

# WHAT WENT INTO THE FBI INTELLIGENCE THAT WILL BE IN NCTC'S DATABASE FOR FIVE YEARS?

Last year, after Spencer Ackerman exposed some of the Islamophobic materials the FBI was using to train its counterterrorism agents, the FBI conducted a review of its training materials to weed out such counterproductive materials.

Unsurprisingly, as Spencer reports today, they found additional offensive and just downright stupid materials.

A sample of that possibly harmful training comes from a document on "Establishing Relationships," which instructed: "Never attempt to shake hands with an Asian. Never stare at an Asian. Never try to speak to an Arab female prior to approaching the Arab male first."

Another document, titled "Control and Temper," contrasted the "Western Mind" with that of the "Arab World." The "Western" mind possessed an "even keel" and "outbursts" of emotion were "exceptional." In the "Arab World," by contrast, "Outburst and Loss of Control [is] Expected." A bullet point below asked, "What's wrong with frequent Jekyll & Hyde temper tantrums?"

But now, they're trying to just bury it—they're withdrawing it, sure, but they're not doing anything to counteract the damage this may have done in training agents.

Which makes this detail exposed in the FBI's own review all the more troubling:

One FBI PowerPoint – disclosed in a letter Durbin sent to FBI Director Robert Mueller on Tuesday and shared with Danger Room – stated: “Under certain circumstances, the FBI has the ability to bend or suspend the law to impinge on the freedom of others.”

Among the things FBI refuses to do in response to this report is to review intelligence reports collected subsequent to being trained that—among other things—sometimes it’s okay to “suspend the law to impinge on the freedom of others.”

For example, was any of the “intelligence” gathered during Muslim outreach activities in the San Francisco Bay Area collected by such Agents? As the ACLU reported yesterday, here are some of “intelligence collection” activities done in the guise of outreach.

The FBI visited the Seaside Mosque five times in 2005 for “mosque outreach,” and documented congregants’ innocuous discussions regarding frustrations over delays in airline travel, a property purchase of a new mosque, where men and women would pray at the new mosque, and even the sale of date fruits after services. It also documented the subject of a particular sermon, raising First Amendment concerns. Despite an apparent lack of information related to crime or terrorism, the FBI’s records of discussions with mosque leaders and congregants were all classified as “secret,” marked “positive intelligence,” and disseminated outside the FBI.

The FBI met with members of the South Bay Islamic Association four times (1, 2, 3, & 4) from 2004 to 2007. FBI agents documented as “positive intelligence” and disseminated outside the FBI an individual’s complaint of travel delays during the Hajj pilgrimage caused by the

No Fly list, as well as an individual's conversation about the Hajj, "Islam in general," Muslims' safety in the U.S., and community fears regarding an FBI investigation of imams in Lodi, Calif. Two memoranda from 2006 and 2007 contain no descriptive information apart from the name and location of mosques contacted by the FBI, which might be appropriate to record in a normal community outreach context, but these documents were instead classified as "secret," labeled "positive intelligence," and disseminated outside the FBI.

Two 2008 FBI memoranda described contacts with representatives of the Bay Area Cultural Connections (BAYCC), which was formerly the Turkish Center Musalla. The first describes the history, mission, and activities of the BAYCC, the ethnicity of its members and its affiliation with another organization. The second memorandum indicates the FBI used a named meeting participant's cell phone number to search LexisNexis and Department of Motor Vehicle records, and obtained and recorded detailed information about him, including his date of birth, social security number, address and home telephone number. Both memoranda were classified as "secret."

And of course, this is just intelligence collected under outreach. What other intelligence did the FBI collect using GPS or call records, for example?

Now put all this together with the recent changes in the National Counterterrorism Center's data sharing and retention practices. Information the NCTC deems to contain terrorism information—no matter how dubiously collected—can now remain in its databases for five years, so the NCTC can conduct pattern analysis by matching this information with that

in other databases.