

FBI'S LIES ABOUT ANTI-WAR SURVEILLANCE ALSO PROTECTED CIFA

Let me spoil the ending of this series on the IG Report on FBI Investigations of First Amendment Activity. I suspect there are ties between the FBI's investigations of anti-war activists and CIFA, the DOD program that collected information on anti-war activists in the Talon database. I'll say more about this in a later post or three. But for now, I just wanted to point out the close tie between the FBI reporting on the Pittsburgh anti-war group Pittsburgh Organizing Group (POG) and an entry in a leaked fragment of the CIFA database.

The following are the anti-war POG activities known to be recorded by the government (note, the names of the alleged POG members are pseudonyms invented by the IG Report):

January 8, 2004: Electronic Communication (EC) opens domestic terrorism preliminary investigation into "Nicholas Herman" for being a leading POG member.

February 4, 2004: EC opens domestic terrorism preliminary investigation into "Arnold Philips" and "Terry Waterman" for "doing business as" POG and planning a March 20, 2004 "Global Day of Action against War and Occupation."

February 24, 2004: Two FBI agents meet with Pittsburgh law enforcement to plan for security for March 20, 2004 event; the EC from the meeting notes that Thomas Merton Center had obtained parade permit for event.

March 20, 2004: Two FBI agents monitor the protest to "verify the participation" of Herman, Philips, and Waterman. The EC notes that no

“actionable criminal activities” except trespass on university property took place.

April 19, 2004: EC notes the arrest for disorderly conduct and failure to disperse of Philips and five others protesting George Bush speech in Pittsburgh.

June 3, 2004: Two FBI agents conduct drive-by surveillance of 11 residences, businesses, and organizations frequented by POG members, including TMC.

July 2004, unknown date: Miami FBI field division informs Pittsburgh (and NY) FBI that at meeting in Pittsburgh, POG members planned protest for during the RNC Convention in August-September of that year.

July 9, 2004: FBI obtains 180-day extension for preliminary inquiry into Herman.

July 30, 2004: FBI obtains 180-day extension for preliminary inquiry into Philips and Waterman.

August-September 2004: FBI notes that Waterman had no criminal history and local law enforcement officials in Pittsburgh had never run into Waterman during their investigations of anarchists, though Chicago’s law enforcement said he had ties to anarchists there.

October 29, 2004: Confidential source report—ostensibly tied to the Herman investigation—on organizing meeting at TMC for later anti-war protest. Describes, “meeting and discussion was primarily anti anything supported by the main stream American.”

Unknown 2004: At least one more confidential source report on POG.

November 2004: FBI notes Pittsburgh police arrest of Philips, on disorderly conduct charges, for trying to prevent an officer from arresting another protester burning an American flag.

January 20, 2005: FBI closes preliminary investigation into Herman.

January 26, 2005: FBI closes preliminary investigation into Philips and Waterman.

January 28, 2005: EC reflecting internet article alleging that two FBI agents entered "two ... normally locked doors" at Philips' apartment (where a TMC intern and staffer lived) to leave a note for Philips to call the FBI; the FBI agent claimed they only entered the unlocked outside door and left a note on the apartment door.

February 15, 2005: Confidential source report on POG that includes TMC.

March 1, 2005: Confidential source report on POG that includes TMC.

March 19, 2005: Confidential source report that must have covered the protest marking the second anniversary of the start of the Iraq War.

April 27, 2005: Talon database entry (see PDF 7) describing POG anti-recruitment event targeted at Carnegie Mellon.

Unknown date (probably January) 2006: Chief Division Counsel tells agent to close the apparently still active source.

The IG Report makes it clear that for the fifteen months leading up to the event recorded in the Talon database entry, the FBI had been investigating POG and other Pittsburgh anti-war groups based only on the trumped up claim that members of the groups might commit a crime in

the future. The FBI used a confidential informant (as I explain here, the informant was the FBI agent's son's friend who had gotten into legal trouble himself) to continue reporting on POG and the anti-war community for two months after the FBI had formally ended the investigation that purportedly justified the infiltration. Apparently, that source remained active for over a year after the investigation was closed (ACLU's FOIA only covered records mentioning TMC before May 18, 2005, and the IG Report makes no claim to describe all the confidential informant reports on POG).

And surprise, surprise! The very subject of those ongoing investigations—Pittsburgh's anti-war activism—ends up in DOD's database.

Note that DOD destroyed this database (though the records were reportedly saved) in June 2006, precisely the month that ACLU sued to get DOD to comply with its FOIA for Talon records including those on POG, so DOD did not turn over those records on POG.

So we don't know who generated the Talon report on the April 27, 2005 POG effort. But we do know that a number of the Talon reports on anti-war activists came from "Federal law enforcement personnel." And we know that Talon database entries were routinely shared with local Joint Terrorism Task Forces which, as we've seen repeatedly in the IG Report, were the ones investigating Pittsburgh's anti-war community.

The FBI invented a number of stories to explain away their systematic, long-term investigation of Pittsburgh's anti-war community, not to mention to explain away the lies FBI told Congress in response to inquiries about that surveillance. But to the extent that surveillance was systematic, those lies served to protect not only FBI, but the CIFA program as well.