



March 27, 2009

David D. Gersten
Director for Civil Rights and Civil Liberties Programs
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Gersten:

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The American Civil Liberties Union (ACLU) requests an Office of Civil Rights and Civil Liberties investigation into a potential abuse of authority by Department of Homeland Security officials who produced, or contracted to produce a May 7, 2008 “Universal Adversary Dynamic Threat Assessment.” The assessment, apparently produced for DHS by a private contractor, smears environmental organizations like the Sierra Club, the Humane Society and the Audubon Society as “mainstream organizations with known or possible links to eco-terrorism.”¹

Slandering upstanding and respectable organizations does not just violate the rights of these groups and those who associate with them, it undermines the credibility of all intelligence produced by and for DHS. A “personalities” section of the document lists individuals, including several who do not appear to have been charged with any related crimes, who were “profiled according to their involvement in organizations and/or activities associated with eco-terrorism.”² This type of intelligence reporting chills free speech and association.

We request your office investigate the origin of this document to determine how and why it was produced, and whether it violated the constitutional rights of individuals named or associated with the organizations improperly designated as linked to eco-terrorism.

Thank you for your attention to this matter. We look forward to hearing from you. Please contact Michael German at (202)544-1681 if you require additional information.

Sincerely,

Michael W. Macleod-Ball
Chief Legislative and Policy Counsel

Michael German
Policy Counsel

¹ UNIVERSAL ADVERSARY DYNAMIC THREAT ASSESSMENT, ECO-TERRORISM: ENVIRONMENTAL AND ANIMAL RIGHTS MILITANTS IN THE UNITED STATES, p. 9, (May 7, 2008), available at <http://wikileaks.org/leak/dhs-ecoterrorism-in-us-2008.pdf>.

² Id, at 28.