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PRESS RELEASE: Restore the Fourth Calls on Senate Judiciary Committee to Investigate Whether the FBI is Targeting It and Other Activist Groups Without Proper Criminal Investigative Predicate

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- FOIA requests results have indicated that the FBI may be targeting Restore the Fourth and other anti-surveillance and immigration activist groups for domestic surveillance without the proper investigative predicate
- According to the FBI, National Security or foreign intelligence records on these groups, if such records exist, are classified and cannot be released (“Glomar response”)

BELMONT, Mass./January 14, 2020/ -- Restore the Fourth, in coalition with other anti-surveillance and immigration reform groups, calls on the Senate Judiciary Committee to investigate whether the FBI is targeting coalition groups for domestic surveillance without proper cause. Restore the Fourth says that the FBI may be targeting coalition groups on the basis of DOJ responses to FOIA requests. This “Glomar response,” recently received by CIA whistleblower Pat Eddington, informs the requester that, with respect to its national security and foreign intelligence databases, while DOJ can neither confirm nor deny the existence of FBI records that may be responsive to the request, such records cannot be disclosed because, if they exist at all, they are currently classified. This response was given regarding eight activist organizations, while the response regarding over 200 other such organizations simply resulted in a “no responsive records” result.

In its letter to the Senate Judiciary Committee, Restore the Fourth explains:

The difference between these responses is alarming, and raises the question of whether this inconsistency is due to these groups having been targeted for surveillance. We urge the committee to investigate why the FBI appears to be treating these groups differently, including the extent to which the groups cited above have been targeted for surveillance, or have been the subject of an FBI assessment or investigation.

News reporting has indicated that the FBI is targeting activist groups, particularly pro-immigration groups, under the predicate of labeling them “anarchist extremists.” This designation is not only inaccurate, but one the FBI has been known to use to justify targeting peaceful protest movements using national security resources for investigation and disruption.¹ In doing so, the FBI has often opened “threat assessments,” investigations that require no indication of criminal activity, past or future, and can be renewed for years on end, or full investigations based on First Amendment-protected activity. The FBI has also paid confidential informants to infiltrate and disrupt peaceful protest movements and report on their activities to the FBI.

Due to the inconsistency of these FOIA responses, and the FBI’s known history of targeting peaceful advocacy and protest movements for surveillance and disruption under questionable predicates, Restore the Fourth is calling on the Senate Judiciary Committee to exercise its authority to investigate whether the FBI is improperly targeting it for surveillance and any investigation.

For more information, contact Restore the Fourth National Chair Alex Marthews at the contact information listed above.

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¹¹ The Hill: FBI Monitoring Nonviolent Immigration Protesters at the Border: Report. Zack Budryk, September 4, 2019. Available at <https://thehill.com/homenews/administration/459962-fbi-monitoring-non-violent-immigration-protesters-at-border-report>. Last accessed January 14, 2020.