

April 26, 2012

Hon. Michael E. Horowitz
Inspector General
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Inspector General Horowitz,

We write to express our grave concern that the Federal Bureau of Investigation (“FBI”) has improperly targeted American Muslims and Americans of Arab, Middle Eastern, and South Asian descent, and their religious, community, cultural, and student organizations. 1 0 0 1 462.55 394.75 Tm[1]JTJET

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ies of persons
who were not the subject of any investigation,” which “raised serious
questions under the Privacy Act, the Attorney General’s Guidelines, and FBI
policy.”⁹ The report raised concerns about 2008 amendments to the

Attorney General's Guidelines which expanded the FBI's authority to initiate investigations without factual predication, and urged the FBI to carefully consider the findings and recommendations "to help avoid similar problems" in the future.¹⁰

Similar concerns now arise based on FBI documents produced in response to a FOIA lawsuit filed by the ACLU of Northern California, the Asian Law Caucus, and the San Francisco Bay Guardian. These documents reveal two disturbing patterns.



First, the FBI targeted American Muslims and Americans of Arab, Middle Eastern, and South Asian origin for intelligence gathering under the guise of mosque or community outreach programs at mosques, community organizations, and college campuses, based on their religion or national origin. Freedom of religion is a foundational element of American democracy, guaranteed by the First Amendment. Our Constitution also requires equal treatment under the law of all people, regardless of their religion or national origin. Law enforcement investigations that wrongly single out Americans based on religion or national origin and not on any suspicion of wrongdoing betray our most fundamental values. Moreover, FBI investigations and

2. Investigating Privacy Act violations within the FBI's San Francisco and Sacramento Divisions, including those summarized in the Appendix; and

3. Providing policy recommendations to ensure that the FBI stops misusing community outreach and mosque outreach programs to gather intelligence on innocent Americans and to prevent it from recording and disseminating as intelligence Americans' First Amendment-protected activities.

Thank you for your attention to this matter. If you have any questions, please contact Devon Chaffee, Legislative Counsel, by e-mail at dchaffee@dcaclu.org, or by phone at 202-675-2331.

Sincerely,


Laura W. Murphy
Director, Washington Legislative Office



Hina Shamsi
Director, National Security Project



Devon Chaffee
Legislative Counsel



Nusrat J. Choudhury
Staff Attorney, National Security Project

Endnotes:

¹ Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Mar. 8, 2005, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017871.pdf> (San Francisco FBI memorandum naming individual who gave a sermon at a mosque in Seaside, CA that “warned of the evils associated with the practice of earning interest on money”).

² Federal Bureau of Investigation, Electronic Communication: Mosques Outreach Contacts, Oct. 3, 2007, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017973.pdf> (San Francisco FBI memorandum naming members of Islamic Networks Group and the Council of American-Islamic Relations who spoke at a Ramadan open house and describing the content of their speeches and views).

APPENDIX A

- The San Francisco FBI met with members of the South Bay Islamic Association (1, 2, 3, 4, & 5)¹ IURP (WR)%, DJHQWV GRFXPHQWHG DV ³ disseminated outside the FBI an [AQGLYLGXD](#) of travel delays during the Hajj pilgrimage caused by the No Fly list, as well as [AQGLYLGXD](#) about the Hajj, ³, VODP LQ JHQHUDO ' 0XVOLPV¶ VDIHW\ LQ WKH 8 6 DQG investigation of imams in Lodi, California. Two memoranda from ²⁰⁰⁶⁴ and ²⁰⁰⁷⁵ contain no descriptive information apart from the name and location of mosques contacted by the FBI, which might be appropriate to record in a normal community outreach context, but these GRFXPHQWV ZHUH LQVWHDG FODVVLILHG DV ³VHFUHW ' O disseminated outside the FBI.
- 7KH 6DQ)UDQFLVFR)%, YLVLWHG WKH 6HDU LGH 0RVTXH I RXWUHDFK ' DQG GRFXPHQWHG FRQJUH [frustrations over delays in airline travel](#) a property [purchase of a new mosque](#) where men and women [would pray at the new mosque](#) and even the [sale of date fruits after services](#)⁹ It also documented the subject of [a particular sermon](#)¹⁰ raising First Amendment concerns. Despite DQ DSSDUHQW ODFN RI LQIRUPDWLRQ UHODWHG WR FULP ZLWK PRVTXH OHDGHUV DQG FRQJUHJDQWV ZHUH DOO FO LQWHOOLJHQFH ³DQG ³VHFUHW VHPLQDW
- A 2005 San Francisco FBI [Memorandum](#)¹¹ contained a detailed description of the Islamic Center of Santa Cruz, and documented a meeting with a congregant ^{regarding} his name and UHOLJLRXV DIILOLDWLRQ DQG KLV GLVFXVVLHQ RI FRQJUH DQG FRPPXQLW\ VXSSRUW IRU ,VODP 7KH GRFXPHQW ZD ³SRVLWLYH LQWHOOLJHQFH ' IDQG GLVVHPLQDWHG RXWVL
- A 2005 San Francisco FBI [Memorandum](#)¹² described contacts with a representative of the South Bay Afghan Community Center and failed attempts to set up an outreach ^{meeting} with the Afghan Cultural Center. The document identifies the representatives of each organization, and lists the address and phone number of the Afghan Cultural Center. This LQIRUPDWLRQ ZDV GHVFULEHG DV ³SRVLWLYH ³VHFUHW LQWHOOLJHQFH
- A 2005 San Francisco FBI [Memorandum](#)¹³ described a meeting with a representative of the Granada Islamic School at the Santa Clara Muslim Community Association. ^{The} ^{document} ^{described} ^{the} ^{structure} ^{and} ^{its} ^{relationship} ^{with} ^{its} ^{parent} ^{organization}. This information was described as ³SRVLWLYH LQWHOOLJHQFH ' DQG GLVVHPLQDWHG RXWVL
- A 2006 San Francisco FBI [Memorandum](#)¹⁴ documented a contact with a named representative of the Islamic Network Group to discuss a recently written article, the name of which was redacted ^{WHG} 7KLV LQIRUPDWLRQ ZDV ODEHOHG ³SRVLWLYH outside the FBI.

- A 2008 San Francisco FBI [Memorandum](#)²³ WR DQ LQWHOOLJHQFH ILOH GRFXF DFWLYLWLHV WR D 3DNLV WdntQLHFR WFXHQ BWJ DRQLJDDQLJ DQWLV directors and advisors, and UHFRUGHG LQIRUPDWLRQ First Amendment KH RUJD protected activities, including operation of an Urdu language radio program.
- A 2009 San Francisco FBI [Memorandum](#)²⁴ GHVFULEHG)% , 3FRPPXQLW\ RXWU participation in a career day hosted by an Assyrian community organization. It reported on t KH RUJDQLJD WeL R Q i e s , t h e i d e n t i t i e s o f s e v e r a l l e a d e r s , a n d t h e c o n t e n t o f conversations with three community leaders and members about their opinions, backgrounds, travel histories, educations, occupations and charitable activities.
- A 2009 Sacramento FBI [Memorandum](#)²⁵ regarding outreach at California State University, Chico documents a conversation with a student about the Saudi Student Association, including its size, purpose, and DFWLYLWLHV 7KLV PHPRUDQGXP ZKLFK social security number, telephone number and address, was sent to the FBI in Washington, DC.
- A 2010 Sacramento FBI [Memorandum](#)²⁶ named a student interviewed at California State University in Chico, CA, identified him as a Sunni Muslim, described his Saudi heritage and educational background, and documented his views on the cultural challenges confronting Saudi students in the United States.

¹ Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Dec. 9, 2004, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017866.pdf> ; Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Apr. 28, 2005, <https://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017873.pdf> ; Federal Bureau of

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- ⁹ Federal Bureau of Investigation, Electronic Communication: Mosque Liaison Contacts, Aug. 30, 2005, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017892.pdf> .
- ¹⁰ Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Mar. 8, 2005, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017871.pdf> .
- ¹¹ Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, May 26, 2005, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017879.pdf> .
- ¹² Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Oct. 11, 2005, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017904.pdf> .
- ¹³ Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Oct. 4, 2005, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017902.pdf> .
- ¹⁴ Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Feb. 9, 2006, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017925.pdf> .
- ¹⁵ Federal Bureau of Investigation, Electronic Communication: Mosques Liaison Contacts, Jan. 17, 2006, <http://www.aclu.org/files/fbimappingfoia/20120217/ACLURM017916.pdf> .
- ¹⁶ Federal Bureau of Investigation, Electronic Communication: Mosque Liaison Contacts, Dec. 29, 2006, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017947.pdf> .
- ¹⁷ Federal Bureau of Investigation, Electronic Communication: Civil Rights Public Outreach Matters, San Francisco Division, May 11, 2007, <http://www.aclu.org/files/fbimappingfoia/20111110/ACLURM012669.pdf> .
- ¹⁸ Federal Bureau of Investigation, Electronic Communication: Mosque Liaison Contacts, June 29, 2007, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017968.pdf> .
- ¹⁹ Federal Bureau of Investigation, Electronic Communication, Oct. 10, 2007, <http://www.aclu.org/files/fbimappingfoia/20111110/ACLURM013438.pdf> .
- ²⁰ Federal Bureau of Investigation, Electronic Communication, Sept. 25, 2008, <http://www.aclu.org/files/fbimappingfoia/20111110/ACLURM013443.pdf> .
- ²¹ Federal Bureau of Investigation, Electronic Communication: Mosque Outreach Contacts, Jan. 14, 2008, <http://www.aclu.org/files/assets/aclurm017989.pdf> .
- ²² Federal Bureau of Investigation, Electronic Communication: Mosque Outreach Liaison, Feb. 21, 2008, <http://www.aclu.org/files/fbimappingfoia/20120302/ACLURM017992.pdf> .
- ²³ Federal Bureau of Investigation, Electronic Communication: Community Outreach Matters, Mar. 3, 2008, <http://www.aclu.org/files/fbimappingfoia/20111110/ACLURM011160.pdf> .
- ²⁴ Federal Bureau of Investigation, Electronic Communication, June 19, 2009, <http://www.aclu.org/files/fbimappingfoia/20111110/ACLURM013448.pdf> .
- ²⁵ Federal Bureau of Investigation, Electronic Communication, Nov. 10, 2009, http://www.aclu.org/files/fbimappingfoia/2011_1110/ACLURM007341.pdf .
- ²⁶ Federal Bureau of Investigation, Electronic Communication, Feb. 22, 2010, <http://www.aclu.org/files/fbimappingfoia/20111110/ACLURM007350.pdf> .