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ACLU Launches Nationwide Effort to Expose Illegal FBI Spying on Political and Religious Groups 12/2/2004

by R. Ben Stone, ACLU-IA Executive Director

In Iowa, ACLU-IA seeks disclosure of surveillance records of both federal and state law enforcement

DES MOINES - Citing evidence that the FBI and local police are illegally spying on political, environmental and faith-based groups, the American Civil Liberties Union and its affiliates today filed multiple Freedom of Information Act (FOIA) requests around the country to uncover who is being investigated and why.

"The FBI is wasting its time and our tax dollars spying on groups that criticize the government, like the Quakers in Colorado or Catholic Peace Ministries in Iowa," said ACLU Associate Legal Director Ann Beeson. "Do Americans really want to return to the days when peaceful critics become the subject of government investigations?"

Ben Stone, executive director of the American Civil Liberties Union of Iowa, which is among the state affiliates participating in the effort, said that the ACLU-IA is involved because of what the U.S. Attorney's office did to Des Moines peace activists in February of this year.

"Ten months ago, citizens subpoenaed by the government courageously stood in the public square in an effort to convey to the world that they would not be intimidated," Stone said. "In the face of their resistance, the U.S. Attorney backed down. The ACLU-IA's filing today of FOIA, privacy act, and open records requests on behalf of our clients represents the next step in our struggle to defend the right of free speech against government intimidation," he added.

The requests were filed by the national ACLU as well as its affiliates in Colorado, Illinois, Iowa, Michigan, and Oregon. The national ACLU FOIA names the central FBI agency as well as bureaus in New York, Washington, D.C., California, Michigan, Virginia, and Massachusetts. Additional ACLU affiliates are expected to file another round of FOIA requests in early 2005.

As a first step, the groups today filed Freedom of Information Act requests in 10 states and the District of Columbia seeking information about the FBI's use of Joint Terrorism Task Forces and local police to engage in political surveillance. The FOIAs seek two kinds of information: 1) the actual FBI files of groups and individuals targeted for speaking out or practicing their faith; 2) information about how the practices and funding structure of the task forces, known as JTTFs, are encouraging rampant and unwarranted spying.

JTTFs are legal partnerships between the FBI and local police, in which local officers are "deputized" as federal agents and work in coordination with the FBI to identify and monitor individuals and groups. While their purpose is to investigate terrorism, they have targeted peaceful political and religious groups with no connection to terrorism.

The ACLU's clients comprise a Who's Who of national and local advocates for well-known causes, including the environment, animal rights, labor, religion, Native American rights, fair trade, grassroots politics, peace, social justice, nuclear disarmament, human rights and civil liberties. Requests were also filed on behalf of numerous individuals, including an organizer for Service Employees International Union, a former Catholic priest, and student activists.

In Iowa, the clients include Brian Terrell, Elton Davis, Frank Cordaro, Wendy Vasquez, and Sally Frank, as well as the Drake Chapter of the National Lawyers Guild (NLG), the Des Moines Catholic Workers, and the Catholic Peace Ministry.

Among these clients, peace activists Terrell, Davis and Vasquez were individually served with subpoenas in February, while the Drake Chapter of the National Lawyers Guild was the subject of a subpoena served on Drake University. Sally Frank, a professor of law at Drake Law School, advises the NLG chapter there. Cordaro, a former Catholic priest, is a well-known anti-war activist with a long history of nonviolent, civil disobedience.

Over the past few years, ACLU attorneys around the country have provided direct representation to many individuals and organizations targeted for exercising their First Amendment right to criticize the government, including people who participated in numerous rallies and marches to protest the war in Iraq, who were excluded from meaningful participation at public presidential speeches, and who protested at the 2004 Republican and Democratic National Conventions.

"We all want law enforcement to protect us from real criminals and terrorists," Beeson said. "But resources and funds established to fight terrorism should not be misused to target innocent Americans who have done nothing more than speak out or practice their faith. Investigations should be based on actual evidence of wrongdoing."

In its FOIA requests, the ACLU points to many documented examples of JTTF involvement in the investigation of environmental activists, anti-war protesters, and others who are clearly not terrorists nor involved in terrorist activities, including:

- ... tracking down parents of student peace activists
- ... downloading anti-war action alerts from Catholic Peace Ministries
- ... infiltrating student groups
- ... sending undercover agents to National Lawyers Guild meetings
- ... aggressively questioning Muslims and Arabs on the basis of religion or national origin rather than suspicion of wrongdoing

These activities are not the only evidence that the FBI is building files on activists. A classified FBI intelligence memorandum disclosed publicly last November revealed that the FBI has actually directed police to target and monitor lawful political demonstrations under the rubric of fighting terrorism. See

<http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=14452&c=207>

For details and legal papers regarding the FOIA requests filed today by ACLU affiliates around the country, including a list of clients, go to <http://www.aclu.org/spyfiles>

For background info and documents regarding the Drake protesters subpoena story, including a leaked FBI memo from Oct 2003 instructing local law enforcement to monitor peace groups, go to the ACLU-IA's website at: <http://www.iowaclu.org> [click on "Documents" at the top of the page; also a narrative story of what happened in February can be found in the "Our Newsletter" section (Feb 2004 edition)]