



DEFENDING DISSENT FOUNDATION LETTER

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Founded in 1960 as the National Committee to Abolish HUAC

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Dear Troublemakers,

I might have gotten a little carried away this month. As you can see I've written two long pieces about two different reports that were leaked this month, one from the Department of Homeland Security, the other from the Virginia Fusion Center. If these reports are supposed to represent the best thinking that our top law enforcement and intelligence people can come up with to combat terrorists, well I'd say we're in pretty big trouble. Both documents are available on our website: www.defendingdissent.org

In Solidarity,

A handwritten signature in cursive script that reads "Sue Uhey".

DHS Report on Rightwing Extremism

The right-wing media and blogosphere have justifiably gone apoplectic over a Department of Homeland Security report that was leaked in April. We think the left should be outraged by the report as well. *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence In Radicalization and Recruitment* targets legitimate political activities and beliefs for suspicion in the war on terror. The report defines right-wing "extremism" to include not only organized supremacist groups, but also antigovernment, anti-abortion and anti-immigration groups. Although the report finds no evidence that any right-wing groups are planning acts of violence, they all come under suspicion based on their political ideology, rather than any evidence of planning or perpetrating criminal acts.

One specific chapter of the report has generated intense criticism. Titled "Disgruntled Military Veterans," the chapter asserts "rightwing extremists will attempt to recruit and radicalize returning veterans in order to exploit their skills and knowledge derived from military training and combat." When asked about that element of the report, Department of Homeland Security Secretary Janet Napolitano initially defended the whole report and cited Timothy McVeigh as justification for the concern about returning veterans. The American Legion hit the nail on the head in a letter of protest to Napolitano:

The American Legion is well aware and horrified at the pain inflicted during the Oklahoma City bombing, but Timothy McVeigh was only one of more than 42 million veterans who have worn this nation's uniform during wartime. To continue to use McVeigh as an example of the stereotypical 'disgruntled military veteran' is as unfair as using Osama bin Laden as the sole example of Islam.

In the end, Napolitano met with the head of the American Legion and apologized, saying the report was sloppy and should never have been issued. Unfortunately her apology seemed to apply only to this one facet of the report.

In Congress, members on both sides of the aisle expressed outrage over the report. Rep. Thompson (D-MS), Chair of the House Homeland Security Committee, sent a strongly worded letter to Secretary Napolitano objecting to the report, noting that dissident, even violent belief is protected by the Constitution. He asked Napolitano to explain what DHS meant when it wrote in the report that it "will be working with its state and local partners over the next several months to ascertain with greater regional specificity the rise in rightwing extremist activity." We were a little surprised (but pleased) at Rep. Thompson's letter, since he was a co-sponsor last year of the *Homegrown Terrorism and Violent Radicalization Act* – you may remember that DDF

led a coalition against this bill because we thought it came too close to equating political radicalism to terrorism.

The release of this report – one that so clearly targets political belief, activities and associations rather than any criminal activity or intent – provides an opportunity for the Defending Dissent Foundation to reach across the political spectrum. We’ve been invited to write a guest column for the Campaign for Liberty (a libertarian lobby group), and the conservative *Washington Times* published our strongly worded letter on April 20 (see our website for a links). We have two goals in mind: to encourage a diversity of groups to speak out in defense of the right of dissent and to help both camps realize that radical and dissident political activism on the left and the right can be targeted for repression by any administration. We also need to challenge the use of the words “radicalization” and “extremism”, since these labels are being used to demonize dissidents as being on an inevitable slippery slope toward violence.

Virginia Thought Police

Beware of Boy and Girl Scouts conducting ‘get out the vote’ drives! The *Virginia Fusion Center 2009 Terrorism Threat Assessment* warns that they may have links to terrorism.¹ Scout troops are among the many worrisome features of life in Virginia that folks at the Fusion Center think may present an opportunity for terrorists. There are universities (“recognized as a radicalization node for almost every type of extremist group”), a diverse population (“affords terrorist operatives the opportunity to assimilate easily into society”) and politically extreme groups, such as the New Black Panther Party, Nation of Islam, Life & Liberty Ministries, Greenpeace and Blue Ridge Earth First. Strikingly, most of the threats uncovered by the fusion center are based on political ideology or race, religion or country of origin.

This report identifies dozens of activist groups across the political spectrum as terrorist threats,

¹ According to the report, “The Muslim American Society, a group linked to the [Muslim Brotherhood], used Boy and Girl Scout troops in 2006 as part of a massive get-out-the-vote campaign targeting Muslim voters in Virginia and elsewhere” (p. 41)

but indicates that very few of the groups have ever actually engaged in any kind of criminal activity, although some are accused of petty vandalism or tax evasion and the like. The document also indicates that the Fusion Center has no evidence that any of these groups are planning any kind of terrorist activity, but still recommends that they be closely monitored, because of their political beliefs.

In the absence of information about actual criminal activity or intent, this Terrorist Threat Assessment offers plenty of information about the beliefs and activities of these groups, indicating that they are already being monitored. The writers of the report don’t distinguish between pranks, political protest, or vandalism and serious terrorist activity, thereby casting suspicion on a number of legitimate First Amendment activities and associations.

For example, a section on cybercrime and cyberterrorism illustrates the threat with a photo of a temporary traffic sign that was hacked into to read “CAUTION! ZOMBIES! AHEAD!!!”(p. 81)



Another example of so-called terrorism took place at Virginia Tech University, when an “on-campus Bank of America ATM machine was vandalized in an apparent eco-terror attack. It is suspected that the perpetrators of the activity are members of the Mountain Justice Summer activist group or an affiliate, but no conclusive evidence was found. “Funding Coal, Killing Communities” stickers were posted and coal was dumped on the machine, but it was not rendered inoperable or inaccessible.” (p. 143)

Filing bogus or harassing pseudo-legal documents is also classified as a form of terrorism, dubbed “paper terrorism”. According to the report, “Moorish Nation members utilize “paper terrorism” to harass government officials through the misuse of financial mechanisms, such as filing false liens or submitting fraudulent tax documentation. These tactics have been employed against law enforcement officers, court officials, and other civil authorities.”(p. 71) This technique was pioneered by the White Nationalist movement and the militias in the 1980s, but while annoying, is hardly a form of terrorism.

With these illustrations of what the report’s authors call “domestic terrorism”, one might be surprised to learn that they view domestic groups as a more serious threat to Virginia than international terrorism. The section on Domestic Terrorist Threats reports on the legitimate political activity and outreach efforts of different protest groups in a light that casts suspicion on the members of the groups and the groups themselves.

For example, the report focuses on Blue Ridge Earth First:

The group has become very active, and has conducted public protest actions in Blacksburg and Charlottesville in 2007. 2008 actions included protests against Dominion Power and Massey Energy in Richmond, with at least one protest resulting in multiple arrests. BREF has also indicated it has and will continue to conduct action camps. Available information suggests ties between BREF and anarchist groups, including joint participation in a November 2007 anarchist meeting in Richmond. (p. 69)

Every activity that BREF is accused of is legitimate political protest and organizing activity. The protest resulting in “multiple arrests” was a peaceful civil disobedience action at the visitor center at a Dominion Power plant, where six peaceful protestors were arrested for a sit-in.

First Amendment protected activity on the right is also catalogued. On militia activity in Virginia, the report mentions that “Recent activities have included the online promotion of a rifle and pistol marksmanship training on December 20, 2008,

and a Winter Survival exercise on January 16-17, 2009 at the Thompson Wildlife Management Area by a Virginia Citizen Militia affiliate.”(p.60)

Time and again throughout the report, the only evidence of terrorist threat is the political philosophy of identified groups. On anarchists: “Although the anarchist threat to Virginia is assessed as low, these individuals view the government as unnecessary, which could lead to threats or attacks against government figures or establishments.” (p. 44) As for those Earth First activists, “Although EF [Earth First] appears to pose a minimal threat to the Commonwealth, past action camps and protest activity suggests the group will continue to lobby in Virginia.” (p. 68) Lobbying in Virginia? We are shocked, shocked!

The recommendations section calls on law enforcement agencies across the state to “Further develop intelligence on members and associates of identified terrorist groups.”(p. 199) That seems to mean it’s open season for law enforcement to monitor every group mentioned in the report, from al Qaeda to local environmental or anti-abortion groups who have never committed any crimes. In addition, the report identifies dozens of “intelligence gaps” and questions to be answered about the various “threat groups”. Some of these questions are legitimate, while others clearly aren’t, for example “How much leadership overlap, if any, exists between BREF, Greenpeace/Rainforest Action Network, and other groups?” (p. 69)

Defending Dissent Foundation has begun to contact the groups listed in the report to alert them and work together to develop a response and demand more information about police monitoring of their political activities. In addition, with our civil liberties allies, we can use this report to highlight the problems with fusion centers and the lack of oversight and regulation. This is the fourth fusion center report leaked in the last few months that demonstrates grave problems with the way fusion centers are doing business. We’re lucky this report was leaked, because the Virginia fusion center is exempt from the state’s Freedom of Information laws.

Most Wanted Terrorist List

On April 21, the FBI added Daniel Andreas San Diego, an animal rights activist, to their Most Wanted Terrorists List. An FBI news release pointed out that San Diego is the first “domestic terrorist” to be added to the list. He is accused of participating in the planting of two bombs in Northern California in 2003 that caused property damage but no human injuries. There have been no new developments in his case, so the timing of this announcement, in the middle of the uproar about the *Rightwing Extremism* report, has raised a few eyebrows in the animal rights movement as well as in the media.

State Secrets Claim Denied

On April 28, a federal appeals court denied the Obama administration’s broad claim of state secrets privilege in Mohamed et al. v. Jeppesen, allowing the case to go forward. Five men who were victims of the Bush extraordinary rendition program are suing Jeppesen (a Boeing subsidiary) for providing the flights that carried them to countries where they were tortured. The appeals court ruled that the government cannot dismiss the

entire suit, but must invoke the state secret claim with respect to specific evidence as it comes up in court. This is a great step forward, although the ruling could be appealed. In an interesting twist, the next step for appeals would bring the case to the full Ninth Circuit Appeals Court (only a partial panel made this ruling), which would include Jay Bybee (author of Office of Legal Counsel torture memos).

On April 27, Boeing held their annual shareholders meeting in Chicago. Activists were there to make sure that shareholders understand the role that Boeing played in the torture flights. Chicago Police responded to a similar action last year by herding protestors into a distant “First Amendment Zone”, but Bob Clarke, Chicago Committee to Defend the Bill of Rights board member and an organizer of the protest, reported that this year they were within reach of the protestors and able to hand them flyers. “In short, we scored a victory for the First Amendment and got our message to some of Boeing’s owners. The frosting on the cake was the Appeals Court decision the very next day”, he said.

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The First Amendment Foundation and the National Committee Against Repressive Legislation (NCARL)
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In Memory of Frank Wilkinson, Director Emeritus, and Chauncey Alexander, President Emeritus, and all who went before.