

FOIA Documents from FBI Show Unconstitutional Racial Profiling

Government Linking Various Criminal Behaviors to Certain Racial and
Ethnic Groups in Georgia, Documents Obtained by ACLU Reveal

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ATLANTA – The FBI has been targeting American communities for investigation in Georgia and across the country based on race, ethnicity, national origin and religion according to documents released by the American Civil Liberties Union and the American Civil Liberties Union of Georgia that were obtained under the Freedom of Information Act.

The documents show that FBI analysts in Georgia and across the country are associating criminal behaviors with certain racial and ethnic groups and then using U.S. census data and other demographic information to map where those communities are located to investigate them.

Examples of profiling in Georgia revealed in FBI memos and intelligence notes include:

- Noting an increase in the "black/African American populations in Georgia" and non-violent protests by the African-American community in the state after police shootings to identify potential threats from "Black Separatist" groups.
- Using the threat posed by the criminal gang MS-13, which was originally started by Salvadoran immigrants, to justify broad investigations targeting a wide variety of Latino communities in Georgia as well as in Alabama and New Jersey.

"The FBI's own documents confirm our worst fears about how it is using its overly expansive surveillance and racial profiling authority," said Azadeh Shahshahani, ACLU of Georgia National Security/Immigrants' Rights Project Director. "The FBI has targeted communities of color in Georgia for investigation based not on suspicion of actual wrongdoing, but on the crudest stereotypes about which groups commit different types of crimes."

The documents are being released as part of a new ACLU initiative called "Mapping the FBI," which aims to expose misconduct and abuse of authority by the bureau.

"The use of profiling as a tool to address crime and national security threats is not only unconstitutional, it is ineffective and counterproductive," said Michael German, ACLU senior policy counsel and a former FBI agent. "Targeting entire communities for investigation based on erroneous stereotypes produces flawed intelligence. Law enforcement programs based on evidence and facts are effective, and a system of bias and mass suspicion is not."

Other instances of profiling around the country revealed in the FBI memos and intelligence notes include:

- Using the fact that San Francisco is "home to one of the oldest Chinatowns in North America and one of the largest ethnic Chinese populations outside mainland China" to justify opening an investigation involving racial and ethnic mapping because "[w]ithin this community there has been organized crime for generations."
- Seeking to collect information about Muslim and Arab communities in Michigan, arguing that "because Michigan has a large Middle Eastern and Muslim population, it is prime territory for attempted radicalization and recruitment by... terrorist groups."

"It is entirely within Attorney General Holder's power to put an immediate end to these unconstitutional practices by changing the internal Justice Department and FBI rules that permit them to occur," said Hina Shamsi, director of the ACLU National Security Project.

In 2003, the Justice Department issued its "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," which prohibited racial and ethnic profiling in all contexts except in national security and border integrity investigations. Exploiting this loophole, the FBI claimed the authority to analyze the geographic concentrations of racial and ethnic communities in an internal manual called the "Domestic Investigation and Operations Guide," which was issued in December 2008. This program, called "Domain Management," is not limited to national security investigations, and the ACLU believes that it violates the Constitution. The organization recently sent a letter to Attorney General Eric Holder urging him to address the problem.

The documents also reveal FBI counterterrorism training materials portraying Arab and Muslim communities in the U.S. as primitive, violent and supporters of terrorism. The documents show that these materials have been in use since at least 2003 through this year.

A 2008 textbook, produced by the FBI and West Point's Combating Terrorism Center, contains essays claiming that Islam is inherently violent, that Muslims and Arabs are intrinsically "different" from other Americans and should be treated with suspicion, and that religious practices and political activism by Muslims and Arabs are signs of increasing danger. The FBI has committed to reviewing its training materials, and the ACLU has written to request that faulty intelligence products be included within this review.

A detailed description of the FBI's use of racial profiling, including links to the FOIA documents, is available at:

www.aclu.org/national-security/aclu-eye-fbi-fbi-engaged-unconstitutional-racial-profiling-and-racial-mapping

A detailed description of the FBI's use of training materials biased against Muslims and Arabs, including links to the FOIA documents, is available at:

www.aclu.org/national-security/aclu-eye-fbi-fbis-use-anti-arab-and-anti-muslim-counterterrorism-training

The ACLU's letter sent to Attorney General Eric Holder about racial profiling and the FBI's investigation guidelines is available at:

www.aclu.org/national-security/aclu-letter-attorney-general-holder

More information about the ACLU's new initiative, "Mapping the FBI," including a searchable database of FOIA documents, is available at:

www.aclu.org/mapping-fbi