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FBI Expands Probe into Antiwar Activists

The FBI’s probe into antiwar activists is growing. In September, FBI agents raided the homes and offices of activists in Chicago and Minneapolis. Subpoenas that were withdrawn have been reactivated, and a new subpoena was served to a Palestinian solidarity activist in Chicago. We speak with two of the people targeted and two former FBI agents. [includes rush transcript]

Guests:

Maureen Clare Murphy, Chicago journalist and Palestinian solidarity activist.
Tracy Molm, Minneapolis-based peace activist. FBI agents raided her home and seized belongings in September. Prosecutors have now reactivated her subpoena.
Coleen Rowley, former FBI special agent and whistleblower.
Mike German, National Security Policy Counsel for the American Civil Liberties Union. He was an FBI agent specializing in domestic counterterrorism from 1988 to 2004.
JUAN GONZALEZ: We turn now to the latest developments in the FBI’s widening targeting of antiwar and Palestinian solidarity activists. In late September, FBI agents raided the homes of activists in Minneapolis and Chicago. They seized phones, computers, documents and other personal belongings. Subpoenas to appear before a grand jury were served on 13 people but later withdrawn when the activists asserted their right to remain silent.

But earlier this month, subpoenas were reissued against three of those targeted in the raids. And just this week, a new subpoena was delivered to a Chicago-based activist and journalist involved in Palestinian solidarity work—at least the 23rd person subpoenaed since September.

AMY GOODMAN: All those subpoenaed have been involved with antiwar activism that’s critical of U.S. foreign policy. Details on the grand jury case remain scarce, but the subpoenas cited federal law prohibiting, quote, “providing material support or resources to designated foreign terrorist organizations.” In June, the Supreme Court rejected a free speech challenge to the material support law from humanitarian aid groups that said some of its provisions put them at risk of being prosecuted for talking to terrorist groups about nonviolent activities.

Maureen Clare Murphy is the Chicago journalist and Palestinian solidarity activist who was issued a subpoena this week. Maureen is also an editor at the website Electronic Intifada, though the site is not being targeted in the FBI probe. In a statement, the Electronic Intifada said, quote, “Although The Electronic Intifada itself has not been a target of any of the subpoenas, we consider the grand jury investigation and all of the subpoenas to be part of a broad attack on the anti-war and Palestine solidarity movements and a threat to all of our rights.”

We’re also joined from Minneapolis by Tracy Molm. Her home was among those raided by FBI agents in September. Some of her belongings were seized. She’s one of three activists whose subpoenas were reactivated earlier this month.

And we’ll be speaking with two former FBI agents. Joining us from Washington, D.C., Mike German, National Security Policy Counsel for the American Civil Liberties Union, an FBI agent specializing in domestic counterterrorism from 1988 to 2004. And on the line from Iowa City, Coleen Rowley. She worked as an FBI special agent for almost 24 years. In 2002, she was named Time Magazine’s Person of the Year after she blew the whistle on pre-9/11 intelligence failures.
Let's go first, though, to Chicago, to Maureen Clare Murphy, who has just been issued this subpoena. Maureen, tell us what you know and what happened. How were you issued the subpoena?

MAUREEN CLARE MURPHY: So, I was in my home office on Tuesday morning when I got the knock on the door that more than 20 activists around the country have now gotten from the FBI. And so, they rang my buzzer, and when I answered, they identified themselves as the FBI, and they asked me if I would come and speak with them. And when I declined, they said they had a subpoena for me to appear before a grand jury here in Chicago on January 25th.

AMY GOODMAN: And what else does the subpoena say?

MAUREEN CLARE MURPHY: And as you mentioned, my subpoena is—I’m one of 23 who have now been subpoenaed, and the FBI also served subpoenas to three other activists in Chicago on Tuesday throughout the city.

JUAN GONZALEZ: And did they attempt to seize any of your possessions or records or computers?

MAUREEN CLARE MURPHY: No, they did not come into my home. And none of the activists who had been subpoenaed since the September 24th raids, as far as I know, have had their property seized or their houses raided. So, you know, I don’t think that they really need to come into my home and find out what I do, because I’ve always been working within the mass movement, you know, calling for the U.S. government to end U.S. aid to Israel.

And, you know, it’s kind of ironic that we are being subpoenaed to appear before a federal grand jury, when oftentimes we’re protesting outside of federal buildings, and we’re calling on our legislators and we’re being very vocal and public in our calls for a more just U.S. foreign policy in the Middle East. So, I don’t think the government needs to subpoena us to find out what we believe in and what we do. And so, that’s why we think this is really about intimidating our movement and trying to silence our movement, because, you know, they know what we do, and we know what we do is just and peaceful. And what it’s really about is basically trying to silence our very strong and successful movement.

AMY GOODMAN: We want to turn right now to go back to two activists who we spoke to earlier this year. And as we cover this widening net that is ensnaring a number of people, we wanted to remind you of who these people are. Their homes were raided. They told their stories on Democracy Now! We spoke to Joe Iosbaker in Chicago and Jess Sundin in Minneapolis.

JESS SUNDIN: Friday morning, I awoke to a bang at the door, and by the time I was downstairs, there were six or seven federal agents already in my home, where my partner and my six-year-old daughter had already been awake. We were given the search warrant, and they went through the entire house. They spent probably about four hours going through all of our personal belongings, every book, paper, our clothes, and filled several boxes and crates with our computers, our phones, my passport. And when they were done, as I said, they had many crates full of my personal belongings, with which they left my house.

JOE IOSBAKER: It was a nationally coordinated assault on all of these homes. Seven a.m., the pound on the door. I was getting ready for work, came down the stairs, and there were, I think, in the area of 10 agents, you know, of the—they identified themselves as FBI, showed me the search warrant. And I turned to my wife and said, "Stephanie, it’s the Thought Police."
AMY GOODMAN: That’s Joe Iosbaker and Jess Sundin, who—Jess in Minneapolis. Like them, Tracy Molm’s home was raided by FBI agents in September, some of her belongings seized, one of three activists whose subpoenas now have been reactivated. Tell us what has happened now, Tracy.

TRACY MOLM: Right now, our individual lawyers are being called into meetings with the District Attorney, Fox, in Chicago. They’re essentially trying to scare us into talking, to naming names and giving them a case against the movement and against the people that we have worked with historically to fight for justice for the people of Palestine and the people of Colombia.

JUAN GONZALEZ: Well, we’re also joined on the phone by Coleen Rowley, a former FBI agent who was named by Time Magazine Woman of the Year for her exposure of the problems in intelligence by the FBI pre-9/11. Your reaction to these raids, especially since they all seem to be focused around people who are involved in Palestinian solidarity work and there’s certainly no indication that there’s any terrorist threat to the United States here from the Palestinian movement?

COLEEN ROWLEY: Well, you know, after 9/11, we almost—there was a green light put on, and there was a very big blurring between protest, civil disobedience and terrorism. And you saw this in many ways. The door was open to basically targeting, without any level of factual justification, advocacy groups. And again, this began pretty quickly after 9/11.

It’s gotten to the point now, nine years later—and I wanted to mention the Washington Post is doing a pretty good job of exposing this, this top-secret America, this monitoring. Their most recent article in the Washington Post says there’s a hundred—the FBI has 164,000 suspicious activity reports. Again, these are things that just have no level of factual justification, that people call in, and the FBI is now keeping records on people. So, I think that, you know, this case will just be the start of targeting various groups like this.

AMY GOODMAN: I wanted to turn to a clip of an interview we did recently when Bruce Nestor came into town, the former head of the National Lawyers Guild in Minneapolis. He’s representing those who have been summoned before the grand jury. Bruce Nestor talked about potential consequences the activists face for defying subpoenas.

BRUCE NESTOR: Three people are now being—looking at reappearing in front of the grand jury and likely being forced with the choice between talking about who they meet with, what the political beliefs of their friends and allies are, or perhaps risking contempt and sitting in jail for 18 months. These are people who are deeply rooted in the progressive community in Chicago and Minneapolis. These are grandmothers, they're mothers, they're union activists. They were some of the organizers of the largest antiwar march at the 2008 Republican National Convention.

And so—and they’re being prosecuted under this material support for terrorism law, a law that was really enhanced under the PATRIOT Act and that allows, in the government’s own words, for people to be prosecuted for their speech if they coordinate it with a designated foreign terrorist organization. What you run the risk of there is that even if you state your own independent views about U.S. foreign policy, but those views somehow reflect a group that the U.S. has designated as a terrorist organization, you can be accused of coordinating your views and face, if not prosecution, at least investigation, search warrants, being summoned to a grand jury to talk about who your political allies and who your political friends are.
AMY GOODMAN: That was Bruce Nestor, who’s representing some of those being subpoenaed, former head of the National Lawyers Guild in the Twin Cities. Mike German is joining us from Washington, D.C., National Security Policy Counsel for the American Civil Liberties Union. He was an FBI agent specializing in domestic counterterrorism for many years. Mike, talk about your assessment of this widening dragnet and its consequences.

MIKE GERMAN: Well, I think part of the problem is sort of the scope of this investigation and the aggressive tactics that are being used, when there isn’t any public evidence to suggest these people pose a threat. In fact, the FBI spokesman said immediately after the raids that there wasn’t a threat to the community. So, it sort of leads to a question of why there is this nationwide, you know, early morning raids, as if these are Mafia groups, when, you know, it’s clear from the materials that are being seized, the materials that are being requested in the search warrant returns that are public, that a lot of this is associational information that’s being requested—address books, computer records, literature and advocacy materials, First Amendment sort of materials.

So, this creates a huge chill beyond these activists or their associates to the entire advocacy community, where, you know, again, these people, as already stated, have longstanding advocacy histories, you know, are organizers, know a lot of people in the community. So it creates a chill throughout, and it damages our democracy, because people start to be afraid of participating in the political process. And that really is a huge problem beyond the scope of just the individuals involved in this case. And, you know, the fact that the FBI is doing this and using terms like "terrorism" to describe these individuals creates a huge chilling effect that we really have to be concerned about.

AMY GOODMAN: Mike, I wanted to ask you—I don’t know if it’s exactly related, but new details on how the United States has assembled a vast domestic intelligence apparatus to collect information about Americans, using the FBI, local police, state homeland security offices and military criminal investigators. Another Washington Post exposé on this, the FBI operating a massive database known as Guardian with the names and personal information of thousands of U.S. citizens and residents who have never committed a crime but were reported to have acted suspiciously by a local police officer or a fellow citizen, the database containing over 160,000 suspicious activity files. Despite the sweeping size of the database, the Washington Post reports, the FBI says it’s resulted in only five arrests and no convictions. In addition, the Post reveals the FBI is storing 96 million fingerprints in Clarksburg, West Virginia.

And the Post also reports that local law enforcement agencies have begun using surveillance equipment designed for war zones. In Memphis, Tennessee, some police patrol cars now contain military-grade infrared cameras that can snap digital images of one license plate after another, while analyzing each almost instantly.

Mike German, you have worked in counterterrorism for years, before being at the ACLU, from 1988 to 2004. What’s going on here? What are the dangers with this?

MIKE GERMAN: Well, you know, you might remember a program called Total Information Awareness that was started right after 9/11, and the idea was, if we can just grab all the available data that’s out there, somehow we’ll be able to manage it in a way that we’ll know everything that’s happening. And while Congress killed that specific program, that idea never disappeared.

And the FBI appears to be at the center of one of these expansive collection programs called eGuardian, is the new one. Guardian is one that’s been around for a while. But now there’s a new one, eGuardian, that’s part of a nationwide suspicious activity reporting program that encourages state and local law enforcement
agencies, as well as the general public, to report behaviors that they describe as inherently suspicious, and these include things like taking notes or drawing diagrams, taking measurements, taking photographs or video. So, of course, these are benign activities that have no inherent suspicion regarding them, so what we’re concerned with is what people will really be reporting is people that, because of their own personal bias, are already suspicious of. You know, it won’t be everybody who’s taking notes; it’s only going to be that person who wears religious garb that they are, you know, religiously biased against or, you know, a person of a specific race or nationality. So, what this allows, this sort of reduction in standards allows the collection of material against people who are not even suspected of being involved in wrongdoing. And that is really an open door to abuse.

And we have Freedom of Information Act requests outstanding for the eGuardian program. We’re interested in a lot of different new FBI programs. There’s a Domain Management program, which purports to allow the FBI to collect racial and ethnic demographic information and map our communities across the nation by race and ethnicity. So, again, this suspicion-less collection information is a huge and growing problem, and all of this data just is being warehoused, literally—I mean, that’s what they call it, the Investigative Data Warehouse—for any kind of abuse that might occur later. And, of course, you know, the ACLU has already documented these types of spying operations being directed against political advocacy in 33 states across the nation. In fact, when the latest Washington Post report came out, one of the intelligence collection operations it focused on was the Tennessee fusion centers. And one of our legal fellows became interested upon reading the article and went to the website, and sure enough, one of the suspicious activities reported on the website was an ACLU advocacy effort regarding the celebration of religious activities in public schools. So, clearly, they’re collecting information about political advocacy, and this is part of the larger problem across the country.

JUAN GONZALEZ: Well, Mike, I’d like to ask you—this is not the first time in U.S. history that we’ve had these problems. I think back—you mentioned Total Information Awareness. But going back even further, several decades ago, the Church Commission uncovered all kinds of spying by the U.S. government on legal dissident groups in the United States. And, of course, back in the 1920s during the Palmer Raids, there was all kinds of government attempts to round up people who were involved in what is normally legal, but opposition, politics of one kind or another. How come there is so little outcry in the general population of these enormous attempts by the government to take away civil liberties and to spy on the citizens?

MIKE GERMAN: You know, you’re exactly right. There is, you know, a long history of abuse of secret domestic intelligence powers. And that’s why after the Church Committee uncovered those abuses in the 1970s, there were guidelines put in place, the Attorney General Guidelines, that required a reasonable suspicion of wrongdoing before the FBI could start aggressive investigations. And those were the standards that I operated on, doing domestic terrorism investigations. And I found they were very helpful, that what it did is it helped me focus on people who were actually doing bad things, rather than people who were saying things that I didn’t like or didn’t agree with, and that that helped me use my resources in an efficient way to target the people who were doing bad things. And unfortunately, after 9/11, those standards have been diluted significantly to where now the FBI literally requires no factual predicate to start an investigation.

And as far as the public outrage, a huge part of the problem is, again, these activities are taking place in secret. So it’s hard to know how they’re impacting any particular group or individual. And that’s why we set up a website, the Spy Files website, aclu.org/spyfiles, where we’re collecting a lot of this material. And, you know, it’s not just the FBI that’s spying now; it’s Department of Homeland Security, it’s the Department of Defense, it’s state and local law enforcement agencies that
are involved in these activities. So, you know, this *Washington Post* story, I think, will be a big help to let people know that, you know, your innocence doesn’t protect you anymore, that they can literally start collecting information on anyone.

And, you know, we had a recent case in Maryland where the Maryland state police were spying on political activists. And one of the activists said something very interesting to me. She said, you know, "I was a Vietnam War protester. So when I became a war protester again with the recent conflicts, I kind of assumed that the government would be spying on me. But when I finally got those records back, what scared me more than anything was that much of the information was wrong. They had me at demonstrations I wasn’t at. They had me associated with groups I wasn’t associated with. And that scared me more, because now my doing everything right and not being involved in violence wasn’t going to protect me from their errors, and I could be associated with things that I wasn’t actually doing." And that’s really a big part of the problem.

**AMY GOODMAN:** We only have 30 seconds, but I wanted to go back to Coleen Rowley, another former FBI agent, on a related issue, and it’s WikiLeaks. You have signed on, along with a number of other people, like Larry Wilkerson, the former chief of staff of the Secretary of State Colin Powell, and Dan Ellsberg and British intelligence employee Katharine Gun, to a letter that says WikiLeaks has teased the genie of transparency out of a very opaque bottle, and powerful forces in America who thrive on secrecy are trying desperately to stuff the genie back in. As we wrap up this discussion, let’s end up on WikiLeaks, Coleen.

**COLEEN ROWLEY:** Well, I think there’s a big tie-in between transparency and knowing what your government is doing and what we just heard Mike German mention, which is these infiltrations without factual justification of advocacy groups. The Minneapolis case seems to have stemmed a lot from the lead up to the Republican National Convention and the protests, where they simply targeted protesters. And I think that if we had more transparency and we had ways of people telling the truth about what’s going on, we would not actually see the—I’m very afraid we’re doomed to repeat that terrible history of the COINTELPRO era and the House Un-American Activities.

**AMY GOODMAN:** Well, we’re going to have to leave it there. Coleen Rowley and Mike German, both former FBI agents. Coleen Rowley, a whistleblower named *Time* Person of the Year in 2002, Mike German, now with the ACLU, thanks so much for being with us.

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