

What We Know about Recent Surveillance of Lawful First Amendment Activity

Fusion centers are supposed to be focal points for sharing information about terrorism. However, so widely has the intelligence net been cast that peaceful, protected First Amendment activity has frequently been labeled as “terrorism-related,” and law-abiding individuals have come under the suspicion of law enforcement nationwide.

Without effective oversight, what has happened in **Maryland, Virginia, Texas, Missouri, Colorado, Minnesota, Pennsylvania, New York, Georgia, California** and other states could happen here in Massachusetts.

Maryland

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

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

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



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

Virginia

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

Texas

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

Missouri

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

Colorado

Documents obtained by the ACLU in 2005 through a FOIA lawsuit revealed Joint Terrorism Task Force “domestic terrorism” investigations of anti-war protesters, environmental activists and “Black Extremists.”

Minnesota

During the run-up to the Republican National Convention in St. Paul in 2008, local police spied on groups organizing protests and raided their homes, seizing political literature, cell phones, computers, cameras and personal diaries.

Pennsylvania

According to documents made public in March 2006, the FBI monitored anti-war activity and investigated meetings of the Thomas Merton Center for Peace and Justice, which was termed “a left-wing organization advocating, among many political causes, pacifism.”

New York

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

Georgia

Peaceful anti-war activity and other protests have been under regular surveillance, according to documents obtained by the ACLU. Catlin Child, a vegetarian activist, was arrested after a peaceful protest outside the Honey Baked Ham store in Dekalb County for writing down the license plate number of the car belonging to a federal agent who had been photographing the day-long demonstration.

California

Animal rights rallies, environmental demonstrations, anti-war protests, student protests against military recruiting on campus, labor union organizing, and demonstrations against police brutality have all found their way into government databases in the California Anti-Terrorism Center, the California Office of Homeland Security and the Los Angeles County Terrorism Early Warning

Center (LACTEW). A story broken by *The San Diego Union-Tribune* in 2007 revealed that the co-founder of LACTEW had organized military reservists and law enforcement officers to steal highly classified files from the Strategic Technical Operations Center at the Marine Corps base in Camp Pendleton, California and intelligence reports from the US Northern Command headquarters in Colorado Springs. The stolen files included surveillance dossiers on the Muslim community and anti-war activists.

Massachusetts

Is information about political and religious activity being deposited in the Commonwealth Fusion Center and the Boston Regional Intelligence Center (BRIC)? There are grounds to think so.

The same year as he launched the nation’s first fusion center, then-Governor Mitt Romney recommended the monitoring of mosques: “Are we wiretapping, are we following what’s going on, are we seeing who’s coming in, who’s coming out, are we eavesdropping, carrying out surveillance on those individuals that are coming from places that have sponsored domestic terror?” (Speech to Heritage Foundation, September 14, 2005). Subsequently, Boston piloted the FBI’s program of “Suspicious Activity Reporting,” putting innocent people seen taking “suspicious” photos at risk of being entered into a law-enforcement database.

Then there is a recently-leaked “Preventive Intelligence Bulletin” from the Intelligence Branch, Threat Management Division of the Department of Homeland Security. It lists “activities of various civil activists and extremist groups” including “protests, demonstrations, marches and special events of interest” for the month of March 2006. The groups that are cited include: Code Pink, ANSWER, United for Peace and Justice, the Independent Media Center and the Campus Antiwar Network. An event organized in Boston on March 18, 2006 made the list. It was on the topic “stop the violence, stop the war at home and abroad.”

Senate Bill 931 - “An Act Regarding the Commonwealth Fusion Center and Other Intelligence Data Centers” - would prevent information about protected political and religious activity from being stored in the Commonwealth Fusion Center and would establish much-needed oversight.

For more information: call
Gavi Wolfe, 617 482-3170 x 340;
visit www.aclum.org

