved with the fusion centers, expressed similar frustration. "The money has been moved without guidance or structure, technical assistance, or training," says the official, who is not authorized to speak publicly. There are now guidelines, he adds, "but they're not binding on anyone." In the past year, the Justice Department has issued standards for local police on fusion centers and privacy issues, but they are only advisory. Most federal funding for the centers now comes from the Department of Homeland Security, but DHS also requires no intelligence standards from its grantees.

At the state level, regulations on police spying vary widely, but a general rule of thumb comes from the Justice Department's internal guidelines that forbid intelligence gathering on individuals unless there is a "reasonable suspicion" of criminal activity. Since the reforms of the 1970s, the FBI says its agents have followed this standard; Justice Department regulations require local police who receive federal funding to do the same in maintaining any intelligence files. But there is considerable leeway at the local level, and since 2001, judges have watered down police spying limits in Chicago and New York. The federal regs, moreover, have not stopped a parade of questionable cases.

Suspicion of spying is so rife among antiwar activists, who have loudly protested White House policy on Iraq, that some begin meetings by welcoming undercover cops who might be present. "People know and believe their activities are being monitored," says Leslie Cagan, national coordinator of United for Peace

and Justice, the country's largest antiwar coalition. There is some evidence to back this up. Documents and videotapes obtained from lawsuits against the NYPD reveal that its undercover officers have joined antiwar and even bicycle-rider rallies. In at least one case, an apparent undercover officer incited a crowd by faking his arrest. In Fresno, Calif., activists learned in 2003 that their group, Peace Fresno, had been infiltrated by a local sheriff's deputy--piecing it together after the man died in a car crash and his obituary appeared in the paper.

The California Anti-Terrorism Information Center, a \$7 million fusion center run by the state Department of Justice, also ran into trouble in 2003 when it warned of potential violence at an antiwar protest at the port of Oakland. Mike Van Winkle, then a spokesman for the center, explained his concern to the Oakland Tribune: "You can make an easy kind of a link that, if you have a protest group protesting a war where the cause that's being fought against is international terrorism, you might have terrorism at that protest. You can almost argue that a protest against [the war] is a terrorist act." Officials quickly distanced themselves from the statement. The center's staff had confused political protest with terrorism, announced California's attorney general, who oversees the office.

"Absurd" threats. But this expansive view of homeland security has at times also extended to union activists and even library Web surfers. In February 2006 near Washington, D.C., two Montgomery County, Md., homeland security agents walked into a suburban Bethesda library and forcefully warned patrons that viewing Internet pornography was illegal. (It is not.) A county official later called the incident "regrettable" and said those officers had been reassigned. Similarly, in 2004, two plainclothes Contra Costa County sheriff's deputies monitored a protest by striking Safeway workers in nearby San Francisco, identifying themselves to union leaders as homeland security agents.

Further blurring the lines over what constitutes "homeland security" has been a push by Washington for states to identify possible terrorists. In 2003, the Department of Homeland Security began requiring states to draft strategic plans that included figures on how many "potential threat elements" existed in their backyards. The definition of suspected terrorists was fairly loose--PTEs were groups or individuals who might use force or violence "to intimidate or coerce" for a goal "possibly political or social in nature." In response, some states came up with alarming numbers. Most of the reports are not available publicly, but U.S. News obtained nine state homeland security plans and found that local officials have identified thousands of "potential" terrorists. There are striking disparities, as well. South Carolina, for example, found 68 PTEs, but neighboring North Carolina uncovered 506. Vermont and New Hampshire found none at all. Most impressive was Texas, where in 2004 investigators identified 2,052 potential threat elements. One top veteran of the FBI's counterterrorism force calls the Texas number "absurd." Included among the threats cited by the states, sources say, are biker gangs, militia groups, and "save the whales" environmentalists.

"The PTE methodology was flawed," says a federal intelligence official familiar with the process, "and it's no longer being used." Nonetheless, these "threat elements" have, in some cases, become the basis for intelligence gathering by local and state police. Concern over the process prompted the ACLU in New Jersey to sue the state, demanding that eight towns turn over documents on PTEs identified by local police.

Another source of alarm for civil liberties watchdogs is the explosion in police computing power. Spurred by a 2004 White House directive ordering better information sharing, the Justice Department has poured tens of millions of dollars into expanding and tying together law enforcement databases and networks. In many respects, the changes are long overdue, yanking police into the 21st century and letting them use the tools that bankers, private investigators, and journalists routinely employ. From TV shows like 24 and CSI, Americans are accustomed to scenes of police accessing the most arcane data with a few keyboard clicks. The reality couldn't be more different. Law enforcement was slow to get on the technology bandwagon, and its information systems have developed into a patchwork of networks and databases that cannot talk to one another--even within the same county. Rap sheets, prison records, and court files are often all on different systems. This means that days or even weeks can pass before court-issued warrants show up on police wanted lists--leaving criminals out on the streets.

States and cities began linking up their systems in the 1990s, but since 9/11 their progress has been dramatic. At least 38 states are working on some 200 projects tying together their criminal justice records. Concerned over disjointed police networks around its key bases, the Navy's Criminal Investigative Service is funding projects in Norfolk, Va., and four other port cities, creating huge "data warehouses" stocked with crime files from dozens of law enforcement agencies. The FBI is also running pilot database centers in the St. Louis and Seattle areas in which the bureau makes its case files available to police. To local cops who have long complained about the FBI's lack of sharing, the development is downright revolutionary. "It made people nervous as hell, including me," says the FBI's Thomas Bush, who oversaw the initial program and now runs the FBI's Criminal Justice Information Services Division. "The technical aspect is easy, but you need to have the trust of the community and the security to safeguard the system."

The benefits of all this are undeniable. Armed with the latest information, police will be better able to catch crooks and spot criminal trends. But in this digital age, with so much data available about individual Americans, the lines between what is acceptable investigation and what is intrusive spying can quickly grow unclear. Consider the case of Matrix. Backed by \$12 million in federal funds, at its peak in 2004 the Matrix system tapped into law enforcement agencies from a dozen states. Using "data mining" technology, its search engine ripped through billions of public records and matched them with police files, creating instant dossiers. In the days after 9/11, Matrix researchers searched out individuals with what they called "high terrorist factor" scores, providing federal and state authorities a list of 120,000 "suspects."

Law enforcement officials loved the system and made nearly 2 million queries to it. But what alarmed privacy advocates was the mixing of public data with police files, profiling techniques that smacked of fishing expeditions, and the fact that all these sensitive data were housed in a private corporation. Hounded by bad publicity and concerned that Matrix might be breaking privacy laws, states began pulling out of the system. Then, early last year, the Justice Department quietly cut off funding.

Matrix no longer exists, but similar projects are underway across the country, including one run by the

California Department of Justice. Having learned from Matrix's mistakes, users are employing what tech specialists call "distributed computing." Instead of creating a single, vast database, they rapidly access information from sites in different states, often with a single query. The effect is essentially the same. "If people knew what we were looking at, they'd throw a fit," says a database trainer at one prominent police department.

Hacker's discovery. Another concern is the quality--and security--of all that information. In Minnesota, the state-run Multiple Jurisdiction Network Organization ran into controversy after linking together nearly 200 law enforcement agencies and over 8 million records. State Rep. Mary Liz Holberg, a Republican who oversees privacy issues, found much to be alarmed about when a local hacker contacted her after breaking into the system. The hacker had yanked out files on Holberg herself, showing she was classified as a "suspect" based on a neighbor's old complaint about where she parked her car. "We had a real mess in Minnesota," Holberg later wrote. "There was no effective policy for individuals to review the data in the system, let alone correct inaccuracies." In late 2003, state officials shut down the system amid concerns that it violated privacy laws in its handling of records on juvenile offenders and gun permits.

Such problems threaten to grow as law enforcement expands its reach with increased intelligence and computing power. The key to avoiding trouble, say experts, is ensuring that concerns over privacy and civil liberties are dealt with head-on. In a recent advisory aimed at police intelligence units, the Department of Justice stressed that success in safeguarding civil liberties "depends on appointing a high-level member of your agency to champion the initiative." But that message apparently hasn't gotten through, judging from the response at a conference sponsored by the Justice Department a few weeks back on information sharing. Among the crowd of some 200 local and state officials were intelligence officers, database managers, and chiefs of police. When a speaker asked who in the audience was working with privacy officials, not a single hand went up.

As Washington doles out millions of dollars for police intelligence, its reliance on voluntary guidelines may backfire, warn critics, who worry that abuses could wreck the important work that needs to be done. "We're still diddling around," says police technology expert Wormeli. "We're not setting clear policy on what we put in our databases. Should a patrol officer in Tallahassee be able to look at my credit report? Most people would say, 'Hell, no.'" Current regulations on criminal intelligence, he adds, were written before the computer age. "They were great in their day, but they need to be updated and expanded."

Civil liberties watchdogs like attorney Gutman, meanwhile, want to know how efforts to stop al Qaeda have ended up targeting animal rights advocates, labor leaders, and antiwar protesters. "You've got all this money and all this equipment--you're going to find someone to use it on," he warns. "If there aren't any external checks, there's going to be an inevitable drift toward abuses." But boosters of intelligence-led policing say that today's cops are too smart to repeat mistakes of the old Red Squads. "We're trying to develop policies to build trust and relationships, not spy," says Illinois State Police Deputy Director Kenneth Bouche. "We've learned a better way to do it." Perhaps. But for now, at least, the jury on this case is still out.



City's split: fear for safety vs. fear for rights

Portland, Ore., keeps its police in anti-terror pact with FBI, but dissent persists.

By Frank Bures Special to The Christian Science Monitor / October 17, 2001

PORTLAND, ORE.

Dan Handelman never did like the idea that the local police department would join hands with the FBI's office here in Portland to take part in a "joint terrorism task force."

To him, it amounted to "federalization of the police." And who, exactly, would be considered a terrorist, he wondered.

But if Mr. Handelman, a self-appointed crusader for police accountability and founder of Portland Copwatch, had hoped to persuade the City Council to drop out of the pact, he would have stood a far better chance if the vote had come before Sept. 11.

But it didn't. It came Oct. 3, and with cities across the US trying to ensure they will not be the next New York, Portland's decision to renew its participation in the joint terrorism task force (JTTF) was all but assured. A vote today is expected to make the decision final.

Though the question is resolved for another year, the issue is by no means settled in the minds of many here. As the US moves to expand the program beyond the 34 cities that now belong to JTTFs, the debate between those who fear for their safety and those who fear for their rights is likely to be repeated in cities far from Portland. Soon, every federal district will have one.

The program, ironically, has its genesis in New York. A task force was created there in 1979 between police and the FBI, later growing to include other organizations. A key feature of these task forces is that they pave the way for local police officers to be deputized as FBI agents to investigate acts of criminal terrorism.

Portland's own JTTF was formed in 1997 and includes, in addition to Portland police, the Bureau of Alcohol, Tobacco and Firearms, the Immigration and Naturalization Service, US Customs, the Drug Enforcement Administration, and other agencies.

In Portland, a city big enough to hold both Western-style libertarians and bona fide liberals, the debate has been spirited - on both sides. Testimony consumed two hearings spread over six hours.

One of those testifying for staying in the JTTF was Terry Daley, a small, bespectacled woman who looks more like a librarian than someone who would be in a sniper's scope. But Ms. Daley, a counselor at the Downtown Women's Center, which provides abortions, has had bullets pierce her workplace windows. At the hearing, she told the City Council that the JTTF has made the clinic safer by teaching staff members the difference between legitimate protesters and dangerous ones. The center now receives alerts when high-profile leaders come to town, and it has a list of emergency contacts.

Others who spoke in favor of JTTF participation included medical-research facilities and timber-industry representatives who've been threatened with violence or had property damaged by hard-core animal-rights and environmental groups.

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Colorado 'fusion center' to step up intelligence gathering during DNC

Federal law enforcement and military will monitor 'suspicious activities' for security threats.

By [Erin Rosa](#) 7/30/08 8:47 AM

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Federal and state law enforcement officials will increase intelligence operations during the Democratic National Convention, overseeing an information war room that will be staffed around the clock with analysts who access a dozen databases while receiving reports of "suspicious activity" — activity that some civil libertarians claim could be nothing more than engaging in anti-war protests or photographing federal facilities that could be targeted for terrorist attack.

Central to the efforts is Colorado's "fusion" center, a place designed to facilitate intelligence sharing among federal, state and military agencies in an effort to prevent terrorism. But civil rights advocates fear that the Colorado Information Analysis Center, (CIAC) now housed in an inconspicuous office building in Centennial, a

southern suburb of Denver, could enable unwarranted spying on Americans exercising their First Amendment rights at the convention.

Inside the building, intelligence analysts with the Colorado State Patrol, Colorado National Guard and Federal Bureau of Investigation take local reports of suspicious criminal activity and determine what merits further investigation.

"It's a filtration point for information," says Lance Clem, a representative for the Colorado Department of Public Safety, which directs the state troopers who work at CIAC. "We take information from the international and national level and decide what needs to be pushed out to local law enforcement agencies."

CIAC personnel also take reports of suspicious activities from citizens and other police departments. If a report is deemed by analysts to require additional investigation, it is shared with the appropriate law enforcement officials, but if a report is not determined to merit further inspection, CIAC workers make a log of the event, according to Clem, essentially creating a massive collection of data, some of it reliable and some of it not.

When the Democratic National Convention is held in August, CIAC will be operating 24 hours a day and be fully staffed with up to eight intelligence analysts at any given time.

"CIAC is going to be expanding hours for physical presence in the office," Clem says about the convention. "Any known threats specifically related to the convention are going to go right to the United States Secret Service and FBI, but CIAC is going to be there to take any reports that citizens have."

Malcolm Wiley, a spokesman for the Secret Service, says he can't confirm if members of his agency will be physically present at CIAC while the convention takes place, but he does acknowledge the center's part in analyzing intelligence data during the event.

"They'll be sharing information with other intelligence gatherers," including the Secret Service and FBI, Wiley says.

The military will also be sharing intelligence information and providing support through U.S. Northern Command, (NORTHCOM) a unit stationed at Peterson Air Force Base in Colorado Springs that was created in 2002 for homeland defense missions.

While NORTHCOM personnel will not be working at CIAC during the convention, the unit will share information that is relevant to the center, as it has done occasionally in the past, according to Master Sgt. Anthony Hill, a NORTHCOM spokesman.

A diffuse national intelligence network

The Colorado fusion center is just one facet of a diffuse national intelligence network that has grown up quietly since Sept. 11, 2001. The terror attack on Washington, D.C., and New York showed that the United States had many reports on the suspicious actions of the hijackers but no system for sharing information among state, local and national law enforcement agencies. For a couple of years, various federal programs to consolidate possible terrorism data failed to catch on or were ruled out by public indignation over privacy rights.

Facing frustrations over security clearances and difficulties communicating with federal authorities, state and local law enforcement officials started creating their own sharing networks in the form of fusion centers. One model was the Joint Terrorism Task Forces, small regional groups composed of investigators from multiple U.S. law enforcement and intelligence agencies created in 2002 to compile intelligence from a select group of local, state and federal officials in the name of fighting terrorism.

In 2003 the Department of Homeland Security began financially supporting the fusion centers, even going so far as to station homeland security officers at centers in a number of states, including Colorado. The Department of Homeland Security reports that the United States has 58 fusion centers, which have received \$254 million in taxpayer money since 2004.

"This is something that sort of started organically, but then they're like police intelligence units on steroids," says Mike German, a counter-terrorist operations specialist and former FBI agent who is now national security counsel for the American Civil Liberties Union's legislative office in Washington, D.C.

"It's actually the federal government that's encouraging them and directing them now," German says.

CIAC opened in October 2004 to respond to possible threats during the year's election season, but it now handles threats not only relating to terrorism, but to all crimes and hazards, including natural disasters.

Jim Lancy, president of the Colorado Emergency Management Association (CEMA) and a board member of the center for two years, says "CIAC is looked at as a model for the rest of the country in how to build a fusion center and how to work effectively at crime and terrorism prevention."

CIAC falls under the command of the state patrol, and policy decisions are made by the board, which meets quarterly.

The CIAC board consists of the executive director of the Department of Public Safety, the director of the Division of Fire Safety and the state's lieutenant governor, along with representatives from CEMA, the County Sheriffs Association of Colorado, the Colorado Chiefs of Police Association, the Colorado Department of Public Health, the Department of Corrections and the Colorado Commission on Indian Affairs. Unlike other states, such as Iowa and Minnesota, the Colorado fusion center does not include any representatives of civil liberties groups on its governing body.

Governance of centers varies widely in different states, making it difficult to find out who is directing intelligence-gathering decisions.

"This is something that's really growing," says German. "There are very ambiguous lines of authority. It's unclear who's in charge. It's unclear whose rules everyone in the fusion centers are playing by."

From TIPS to fusion

In 2002 the Bush administration attempted to implement Operation TIPS (Terrorism Information and Prevention System), encouraging private residents — including utility and postal service workers — to report suspicious activity to the federal government, storing reports in various law enforcement databases.

The idea of enlisting private citizens as intelligence agents drew widespread criticism, and Operation TIPS was eventually abandoned.

"This is the resurrection of the TIPS program in many ways," German says of the fusion centers, noting that in Colorado hundreds of law enforcement officials, emergency service providers and utility workers were recently dispatched as "terrorism liaison officers" (TLOs) to report noncriminal suspicious activity to CIAC.

Suspicious activity is defined broadly as actions that could lead to terrorism and includes reporting individuals taking notes or photos or talking publicly about extremist political beliefs.

"This system is really turning every state and local police officer into a spy for the intelligence community," German says, noting that the information collected by citizens could make it to the Central Intelligence Agency

or the military. "They're not just stand-alone centers; they're actually networked to every other center, and it is part of a larger program."

Another fusion center precursor, state Joint Terrorism Task Forces, is still operational and sharing information with the centers.

In 2005 the American Civil Liberties Union of Colorado released documentation showing that the Colorado Joint Terrorism Task Force (JTTF) had spied and collected data on peaceful protesters, including license plate numbers and names.

"CIAC does not generate nor keep this kind of information," says Clem. "When CIAC learns of a suspected terrorism case, CIAC turns it over to the JTTF, and the JTTF takes it from there. CIAC does not investigate cases because that's not its function. What is usually retained in databases relates to events, not individuals."

Clem also states that there is no set time frame as to how long CIAC holds data of suspicious activities reports. He says the center usually doesn't have use for incident report information that is older than two or three months.

The use of CIAC for the upcoming Democratic National Convention and the recent implementation of terrorism liaison officers in the state raises civil liberties questions.

In 2007 German released a report on behalf of the ACLU that found multiple problems with fusion centers, including the practice of mining through data to find terrorism suspects.

"It seems like a lot of the purpose around these centers is to accumulate data that can be mined. The purpose is to engage in data mining," German says, noting that in his report, a 2007 audit by the Justice Department found the process to be prone to error.

German points out that in July it was revealed that undercover Maryland state troopers had been spying on peaceful protesters and were sharing information on activists, including names, that was accessible to the state's fusion center and federal agencies like the National Security Agency, prompting the Maryland officials to reevaluate intelligence-gathering policies, according to news reports.

The involvement of military personnel with law enforcement operations at the centers is also a concern.

"Centers were actually incorporating national guardsman and active-duty military in some cases," says German. "We want to have a military to defend against outside threats, but we don't want to turn that military against the American people."

When asked about CIAC's role during the convention, German says, adding: "These centers have very robust police powers and domestic intelligence-collecting powers, and what we've seen in the past is that when police agencies are given secret powers to spy, they abuse those powers. And where there is very unclear line of accountability, the chances of something bad happening under that system were very high."

CIAC meets all federal privacy guidelines and laws, according to Clem, protecting data reports with a top-secret security clearance, locked safes and a fortified building protected against outside bomb explosions.

Law enforcement officials have access to more than two dozen state and federal databases in CIAC, including the Homeland Security Information Network, a highly classified database that was created to bring a national counter-terrorism communications network to all states

"Unfortunately, because this is such a dispersed network of fusion centers, it's not one program to attack,"

German says about privacy concerns surrounding the centers. "That's why it's going to be a much more difficult thing to approach and frankly much more dangerous because it is happening at a local level."


For more reporting on fusion centers, see our sister sites


Minnesota Independent: [You don't know MN-JAC: Anti-terror fusion center grapples with security flaw, new privacy policy](#)


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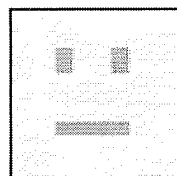
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FBI Prepares Vast Database Of Biometrics \$1 Billion Project to Include Images of Irises and Faces

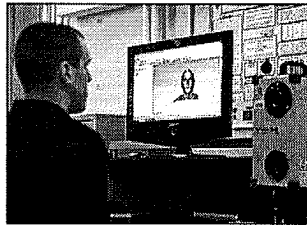
By Ellen Nakashima
Washington Post Staff Writer
Saturday, December 22, 2007

CLARKSBURG, W. Va. -- The FBI is embarking on a \$1 billion effort to build the world's largest computer database of peoples' physical characteristics, a project that would give the government unprecedented abilities to identify individuals in the United States and abroad.

Digital images of faces, fingerprints and palm patterns are already flowing into FBI systems in a climate-controlled, secure basement here. Next month, the FBI intends to award a 10-year contract that would significantly expand the amount and kinds of biometric information it receives. And in the coming years, law enforcement authorities around the world will be able to rely on iris patterns, face-shape data, scars and perhaps even the unique ways people walk and talk, to solve crimes and identify criminals and terrorists. The FBI will also retain, upon request by employers, the fingerprints of employees who have undergone criminal background checks so the employers can be notified if employees have brushes with the law.

"Bigger. Faster. Better. That's the bottom line," said Thomas E. Bush III, assistant director of the FBI's Criminal Justice Information Services Division, which operates the database from its headquarters in the Appalachian foothills.

The increasing use of biometrics for identification is raising questions about the ability of Americans to avoid unwanted scrutiny. It is drawing criticism from those who worry that people's bodies will become de facto national identification cards. Critics say that such government initiatives should not proceed without proof that the technology really can pick a criminal out of a crowd.



Highly accurate face-scanning cameras are being developed. (Photos By Bob Shaw For The Washington Post)

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The use of biometric data is increasing throughout the government. For the past two years, the Defense Department has been storing in a database images of fingerprints, irises and faces of more than 1.5 million Iraqi and Afghan detainees, Iraqi citizens and foreigners who need access to U.S. military bases. The Pentagon also collects DNA samples from some Iraqi detainees, which are

stored separately.

The Department of Homeland Security has been using iris scans at some airports to verify the identity of travelers who have passed background checks and who want to move through lines quickly. The department is also looking to apply iris- and face-recognition techniques to other programs. The DHS already has a database of millions of sets of fingerprints, which includes records collected from U.S. and foreign travelers stopped at borders for

criminal violations, from U.S. citizens adopting children overseas, and from visa applicants abroad. There could be multiple records of one person's prints.

"It's going to be an essential component of tracking," said Barry Steinhardt, director of the Technology and Liberty Project of the American Civil Liberties Union. "It's enabling the Always On Surveillance Society."

If successful, the system planned by the FBI, called Next Generation Identification, will collect a wide variety of biometric information in one place for identification and forensic purposes.

In an underground facility the size of two football fields, a request reaches an FBI server every second from somewhere in the United States or Canada, comparing a set of digital fingerprints against the FBI's database of 55 million sets of electronic fingerprints. A possible match is made -- or ruled out--as many as 100,000 times a day.

Soon, the server at CJIS headquarters will also compare palm prints and, eventually, iris images and face-shape data such as the shape of an earlobe. If all goes as planned, a police officer making a traffic stop or a border agent at an airport could run a 10-fingerprint check on a suspect and within seconds know if the person is on a database of the most wanted criminals and terrorists. An analyst could take palm prints lifted from a crime scene and run them against the expanded database. Intelligence agents could exchange biometric information worldwide.

More than 55 percent of the search requests now are made for background checks on civilians in sensitive positions in the federal government, and jobs that involve children and the elderly, Bush said. Currently those prints are destroyed or returned when the checks are completed. But the FBI is planning a "rap-back" service, under which employers could ask the FBI to keep employees' fingerprints in the database, subject to state privacy laws, so that if that employees are ever arrested or charged with a crime, the employers would be notified.

Advocates say bringing together information from a wide variety of sources and making it available to multiple agencies increases the chances to catch criminals. The Pentagon has already matched several Iraqi suspects against the FBI's criminal fingerprint database. The FBI intends to make both criminal and civilian data available to authorized users, officials said. There are 900,000 federal, state and local law enforcement officers who can query the fingerprint database today, they said.

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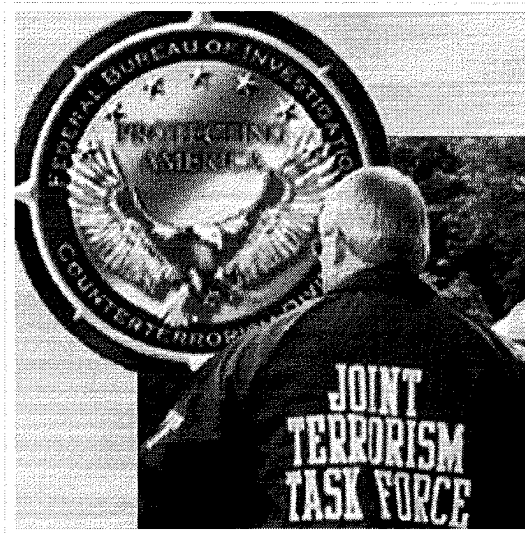
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link: Joint Terrorism Task Force Q

Joint Terrorism Task Force Questions Professor

by Pachuco *Monday, Mar. 13, 2006 at 10:17 AM*

Dr. Miguel Tinker Salas, Pomona College Professor of Latin American Studies is visited by LA County Sheriffs/FBI Joint Task Force on Terrorism.



jttf.jpg, image/jpeg, 312x312

According to the Federal Bureau of Investigations (FBI), the Joint Terrorism Task Forces (JTTFs) were established to give the FBI investigate jurisdiction over acts of terrorism committed within the United States against American citizens and American facilities overseas. The JTTFs also collect, analyzes, and distributes critical information and intelligence with other authorities combating terrorism. The FBI states that an important component of the JTTFs is to investigate matters involving the use, or threats to use, weapons of mass destruction, including biological, chemical and nuclear threats.

To efficiently respond to potential terrorist threats, the FBI utilizes other members of the law enforcement community to coordinate terrorist related matters. Through this integration of the FBI and federal, state, and local law enforcement agencies, the JTTFs assert an effective response to threats from domestic and international terrorists.

Recently, Dr. Miguel Tinker Salas, Arango Professor in Latin American History and Professor of History and Chicano/a Studies at the Pomona College in Claremont, CA was visited by the Los Angeles/FBI JTTFs.

Dr. Salas is considered an expert on Venezuela, Politics, Oil and Culture and is well informed on the U.S. presence in Venezuela. He is also an expert authority on US/Mex border culture and Latin American Immigration. Dr. Salas has authored, "The Venezuelan Exceptionalism Thesis: Separating Myth from Reality" (2005) and "Under the Shadow of the Eagles, The Border and the Transformation of Sonora During the Porfiriato" (1997).

The following is an excerpt from a letter sent out by Dr. Salas:

"I write to inform you that yesterday [March 7, 2006] during my office hours (Tuesday 2:30-4:30) I was visited by two agents of the LA County Sheriffs/FBI Joint Task Force on Terrorism (JTFT).

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They arrived at about 2:40-2:45 pm, sat outside my office while I attended to students, and then asked to see me. They had with them a copy of my profile from the [college] Web page, and other materials I could not see.

After identifying themselves, they proceeded to ask about my relation to Venezuela, the government, the community, my scholarship, my politics. They were especially interested in whether or not I had been approached by anyone in the Venezuelan government or embassy to speak up on Venezuelan related matters. In addition, they raised a whole host of other troubling questions, too long to summarize here.

They also indicated that the visit to my office was part of a larger effort to interview academics in the area. I do not know if this is happening at other schools.

After they departed, the three or four students who were outside my Office informed me that these individuals had asked them about my background, my classes, what I taught, my politics and they even wrote down the cartoons that are on my door. I consider this to be an attempt at intimidation and cast a pall on matters of academic freedom."

Though Dr. Salas has not provided a reason why he feels that he was the object of the JTTFs informal investigation, one can speculate that it is a preliminary task leading to a possibility that the US intends to send troops into Latin America, starting with Venezuela.

It is important that our government intelligence agencies identify potential influences to any domestic opposition movements against US military offensives in foreign countries, but is this the task of the JTTFs as stated in the mission against domestic and foreign terrorism? Dr. Salas is not a potential terrorist, he does he have ties to any terrorist organizations and is certainly not a threat to his fellow US citizens.

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Student's path to FBI informant

Wednesday, September 12 2007 @ 08:58 PM CDT

Contributed by: Admin

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An FBI undercover informant spun a compelling account Tuesday for a Sacramento federal court jury of how she went from being a 17-year-old Florida college student four years ago to the government's key witness in the trial of a man accused of plotting domestic terrorism. Student's path to FBI informant



Using alias, woman tells of alleged terrorism plot.

By Denny Walsh - Sacramento Bee Staff Writer

Published 12:00 am PDT Wednesday, September 12, 2007

An FBI undercover informant spun a compelling account Tuesday for a Sacramento federal court jury of how she went from being a 17-year-old Florida college student four years ago to the government's key witness in the trial of a man accused of plotting domestic terrorism.

To shield her true identity and protect her from retribution, the woman testified only as "Anna," the alias she used in her undercover work. The judge knows her real name, as does the defense attorney, who agreed to the unusual procedure.

Dressed in a white suit and pale blue blouse, the dark-haired 21-year-old told her story in a cool, matter-of-fact manner.

She said that in the fall of 2003, as research for a class project, she dressed in "grunge" clothes and mingled with protesters at an international free trade conference.

After she presented a report to the class, the witness recalled, a fellow student who was a state law enforcement officer asked for a copy of the paper she had written about her experiences.

The paper found its way to the FBI in Miami, and she was recruited to infiltrate the "anarchist movement" that consistently has a presence at anti-establishment demonstrations, she said. The bureau's proposition that she report all violent and criminal activity she witnessed at these events "intrigued" her, she said.

"Anna" was instructed "never to assume a leadership role, never suggest anything, and give information only when asked," she testified. She kept in touch with FBI agents primarily by cellular telephone.

Between January 2004 and January 2006, the FBI paid her \$31,000 in compensation and \$35,000 to cover her expenses traveling the country from protest to protest and from one "anarchist" meeting to another. She said she wore the "dirtiest, smelliest" clothes she could find, dyed her hair every color of the rainbow, and never wore makeup or jewelry.

Her first assignment was the 2004 Group of Eight, or G8, summit in Georgia. The organization is a forum for the governments of eight major countries, including the United States. Its annual summit is attended by the heads of government of the member countries.

"Anna" next was a demonstrator at the Democratic National Convention in Boston and later the Republican National Convention in New York City.



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Is the Pentagon spying on Americans?

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<http://www.globalissues.org/article/583/is-the-pentagon-spying-on-americans>

This is a story from *MSNBC*, revealing that the Pentagon has been spying on Americans and even anti-war and other peace groups. A fear raised now is that people may become more suspicious of the open press. You can see the original article at <http://www.msnbc.msn.com/id/10454316/>¹.

Is the Pentagon Spying on Americans?

By Lisa Myers, Douglas Pasternak, Rich Gardella and the NBC Investigative Unit

MSNBC

December 13, 2005

Secret database obtained by NBC News tracks “suspicious” domestic groups.

Washington — A year ago, at a Quaker Meeting House in Lake Worth, Fla., a small group of activists met to plan a protest of military recruiting at local high schools. What they didn't know was that their meeting had come to the attention of the U.S. military.

A secret 400-page Defense Department document obtained by NBC News lists the Lake Worth meeting as a “threat” and one of more than 1,500 “suspicious incidents” across the country over a recent 10-month period.

“This peaceful, educationally oriented group being a threat is incredible,” says Evy Grachow, a member of the Florida group called The Truth Project.

“This is incredible,” adds group member Rich Hersh. “It’s an example of paranoia by our government,” he says. “We’re not doing anything illegal.”

The Defense Department document is the first inside look at how the U.S. military has stepped up intelligence collection inside this country since 9/11, which now includes the monitoring of peaceful anti-war and counter-military recruitment groups.

“I think Americans should be concerned that the military, in fact, has reached too far,” says NBC News military analyst Bill Arkin.

The Department of Defense declined repeated requests by NBC News for an interview. A spokesman said that all domestic intelligence information is “properly collected” and involves “protection of Defense Department installations, interests and personnel.” The military has always had a legitimate “force protection” mission inside the U.S. to protect its personnel and facilities from potential violence. But the Pentagon now collects domestic intelligence that goes beyond legitimate concerns about terrorism or protecting U.S. military installations, say critics.

Four Dozen Anti-War Meetings

The DOD database obtained by NBC News includes nearly four dozen anti-war meetings or protests, including some that have taken place far from any military installation, post or recruitment center. One “incident” included in the database is a large anti-war protest at Hollywood and Vine in Los Angeles last March that included effigies of President Bush and anti-war protest banners. Another incident mentions a planned protest against military recruiters last December in Boston and a planned protest last April at McDonald’s National Salute to America’s Heroes - a military air and sea show in Fort Lauderdale, Fla.

The Fort Lauderdale protest was deemed not to be a credible threat and a column in the database concludes: “US group exercising constitutional rights.” Two-hundred and forty-three other incidents in the database were discounted because they had no connection to the Department of Defense - yet they all remained in the database.

The DOD has strict guidelines, adopted in December 1982, that limit the extent to which they can collect and retain information on U.S. citizens.

Still, the DOD database includes at least 20 references to U.S. citizens or U.S. persons. Other documents obtained by NBC News show that the Defense Department is clearly increasing its domestic monitoring activities. One DOD briefing document stamped “secret” concludes: “[W]e have noted increased communication and encouragement between protest groups using the [I]nternet,” but no “significant connection” between incidents, such as “reoccurring instigators at protests” or “vehicle descriptions.”

The increased monitoring disturbs some military observers.

“It means that they’re actually collecting information about who’s at those protests, the descriptions of vehicles at those protests,” says Arkin. “On the domestic level, this is unprecedented,” he says. “I think it’s the beginning of enormous problems and enormous mischief for the military.”

Some former senior DOD intelligence officials share his concern. George Lotz, a 30-year career DOD official and former U.S. Air Force colonel, held the post of Assistant to the Secretary of Defense for Intelligence Oversight from 1998 until his retirement last May. Lotz, who recently began a consulting business to help train and educate intelligence agencies and improve oversight of their collection process, believes some of the information the DOD has been collecting is not justified.

Make Sure They Are Not Just Going Crazy

“Somebody needs to be monitoring to make sure they are just not going crazy and reporting things on U.S. citizens without any kind of reasoning or rationale,” says Lotz. “I demonstrated with Martin Luther King in 1963 in Washington,” he says, “and I certainly didn’t want anybody putting my name on any kind of list. I wasn’t any threat to the government,” he adds.

The military’s penchant for collecting domestic intelligence is disturbing - but familiar - to Christopher Pyle, a former Army intelligence officer.

“Some people never learn,” he says. During the Vietnam War, Pyle blew the whistle on the Defense Department for monitoring and infiltrating anti-war and civil rights protests when he published an article in the Washington Monthly in January 1970.

The public was outraged and a lengthy congressional investigation followed that revealed that the military had conducted investigations on at least 100,000 American citizens. Pyle got more than 100 military agents to testify that they had been ordered to spy on U.S. citizens - many of them anti-war protestors and civil rights advocates. In the wake of the investigations, Pyle helped Congress write a law placing new limits on military spying inside the U.S.

But Pyle, now a professor at Mt. Holyoke College in Massachusetts, says some of the information in the database suggests the military may be dangerously close to repeating its past mistakes.

“The documents tell me that military intelligence is back conducting investigations and maintaining records on civilian political activity. The military made promises that it would not do this again,” he says.

Too Much Data?

Some Pentagon observers worry that in the effort to thwart the next 9/11, the U.S. military is now collecting too much data, both undermining its own analysis efforts by forcing analysts to wade through a mountain of rubble in order to obtain potentially key nuggets of intelligence and entangling U.S. citizens in the U.S. military’s expanding and quiet collection of domestic threat data.

Two years ago, the Defense Department directed a little known agency, Counterintelligence Field Activity, or CIFA, to establish and “maintain a domestic law enforcement database that includes information related to potential terrorist threats directed against the Department of Defense.” Then-Deputy Secretary

of Defense Paul Wolfowitz also established a new reporting mechanism known as a TALON or Threat and Local Observation Notice report. TALONs now provide “non-validated domestic threat information” from military units throughout the United States that are collected and retained in a CIFA database. The reports include details on potential surveillance of military bases, stolen vehicles, bomb threats and planned anti-war protests. In the program’s first year, the agency received more than 5,000 TALON reports. The database obtained by NBC News is generated by Counterintelligence Field Activity.

CIFA is becoming the superpower of data mining within the U.S. national security community. Its “operational and analytical records” include “reports of investigation, collection reports, statements of individuals, affidavits, correspondence, and other documentation pertaining to investigative or analytical efforts” by the DOD and other U.S. government agencies to identify terrorist and other threats. Since March 2004, CIFA has awarded at least \$33 million in contracts to corporate giants Lockheed Martin, Unisys Corporation, Computer Sciences Corporation and Northrop Grumman to develop databases that comb through classified and unclassified government data, commercial information and Internet chatter to help sniff out terrorists, saboteurs and spies.

One of the CIFA-funded database projects being developed by Northrop Grumman and dubbed “Person Search,” is designed “to provide comprehensive information about people of interest.” It will include the ability to search government as well as commercial databases. Another project, “The Insider Threat Initiative,” intends to “develop systems able to detect, mitigate and investigate insider threats,” as well as the ability to “identify and document normal and abnormal activities and ‘behaviors,’” according to the Computer Sciences Corp. contract. A separate CIFA contract with a small Virginia-based defense contractor seeks to develop methods “to track and monitor activities of suspect individuals.”

“The military has the right to protect its installations, and to protect its recruiting services,” says Pyle. “It does not have the right to maintain extensive files on lawful protests of their recruiting activities, or of their base activities,” he argues.

Lotz agrees.

“The harm in my view is that these people ought to be allowed to demonstrate, to hold a banner, to peacefully assemble whether they agree or disagree with the government’s policies,” the former DOD intelligence official says.

“Slippery Slope”

Bert Tussing, director of Homeland Defense and Security Issues at the U.S. Army War College and a former Marine, says “there is very little that could justify the collection of domestic intelligence by the United States military. If we start going down this slippery slope it would be too easy to go back to a place we never want to see again,” he says.

Some of the targets of the U.S. military's recent collection efforts say they have already gone too far.

"It's absolute paranoia—at the highest levels of our government," says Hersh of The Truth Project.

"I mean, we're based here at the Quaker Meeting House," says Truth Project member Marie Zwicker, "and several of us are Quakers."

The Defense Department refused to comment on how it obtained information on the Lake Worth meeting or why it considers a dozen or so anti-war activists a "threat."

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Fusion Center meltdown: Feds stifling open government in VA?

By [Jon Stokes](#) | Last updated [March 24, 2008 1:10 PM](#)

This past Friday, the Electronic Privacy Information Center (EPIC) filed a Freedom of Information Act suit against the Virginia Department of State Police in an effort to uncover whether the federal government has been interfering in the state's open government legislation. EPIC suspects that the feds are trying to use the state police to pressure the Virginia legislature into passing a bill that will put limits on the state's open government laws and will encourage citizens to inform on one another by protecting anonymous tipsters from defamation and invasion of privacy lawsuits.

Why do the feds care about [HB1007](#), the Virginia bill that open government advocates have decried as a major affront to privacy, civil liberties, and government accountability? In a word, it comes down to "fusion."

Fusion centers unite feds and states on terror... and drugs, and weather, and crime, etc.

One of the most far-reaching yet least-scrutinized recommendations to come out of the 9/11 Commission Report's section on intelligence reform was the start of a number of efforts aimed at breaking down the walls between local, state, and federal law enforcement and disaster response. The thinking went that in terms of both prevention and response, effectively fighting terror would require a much higher level of centralized coordination among federal and state law enforcement and emergency services than had ever been previously contemplated.

The ultimate expression of this new federal/state integration was a nationwide network of "fusion centers" — low-profile, highly secure sites where federal and state officials with top secret clearance meet in order to collect, analyze, and redistribute information on "all hazards, all threats." The list of hazards and threats covered by these centers initially started with terrorism but soon expanded to include crime, gangs, weather-related natural disasters, and anti-war protesters. (Okay, just kidding about that last one... sort of. As opponents of domestic surveillance often point out, all domestic spying operations eventually turn their sights on political dissidents, if only to justify their funding in the absence of other threats.)

The ACLU hosts an [interactive map](#) of the 40+ fusion centers in the US; check out the location nearest your home, and then you'll know who's picking up the phone when you dial in an anonymous tip to a statewide counter-terrorism hotline.

Feds: "Yes, Virginia, you'll regret not passing this"

To return to the bill that's currently moving through the Virginia state legislature, opponents of HB1007 suspect that the federal government is pushing the state to adopt the measure, which will render all of the Virginia Fusion Center's databases and records exempt from FOIA requests. The bill also proposes to make Fusion Center employees exempt from subpoena in civil actions related to "criminal intelligence information," and it would grant to call-in tipsters immunity to defamation and invasion of privacy claims.

The feds are telling the Virginia state police that, if the bill's broad exemptions and immunities don't pass, then they'll be hindered in their ability to "fuse" their sensitive information with that of the state law enforcement and emergency response. The loss of the federally funded center would be a blow to local law enforcement, which gets free access via the center to a vast network of information and human resources.

On February 12, EPIC filed a FOIA request for any records of meetings and communications between the Virginia State Police and various federal agencies, including the Department of Justice and the Department of Homeland Security, concerning the Virginia Fusion Center. EPIC intended to use the results of this FOIA both to determine if the federal government were essentially lobbying for the passage HB1007 and to lobby against the bill.

The state police failed to produce any of the requested documentation, so EPIC filed suit on March 21.

Ultimately, it makes sense that as the executive branch seeks to integrate its growing domestic surveillance and homeland security apparatus more tightly with state and local governments, it will begin to run into problems from state legislative branches. While the US congress may have only recently discovered some semblance of a backbone in the current FISA debates, the states have shown an admirable willingness to dig their heels in over civil liberties issues. The best example of state-level resistance to federal civil liberties encroachments is the push-back on Real ID, which is admittedly motivated as much by the national ID card program's implementation costs as it is by concerns about its impact on democracy. But regardless of what's driving it, this resurgent federalism in the face of our growing national security infrastructure is shaping up to be the last line of defense if the US congress fails in its oversight functions.

Further reading

- EPIC.org's [fusion centers](#) page.
- The *Hampton Roads Pilot* has [great local coverage](#) of the Virginia Fusion Center and the battle over HB1007. The *Daily Press* has a good [anti-HB1007 editorial](#) with more coverage of the bill's details.
- *Wired* has a good [intro article](#) on Fusion Centers.

For more on what's wrong with fusion centers, try the ACLU's aptly named report: [What's Wrong With Fusion Centers?](#)

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HOMELAND SECURITY: SURVEILLANCE

Fusion Centers and Civil Rights

August 2008

By Joseph Straw

Counterterrorism professionals generally view the country's growing network of intelligence fusion centers as an important tool for helping all levels of government collect and exchange information on potential criminal and terrorist activity. But civil libertarians say they conflict with citizens' rights to privacy and to access government data.

One skirmish in the ongoing legal wrangling over these issues just played out in Virginia. In Virginia, as elsewhere, government proceedings and documents are open to public view under the state's Freedom of Information Act (FOIA), except where state officials can demonstrate a reason for an exemption, such as a critical matter of public safety.

Another law, the Government Data Collections and Disseminations Practices Act (GDCDPA), bans secret databases and forbids the government from using personal data for purposes other than that for which it was originally collected. GDCDPA further guarantees citizens the right to query government agencies to find out what personal data of theirs the agency has, and it requires that agencies correct any errors found.

In their Fusion Center Guidelines, issued in 2006, the FBI and the Department of Homeland Security stated that fusion centers should leverage and "obtain access to an array of databases and systems." The guidelines listed possible data assets, but cited as examples only publicly held assets, such as state motor vehicle databases and government data exchanges.

Earlier this year, however, the *Washington Post* reported that state fusion centers contract with private data brokers to obtain broad access not only to public records but also to private information, such as unpublished cell phone numbers, or data held by private credit agencies.

In addition, a bill was introduced early this year in the Virginia General Assembly that sought to exempt the Virginia Intelligence Fusion Center from the state's FOIA and GDCDPA. The bill was stalled in the assembly until lawmakers included a provision requiring an annual review of all data held by the center and removal of any "determined not to have a nexus to terrorist activity."

It then passed unanimously in both the Virginia House and Senate and was signed into law April 2 by Gov. Tim Kaine, a Democrat. It took effect July 1.

The bill's introduction prompted the Washington, D.C.-based Electronic Privacy Information Center (EPIC) to file a request under Virginia's FOIA law, seeking the right to see any correspondence between the Virginia State Police, which runs the Virginia Intelligence Fusion Center, and federal agencies, regarding federal involvement at the fusion center.

State officials rejected the request. EPIC took the matter to court and won the right to obtain the memorandum of understanding (MOU) between state and federal officials, which governed the assignment of an FBI agent to the center.

EPIC learned that one of the conditions of the MOU was that federal, not state, FOIA laws would apply to any requests regarding information on the fusion center related to the FBI's role.

EPIC's conclusion, according to staff counsel John Verdi, is that together, the MOU and the exemption law amount to the state ceding FOIA and privacy protections to the federal government.

State FOIA and privacy laws function well as they are, Verdi says. The state law enforcement officials who typically run fusion centers know state laws well and honor them. In the broader sense, EPIC worries that encroachment of federal

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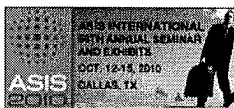
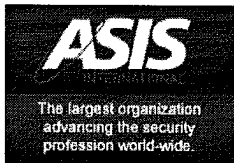
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jurisdiction into these matters will make it more difficult for the public to monitor the activity of fusion centers to ensure that their personal information isn't being used improperly.

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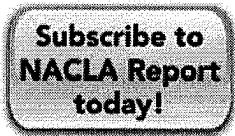
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Lost in debates around immigration, as the United States enters its greatest economic crisis since the Great Depression, is any sense of the historical connection between immigration policy and increased government control—of citizens. Following a pattern established at the foundation of the republic, immigrants today are again being used to justify government responses to the economic and political crises. Consider, for example, the establishment in November 2002 of the Department of Homeland Security (DHS), the largest, most important restructuring of the federal government since the end of World War II.¹ The following March, the Immigration and Naturalization Service was dismantled and replaced with the Immigration and Customs Enforcement (ICE) agency under the newly established DHS. ICE's rapid expansion—16,500-plus employees and near \$5 billion budget—quickly transformed it into DHS's largest investigative component, accounting for more than one fifth of the multibillion-dollar DHS budget. ICE is also the second-largest investigative agency in the federal government, after the FBI, responsible for enforcing more than 400 statutes, and is arguably the most militarized federal entity after the Pentagon.² Not long after its inception, ICE began to wage what many advocates have called a "war on immigrants."

Beginning in fall 2006, ICE launched a campaign of workplace and home raids aimed at "getting tough on immigrants." Thousands of heavily armed ICE agents were deployed in these high-profile raids designed, we were told, to find and deport undocumented immigrants. Since 2006, hundreds of thousands of immigrants have been detained in jails that constitute the fastest-growing part of the prison system in the country. The speed with which the militarization of migration policy took place left many questions. Why, for example, did the Bush administration move the citizenship-processing and immigration-enforcement functions of government from the more domestic, policing-oriented Department of Justice to the more militarized, anti-terrorist bureaucracy of the Department of Homeland Security? Most explanations view this transfer, and the relentless pursuit of undocumented immigrants that it enabled, as a response to the continuing pressures of angry, mostly white, citizens. Widespread fear and xenophobia following the September 11 attacks, together with the "anti-immigrant climate" fostered thereafter by civic groups like the Minutemen, Republican politicians, and media personalities like CNN's Lou Dobbs, we are told, has led directly to the massive new government bureaucracy for policing immigrants. The Washington Post, for example, told us in 2006 that the rise of the Minutemen and their armed citizen patrols along the U.S.-Mexico border was "credited with helping to ignite the debate that has dominated Washington in recent months."³

But while many can believe that there were ulterior motives behind the wars in Iraq and Afghanistan, few consider that there are non-immigration-related motives behind ICE's Al Qaeda-ization of immigrants and immigration policy: building a domestic security apparatus, one made possible by multibillion-dollar contracts to military-industrial companies like Boeing, General Electric, and Halliburton for "virtual" border walls, migrant detention centers, drones, ground-based sensors, and other surveillance technology for use in the Arizona desert that was originally designed for Middle Eastern war zones. Not to mention the de facto militarization of immigration policy through the deployment of 6,000 additional National Guard troops to the U.S.-Mexico border; thousands of raids across the country; and the passage of hundreds of punitive, anti-migrant state and federal laws like the Military Commissions Act, which denies the habeas corpus rights of even legal residents who are suspected of providing "material support" to terrorist groups.⁴


This is not to say that public pressure from the anti-immigrant right played no role in the Bush administration's immigrant crackdown. And another interpretation of the increased repression against immigrants is articulated by journalist David Bacon, who posits that

Policing Terrorism: The Response of Local Police Agencies to Homeland Security Concerns

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F.B.I. Goes Knocking for Political Troublemakers

By ERIC LICHTBLAU
Published: August 16, 2004

Correction Appended

WASHINGTON, Aug. 15 - The Federal Bureau of Investigation has been questioning political demonstrators across the country, and in rare cases even subpoenaing them, in an aggressive effort to forestall what officials say could be violent and disruptive protests at the Republican National Convention in New York.

F.B.I. officials are urging agents to canvass their communities for information about planned disruptions aimed at the convention and other coming political events, and they say they have developed a list of people who they think may have information about possible violence. They say the inquiries, which began last month before the Democratic convention in Boston, are focused solely on possible crimes, not on dissent, at major political events.

But some people contacted by the F.B.I. say they are mystified by the bureau's interest and felt harassed by questions about their political plans.

"The message I took from it," said Sarah Bardwell, 21, an intern at a Denver antiwar group who was visited by six investigators a few weeks ago, "was that they were trying to intimidate us into not going to any protests and to let us know that, 'hey, we're watching you.'"

The unusual initiative comes after the Justice Department, in a previously undisclosed legal opinion, gave its blessing to controversial tactics used last year by the F.B.I. in urging local police departments to report suspicious activity at political and antiwar demonstrations to counterterrorism squads. The F.B.I. bulletins that relayed the request for help detailed tactics used by demonstrators - everything from violent resistance to Internet fund-raising and recruitment.

In an internal complaint, an F.B.I. employee charged that the bulletins improperly blurred the line between lawfully protected speech and illegal activity. But the Justice Department's Office of Legal Counsel, in a five-page internal analysis obtained by The New York Times, disagreed.

The office, which also made headlines in June in an opinion - since disavowed - that authorized the use of torture against terrorism suspects in some circumstances, said any First Amendment impact posed by the F.B.I.'s monitoring of the political protests was negligible and constitutional.

The opinion said: "Given the limited nature of such public monitoring, any possible 'chilling' effect caused by the bulletins would be quite minimal and substantially outweighed by the public interest in maintaining safety and order during large-scale demonstrations."

Those same concerns are now central to the vigorous efforts by the F.B.I. to identify possible disruptions by anarchists, violent demonstrators and others at the Republican National Convention, which begins Aug. 30 and is expected to draw hundreds of thousands of protesters.

In the last few weeks, beginning before the Democratic convention, F.B.I. counterterrorism agents and other federal and local officers have sought to interview dozens of people in at least six states, including past protesters and their friends and family members, about possible violence at the two conventions. In addition, three young men in Missouri said they were trailed by federal agents for several days and subpoenaed to testify before a federal grand jury last month, forcing them to cancel their trip to Boston

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to take part in a protest there that same day.

Interrogations have generally covered the same three questions, according to some of those questioned and their lawyers: were demonstrators planning violence or other disruptions, did they know anyone who was, and did they realize it was a crime to withhold such information.

A handful of protesters at the Boston convention were arrested but there were no major disruptions. Concerns have risen for the Republican convention, however, because of antiwar demonstrations directed at President Bush and because of New York City's global prominence.

With the F.B.I. given more authority after the Sept. 11 attacks to monitor public events, the tensions over the convention protests, coupled with the Justice Department's own legal analysis of such monitoring, reflect the fine line between protecting national security in an age of terrorism and discouraging political expression.

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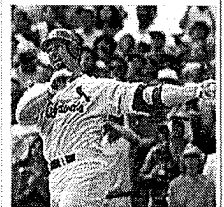
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Spying on the Protesters

by John S. Friedman

The Nation magazine, September 19, 2005

In the 1970s Senate and House investigations established what many antiwar protesters and campus activists had believed for several years: that they were being watched and sometimes targeted by the government, including the National Guard and the FBI. Scattered evidence accumulating around the country suggests that the domestic surveillance that occurred during the Vietnam War may be returning, involving a more coordinated federal effort through the National Guard as well as the Joint Terrorism Task Forces (JTTFs), teams of state and local police, and federal agents, led by the FBI.

So far there are few high-profile incidents and actions that can't be written off as excessive zeal by individuals, but the incidents look disturbingly familiar to people who investigated the earlier clandestine actions of the government. "Back in the late 1960s and early '70s the FBI, the military, local police and campus police had their own bailiwicks and limited powers" said Christopher Pyle, a former investigator for Senator Frank Church's Select Committee on Intelligence, in the 1970s, and currently a professor of politics at Mount Holyoke College. "But operating today through the JTTFs and the combined intelligence and fusion centers, which join military analysts with law enforcement specialists, they are all part of one big club, effectively destroying the Fourth Amendment against unlimited search and seizure."

Several months ago the Army's inspector general and the California State Senate launched investigations of a California National Guard intelligence unit that had "monitored" an antiwar demonstration at the state capitol this past Mother's Day, partly organized by Cindy Sheehan's Gold Star Families for Peace. A report not yet publicly released by the inspector general found that there were other cases of domestic intelligence activity by the California Guard. Democratic State Senator Joseph Dunn, whose budget subcommittee oversees funding for the California Guard and who is conducting the state investigation, said financial improprieties may have occurred, as state and federal laws forbid such activities. Dunn told The Nation that he is looking into reports that the Guard in some ten other states, including New York, Colorado, Arizona and Pennsylvania, may have set up its own intelligence units and conducted similar monitoring of antiwar groups. Such controversial directives could be coming from the Pentagon, he speculated.

Surveillance of antiwar protesters by the National Guard bumps up against the Posse Comitatus Act, which prohibits the military from taking part in domestic law enforcement. But this may change. Several weeks ago the Washington Post reported on the Pentagon's classified plans for guarding against and responding to a domestic terrorist attack, describing the changes as a "big shift for the military." Adm. Timothy Keating, head of the Northern Command, which coordinates military involvement in homeland security operations, discussed ways the National Guard might be used and, according to the Post, "left the door open to seeking an amendment of the Posse Comitatus Act."

Troubled by an increase in domestic spying, the ACLU filed a lawsuit in May against the FBI to force the release of files on numerous activists and groups in about ten states, charging that "the FBI and local police are engaging in intimidation based on political association and are improperly investigating law-abiding human rights and advocacy groups." The ACLU's request, which also asks for information about the practices and funding of the JTTFs (currently there are about 110), is a Who's Who of national and local advocates for well-known causes, including antiwar, environmental, labor, fair trade and human rights causes.

The few documents received to date shed light on the FBI's misuse of the JTTFs to engage in political surveillance. For example, FBI documents obtained by the Colorado ACLU reveal that in July 2004, FBI agents and members of the Denver Police Department, dressed in SWAT gear, questioned 21-year-old Sarah Bardwell, an American Friends Service Committee intern who was also active in Food Not Bombs, at her home "to conduct pretext interviews to gain general

information." These documents, said Mark Silverstein, Colorado ACLU legal director, "confirm that the FBI was more interested in intimidation than in trying to gather information." In another example a student and two former students at Truman State University in Kirksville, Missouri, who were planning to go to the Democratic convention last summer, were questioned by the FBI and subpoenaed by a grand jury. Although never charged with any crime, they were under twenty-four-hour FBI surveillance for almost a week afterward. "The subpoenas and surveillance were not to get information but to harass and intimidate them," said Denise Lieberman, former ACLU legal director in eastern Missouri. "It worked. It was very frightening."

This past November, several days after George W. Bush's election, an FBI agent and plainclothes officers from the Raleigh, North Carolina, police department came to the residence of Brad Goodnight, a 21-year-old student majoring in computer science and psychology at North Carolina State University. He went with them to police headquarters, where he was asked about specific friends, about his role in Campus Greens, Food Not Bombs and other organizations, and whether he recognized photos of people in the audience at a local punk rock concert. His interrogation was apparently related to an earlier protest rally near Republican headquarters, where vandalism had occurred and three people were arrested. Goodnight said he was told, "We have paid informers and treat them well." He was warned that if he didn't agree to cooperate he would face continued scrutiny. He refused. He had not committed any crime, was not charged with any offense and was soon released. Besides interrogating Goodnight, the FBI knocked on dorm-room doors, and campus police increased their presence at peace vigils, all of which "definitely had a chilling effect," said Elena Everett, a recent NCSU graduate and chair of the North Carolina Green Party. "People, especially international students, didn't feel comfortable speaking out anymore."

"Just about every university in the country" has some connection to the JTTFs, according to an FBI spokesman in Texas. At one end of the spectrum is Brown University, which receives advisories only in a "one-way relationship." At the other end are some dozen campuses where at least one university police officer is assigned on a full-time basis to the FBI, according to Christopher Blake, associate director of the International Association of Campus Law Enforcement Administrators. The number may be much higher than a dozen, given that a survey of universities conducted by The Nation found that at about a third of some fifteen schools picked at random, an officer is assigned to work for the FBI. The officer's salary is paid by the university, and the FBI pays for overtime and expenses Neither Blake nor FBI headquarters would name specific schools, but

universities admitting such arrangements to The Nation include the University of Illinois, Champaign/Urbana; the University of Texas, Austin; the University of Massachusetts, Amherst; and the University of Florida, Gainesville. Michigan State has three detectives assigned on a part-time basis Rutgers refused to say whether it has campus cops serving as full-time FBI agents Yale has a campus policeman who is assigned to the FBI-one of the few private universities with such an arrangement-but a Yale spokesperson refused to comment on the officer's duties

Understandably, the FBI is secretive about the activities of its campus agents "I had no idea what the officer was doing," admitted John Dauer, chief of the University of Toledo's police force, which, because of personnel needs, ended the FBI's involvement last year. At the UMass in Amherst the campus detective "does everything an FBI agent on the JTTF would do, including working on non-university-related cases," said an FBI official. In one case there involving the Internet that was unrelated to terrorism, the campus detective acted as a liaison with a California FBI office. At the University of Texas, "the FBI gives the campus police officer assignments that are mostly related to university activity," said Terry McMahan, interim chief of police. An FBI spokesperson in Texas said, "There is a constant flow of information between the FBI and the University of Texas police, and if a research facility were damaged by a Middle East individual, the campus police! FBI officer would be in the best position to investigate."

Having campus police serve as FBI agents abrogates the universities' longstanding privilege to police themselves and sets a dangerous precedent. A spokesperson from FBI headquarters said, "The purpose of having law enforcement agencies on college campuses is because of infrastructure and research facilities associated with the colleges"

Besides the National Guard and FBI activities against opponents of the war, a different kind of federal response happened to the family of Marine Cpl. Jorge Gonzalez, who died in Iraq in 2003. After his mother, Rosa Gonzalez, protested against the war, a man she considers her brother, a nearly twenty-year US resident who owned property here, was deported to Mexico. "I think there is a connection," she said. "I don't protest anymore. I'm scared."

"Back in the late 1960s and early '70s there were institutional checks and balances on the scope of investigations," said Pyle, the former investigator. "Now with the JTTFs' and military's swapping and fusion centers, a vast amount of undigested information is produced that is freely circulated." He adds, "If the old pattern follows, intelligence work will turn into covert operations that will

involve all agencies"

"Unfortunately, there is little doubt that the Bush Administration has misappropriated the awesome power of the Justice Department to monitor and quash lawful critics of the war in Iraq," said Congressman John Conyers Jr., ranking Democrat on the House Judiciary Committee. He adds, "With the near total lack of Congressional Republican oversight of this Administration's conduct after September 11, we must turn to the courts I support the ACLU's lawsuit."

The protection of American citizens from unwarranted surveillance and spying now squarely rests with independent groups like the ACLU, the Bill of Rights Defense Committee and the Center for Constitutional Rights.

John S. Friedman is editor of the forthcoming *The Secret Histories: Hidden Truths That Challenged the Past and Changed the World*. Research support was provided by the Investigative Fund of The Nation Institute.

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Tales of Big Brother

By Matthew Rothschild, *The Progressive*. Posted August 25, 2004.

What do a software engineer, an intern, and three young men in Missouri have in common? Each has been the target of the FBI's efforts to intimidate political protesters before the party convention.

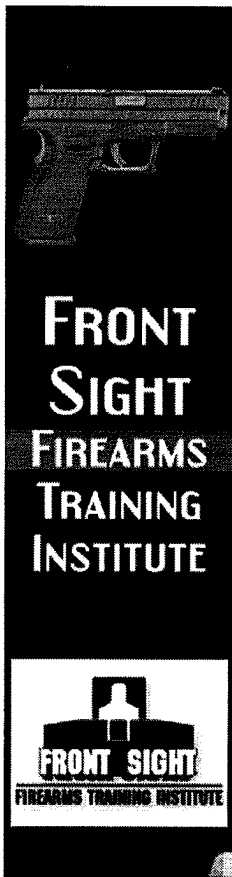
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Editor's Note: Since the 9/11 attacks, many of our Orwellian nightmares have come true: Innocent people rounded up in police sweeps; detainees held without evidence or access to a lawyer for months on end; and the rapid erosion of our most basic right to privacy. We didn't think it could get worse until the FBI decided to target dissent in the name of national security. In the lead up to the Democratic and now Republican conventions, scores of activists have heard the proverbial knock on the door. These are just three of the very many stories of harrasment and intimidation that mark a new low for American democracy.

A Visit from Agent Faul

Paul Bame is a 45-year-old software engineer in Fort Collins, Colorado. He's also a nonviolent political activist. On the afternoon of July 22, an FBI agent named Ted Faul called Bame's home, he says. "He left a message on my machine saying that he wanted to talk to me about something," Bame recalls. "I was afraid."

Bame went to work the next day and took a break for lunch. "When I got back to work, there was a security guard offering to escort me to the lobby to talk to somebody named Ted," he says.

Bame met Agent Faul.

"He said the visit was not supposed to be embarrassing or accusatory," Bame recalls. "But of course, it seems pretty embarrassing and accusatory to have the FBI visit you at your place of work. At some companies, I might have lost my job. That didn't happen here, thank goodness."

Agent Faul gave some indication of why he was interested in speaking to Bame. "He said my name came up at headquarters as someone who might have information about plans for mayhem at the conventions," Bame says. "He wondered if I had that information. And I responded that I'd be happy to discuss this with him with a lawyer present."

Agent Faul pressed on, according to Bame: "He said, 'Is there any particular piece of this that you think you need a lawyer present for?' "

Bame says he responded: "Whenever questioned by the FBI, I think it's wise to have a lawyer present."

And that was pretty much the end of the encounter, he says.

The New York Times reported on Aug. 16 that "the FBI has been questioning political protesters across the country" about events planned at the conventions. That article said that civil rights advocates believe that "at least 40 or 50 people, and perhaps more," have been visited by the FBI.

Bame was one of them.

"We were conducting Joint Terrorism Task Force interviews throughout the nation," says Monique Kelso, a spokeswoman for the Denver FBI office. "We were following up on leads of potential individuals that could possibly have information about disruption or possible illegal activity at the conventions or upcoming elections."

The ACLU condemns the FBI for the interviews. "These JTTF visits are an abuse of power," says Mark Silverstein, legal director of the ACLU of Colorado. They are designed, he says, to intimidate people "from exercising their constitutional right to protest government policies and associate with others who want to protest



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government policies."

Bame agrees. "I was scared to death the whole time," he says. "I felt in my bones it was a scare tactic, it was intimidation. It's really disgusting that explicitly nonviolent protesters are getting questioned as if they're terrorists."

Bame says he worries about the chilling effect. "It makes people feel pretty bad if one of their neighbors is visited by the FBI," he says. "They start to wonder, 'Am I going to be next?'"

Bame says he has been arrested twice at demonstrations. The first time was at the World Bank-IMF protests in September 2002. "I pleaded guilty to parading without a permit because I didn't want to take the time to contest the charge," he says. "It was just an infraction, and I was fined \$50."

The second was at the Miami-FTAA fiasco in November. "Several days before the demonstration, I and four others were arrested on a public sidewalk in the Miami business district," he says. "We were charged with obstructing the sidewalk. It was a completely fictitious charge. And the case was dismissed." Bame has joined a class action suit against the Miami police department.

Even though he was shaken up by his encounter with the FBI, Bame is not going to stop protesting. "Despite my fear," he says, "I'm going to New York."

'Community Outreach' in Denver

On Aug. 16, Eric Lichtblau of The New York Times revealed that the FBI has been "questioning political demonstrators" about major events this election season. He mentioned Sarah Bardwell, a 21-year-old intern at the American Friends Service Committee (AFSC) in Denver. I spoke with Bardwell on Aug. 20.

Four FBI agents and two Denver police officers came to her home on July 22, at about 4:30 in the afternoon, she recalls. "One guy was in all swat, dressed in black, with six guns on him," she says.

They gathered Bardwell's housemates together.

"They told us they were 'doing community outreach' but then they said they were doing 'preemptive investigations' into possible or suspected 'anarchists, terrorists, and murderers,'" she recalls.

"I told them maybe they should talk to the Denver police because they recently shot a man in my neighborhood," she says.

The FBI agents then began to probe about upcoming political events. "They asked us if we were planning any criminal actions at the Republican National Convention, the Democratic National Convention, and the inauguration," she says. "And then they asked us if we knew anyone who was planning such actions. And they told us if we withheld this information, that was a crime."

Bardwell and her housemates refused to answer. (She says, though, that "no one at the house was planning on going to the conventions. It's really weird.") She says the officers "were vigorously taking notes and looking into our house and at our bicycles." One of her housemates asked them if they had a warrant, and they responded something like this, Bardwell says: "'Oh, we don't need a warrant. We're just here to talk. It's a friendly visit.'" "

There was some banter back and forth, she recalls. "They asked us what our names were," she says. "We told them they probably knew our names, but we didn't give them to them. We asked for their names, but they said they wouldn't give us theirs if we didn't give them ours."

But then the conversation turned ominous. "They told us they were going to have to take 'more intrusive efforts' because they took the fact that we were not answering their questions as noncooperation," she says. "I asked if that was a threat. They denied that it was. And they left shortly after that, saying something like, 'We'll see you later.' And me thinking, 'I hope not.' "

Looking back, Bardwell recognizes how scared she was. "I was afraid the whole time, afraid of what they were going to do to my house, afraid of my safety and my future," she says. "It's a really scary thing to have the FBI say they're going to be more intrusive than coming to your house!"

When the FBI left, her roommates all expressed "shock and fear and anger," she says. One said: "I can't fucking believe that just happened," Bardwell recalls, adding: " 'Is this 1984 or what?' got said probably a million times."

While the FBI and Denver police were descending on Bardwell's home, another team appeared at their friends' house down the street. "They had a much more aggressive experience than we had," she says. "The officers were more threatening. And one officer was moving to pull his gun out when one friend was trying to get their ID from the kitchen counter."

Joe Parris, an FBI spokesman in Washington, told The New York Times about the visits across the country: "No one was dragged from their homes and put under bright lights. The interviewees were free to talk to us or close the door in our faces."

Mark Silverstein, legal director of the ACLU of Colorado, says this case is "especially sensitive" because the Denver police settled a lawsuit with the ACLU of Colorado in the spring of 2003 with an agreement not to spy on Denver dissidents. Silverstein wants to know why two Denver police officers participated in this action.

So does Bardwell.

"The Denver police are not allowed to be spying on us, and yet they were at our house," she says.

Bardwell has since received an e-mail from Lieutenant Stephens of the Denver Police Internal Affairs Bureau.

"I want to assure you that the Denver Police Department takes these types of allegations very seriously," the e-mail reads. "If you feel that the Denver officers acted inappropriately, please contact the Internal Affairs Bureau at any time to discuss the incident."

Bardwell is not sure how she is going to proceed at this point. She says she is still trying to process what happened.

"I was so shocked through the whole thing," she says. "There's definitely a culture among activists of expecting this kind of behavior. But it's a completely different thing when it happens to you."

Tailed by the FBI

The FBI trailed and interrogated three young men from Kirksville, Missouri, in July, and talked to their parents. The activists were then subpoenaed to appear before a grand jury on the very day they were planning to be in Boston for a protest at the Democratic National Convention.

The New York Times had one sentence on this in its pathbreaking August 16 story. Here are the details, according to Denise Lieberman, legal director of the ACLU of Eastern Missouri, which is representing the three men.

The men are 20, 22, and 24 years old, and they all have attended Truman State University. One is still there.

"In the week leading up to the Democratic National Convention, the parents of each of the three were visited by agents of the FBI identifying themselves as members of the Joint Terrorism Task Force," says Lieberman. "They said they were there to get their sons' current contact information and to ask some questions about their sons' political affiliations."

The three young men, who have not released their names yet, were "visited by an FBI agent in Kirksville, who was accompanied by a local police officer," Lieberman says.

"They were asked three questions: " 'Are you aware of any criminally disruptive activity being planned either for the Democratic National Convention, the Republican National Convention, the Presidential debates, the elections, or any other related event?'

" 'If you did know, would you tell us?'

" 'Are you aware, if you have such knowledge or were planning on participating in such activities and you don't tell us, that you can be charged with a crime?' "

Lieberman says that each of the young men refused to answer the questions without having an attorney present.

Two things make this case even more alarming than other similar incidents around the country, she says.

The first is that her clients were subpoenaed, and as a consequence could not go to their intended protest.

"On Monday, July 26, my clients received a subpoena to appear before a federal grand jury, and at the same time they received a target letter saying they were a target of the investigation," says Lieberman. "They were ordered to appear on Thursday, July 29, which was the same date they were scheduled to appear in Boston for a protest. It certainly had the effect of preventing them from attending the protest."

Lieberman says that neither the subpoena nor the target letter offered specific information about particular incidents of alleged criminal activity. And she said the prosecutor refused to grant her clients an extension.

The second distinctive characteristic of this case, Lieberman says, is that her clients were repeatedly and overtly tailed.

"Our clients were put under 24-hour surveillance," she says. "It began approximately Sunday July 25th. At that point, they all had come to St. Louis. They noticed cars in front of the house where they were staying, at least three at any given time. One was a dark SUV, one was a GMC suburban, one was a silver truck. Sometimes there were other cars. They were there for a period of five days, and they followed them everywhere they went."

Lieberman says her clients would drive around their block four times, and the FBI would be there behind them. Undercover agents also followed them to the grocery store and even to her ACLU office.

"It was very overt," she says. "This was perhaps the most jarring to my clients. It was really, really rattling to them. The agents were making no attempt to keep the surveillance covert. This was having a significant intimidation effect not just on our clients but also on other people in that house. Our clients were afraid to call and meet their girlfriends, because they didn't want their girlfriends followed."

One member of the house who was not involved with the planned protest in Boston "was followed to work at his local grocery store and was taken aside by his supervisor," she says. "This person felt that perhaps his job could be jeopardized."

Lieberman says she is very troubled by the government's tactics.

The use of surveillance and even a subpoena as an apparent tool to prevent people from going to a protest violates the First Amendment, she believes.

"It's one thing if you go to a protest and engage in illegal activity like civil disobedience, where you know you could be subject to arrest. And police have every right if people do that to arrest them," she says. "But it's quite another thing to stop them before the protest and question them and take steps to intimidate them or prevent them from going in the first place."

And the intimidation extended beyond her clients.

"There were about 10 people who were supposed to go with them to Boston, and all of them cancelled," she says. "That makes the chilling effect greater."

Joe Parris, a spokesman for the FBI in Washington, told The New York Times: "The FBI isn't in the business of chilling anyone's First Amendment rights. But criminal behavior isn't covered by the First Amendment. What we're concerned about are injuries to convention participants, injuries to citizens, injuries to police and first responders."

But Lieberman says her clients hadn't engaged in criminal activity and were simply trying to exercise their First Amendment rights.

"The FBI," says Lieberman, "is sending a message not just to those targeted but to those around them: If you are outspoken, an FBI file may be opened on you or you might expect to see an FBI agent knocking on your door."

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In New York, a Turf War in the Battle Against Terrorism

By Dafna Linzer
Washington Post Staff Writer
Saturday, March 22, 2008

NEW YORK -- Not long after Sept. 11, 2001, as New York City began to build a counterterrorism effort to rival those of most nations, Police Commissioner Raymond W. Kelly decided to put an end to the department's reliance on the FBI for classified data coming in from Washington.



"We just see ourselves very much at risk here," said New York Police Commissioner Raymond W. Kelly. He said he does not want to rely solely on other agencies for the city's protection. (By Helayne Seidman -- The Washington Post)

THIS STORY

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Kelly, who was working to protect the city against another attack, wanted his own access to the stream of threat reporting concerning New York. The solution was to install a classified-information vault, like the FBI's, at the headquarters of the New York City Police Department.

Kelly made the request in the spring of 2002 and waited six years for an answer. After questions from The Washington Post for this story, the FBI said it has decided to approve the vault, a specially designed, guarded room known as a Sensitive Compartmented Information Facility.

No other police department in the United States has responded to the threats of terrorism in quite the same way as the NYPD -- or clashed as sharply with the nation's primary counterterrorism agency, the FBI.

A thousand NYPD officers are assigned full time to operations drawing on the traditional missions of the CIA and the FBI. The department's liaison officers have been deployed from Nairobi to Singapore, while its networks of domestic informants stretch across the five boroughs of New York City.

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In the past seven years, Kelly and his deputies have formed close working relationships with key intelligence agencies and the Department of Homeland Security. The NYPD has so many native foreign-

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language speakers that it lends translators to the Pentagon.

But the FBI, protective of turf and disdainful of local initiative, froze Kelly's department out of two New York-related terrorism investigations, officials say. When more than 100 top police detectives joined the FBI's joint terrorism task force, they were initially not permitted to read the bureau's case files.

"People have information, and they want to control information," Kelly said in an interview at police headquarters, just five blocks from where the World Trade Center once stood. "Controlling information is power, and they don't want to let it go -- it is as fundamental as that."

Working largely on its own, the NYPD has transformed an unmarked Brooklyn warehouse into a counterterrorism center with a national and global reach. In a second facility in Manhattan, the department runs undercover operations, recruits spies and houses intelligence analysts.

Inside police headquarters is a high-tech situation room where rows of computer monitors give off a moody blue light and floor-to-ceiling television screens beam images from around the world. It is staffed 24 hours a day with officers tracking local and international threats, as well as the movements of as many as a dozen NYPD detectives on foreign assignments.

During a recent interview there, Kelly and David Cohen, the deputy commissioner for intelligence, were interrupted by a liaison officer calling from the scene of a suicide bombing in Israel to report on a new technique employed by the bomber.

Successes include the arrest in 2004 of two Muslim men on charges of plotting to blow up a subway station near the Republican National Convention, and the arrest and deportation in 2003 of two Iranian men who were filming a subway track in Queens, Cohen said. The former probe, in which one of the men pleaded guilty and the other received a 30-year prison term, was based on a year of undercover work by one of Cohen's top detectives.

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