



ACLU EYE on the FBI:

The FBI is using the guise of “community outreach” to collect and illegally store intelligence information on Americans’ political and religious beliefs.



FBI documents obtained through the Freedom of Information Act show that the FBI has turned its community outreach programs into a secretive domestic intelligence initiative that systematically, and in some instances illegally, collects and stores information about Americans’ First Amendment-protected activities. Documents obtained by the ACLU of Northern California, the Asian Law Caucus and the San Francisco Bay Guardian reveal that FBI agents attending community events under the guise of community outreach are documenting the content of

presentations given at the events; the names, identifying information, and opinions of attendees; and information about the community groups, including their goals and expressive activities, the names and positions of leaders, and the racial, ethnic and national origin of members. This information is documented and stored not just in files used to maintain records of community outreach, but in FBI intelligence files—specifically, files of the FBI Directorate of Intelligence’s Domain Management program, which are designed to [“assess threats, vulnerabilities, and gaps and new opportunities for intelligence collection.”](#)

Community outreach programs are a crucial mechanism for establishing communication, mutual understanding and trust between government agencies and the public they serve. Exploiting these programs to secretly gather intelligence about the individuals, organizations and institutions that participate in community outreach events betrays the trust that is essential to effectively enforce the law in a democratic society. The FBI’s own documents also reveal that, in violation of the Privacy Act, it is recording and retaining information in its files that it gathers at community outreach events about individuals’ First Amendment activities.

THE ACLU DOCUMENTS:

- A 2009 San Jose FBI [memorandum](#) describing FBI participation in a career day sponsored by an Assyrian community organization recorded information about the organization’s expressive activities, the identities of several of its leaders, and the content of conversations with three community leaders and members about their opinions, backgrounds, travel histories, educations, occupations and charitable activities. Contact information for these individuals was forwarded to the FBI’s San Francisco Division.
- A 2009 Sacramento FBI [memorandum](#) regarding outreach at California State University, Chico documents a conversation with a student about the Saudi Student Association, including its size, purpose, and activities. This memorandum, which includes the student’s social security number, telephone number and address, was sent to the FBI in Washington, DC.
- A 2008 San Francisco [memorandum](#) to an intelligence file documents community outreach to a Pakistani community organization. The document reports information about the organization’s First Amendment-protected activities and the identities of the organization’s officers, directors and advisors.

- San Francisco FBI memoranda written in [2007](#) and [2008](#) by FBI agents who attended Ramadan Iftar dinners under the guise of the FBI's mosque outreach program documented in several case files the names of attendees, the contents of participants' conversations and presentations, and the FBI's collection of pamphlets about different community organizations and identification of associated individuals. The 2008 memorandum shows that an FBI agent collected and documented individuals' contact information and First Amendment-protected opinions and associations, and conducted internet searches to obtain further information about the individuals in attendance, including, in one instance, the photo of a dinner participant. Both memoranda indicate that the information was "disseminated outside the FBI," presumably to other law enforcement or intelligence agencies.
- A 2007 San Jose FBI [memorandum](#) documenting a mosque outreach meeting attended by 50 people representing 27 Muslim community and religious organizations analyzed the "demographics" of those in attendance and identified each individual by name and organization. This memo was sent to three different case files.

THE PROBLEM:

FBI community outreach programs have traditionally operated out of the FBI Office of Public Affairs. These include formal programs, like the [FBI Citizens' Academy](#), which gives community leaders an inside look at the FBI to promote a greater understanding of its mission and operations, and ad hoc efforts like a post-9/11 [mosque outreach program](#) initiated in conjunction with the FBI Civil Rights Unit to provide contact information for reporting [hate crimes](#). FBI documents obtained through FOIA reveal that since at least 2005, in an increasingly formal and systematic process, the FBI has used community outreach programs to collect information about First Amendment-protected activity for intelligence purposes, and has disseminated that information outside the FBI.

In 2005, the FBI formally [linked](#) its Citizens' Academy outreach efforts to its InfraGard Program, an association of private sector and law enforcement agencies "dedicated to sharing information and intelligence to prevent hostile acts against the United States." And in 2006, FBI field office community outreach "[accomplishment report\[s\]](#)" began including specific questions about whether outreach programs shared information with other law enforcement or homeland security agencies, enhanced on-going investigations, or contributed to "[intelligence base development.](#)" Similar [reports](#) had not previously included such questions. Another 2006 document, a [letter](#) from the Pittsburgh Community Affairs Coordinator, stated that while the community outreach program had traditionally been "an established network of resources," the program now "also facilitated information sharing and collaborative operations between the community and the FBI's investigative programs."

Finally in 2008, the FBI Directorate of Intelligence formalized the intersection of community outreach and intelligence gathering by creating its own "community outreach" files under its Domain Management program (identified by an 800 series case file number), to "[enhance the . . . network of contacts with community leaders](#) . . . who can assist the FBI and fellow federal, state and local law enforcement and intelligence agencies in combating terrorism." Under this program, intelligence agents either make their own community outreach presentations, such as this [2008 Citizens' Academy presentation](#) to a Pakistani community organization, or accompany FBI community outreach

specialists to meetings to collect intelligence, as they did in a 2009 meeting with a community leader documented in [this heavily-redacted memo](#).

The trust that community outreach efforts are intended to engender is undermined when the FBI exploits outreach programs and events to gather intelligence against religious and community organizations and their members. There is no indication in the FBI documents obtained by the ACLU that community members and organizations are informed that the FBI's outreach activities are used for intelligence gathering purposes, or that the information shared with FBI officials in these informal settings will be documented and stored in intelligence files, shared with other law enforcement and intelligence agencies, and potentially used to target these individuals, their organizations or communities for further investigation.

The FBI has also documented individuals' First Amendment-protected activities in violation of [the Privacy Act](#), which specifically prohibits the FBI (and other federal agencies) from maintaining records "describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity." A key purpose of the Privacy Act, according to Congress, is to prevent records obtained by federal agencies "[for a particular purpose from being used or made available for another purpose](#)" without the targeted individuals' consent.

THE SOLUTION:

The ACLU calls on the FBI to cease using community outreach for intelligence purposes, to be honest with community organizations regarding what information is collected and retained during community outreach meetings and to purge all information collected improperly. We also call on the Department of Justice Inspector General to investigate Privacy Act violations within the FBI's San Francisco and Sacramento Divisions, and to initiate a broader audit of FBI practices throughout the nation to determine the scope of the problem and identify solutions.