



The FBI Is Ramping Up Use of Informants to Snoop on Muslims

'Shared Responsibility Committees' recruit neighbors to provide info—often with little training.

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Can the FBI recruit your child's college sport shooting coach to be on the look out for vague signs that your teenage son—an avid shooter, a great coder, and not a fan of certain federal government policies—is becoming a "violent extremist"? Apparently, yes.

The program is called "Shared Responsibility Committees" and is being rolled out in an undisclosed number of cities across the United States, with the current focus on communities with large Arab- or Muslim-American populations. The SRC's are the latest federal government policy fetish falling under the larger umbrella of "countering violent extremism" (CVE) programs. The FBI told *Politico* magazine in March 2016 that SRC's are designed to identify at-risk individuals before they cross the threshold from talk to violent action.

Arjun Singh Sethi of the Sikh Coalition offered a very different—and more accurate—take on the SRC's earlier this year. "In practice, SRCs aren't interventionist at all; they're simply an effort to expand and entrench the FBI's growing network of confidential informants in the Muslim-American community. Members of these committees have their own biases, receive little to no training and certainly aren't equipped to ferret out violent extremism or distinguish between extremism, which is constitutionally protected, and violent extremism, which is punishable under the law. The only thing that is certain is that SRCs will serve as an extension of law enforcement and provide another set of intrusive eyes and ears in an already marginalized community."

And the FBI is keen to keep secret as many details as possible about the SRCs.

In late April 2016, *The Intercept* published a draft letter from the FBI intended for potential SRC members that stated in part, "The FBI expects that SRC members will sign confidentiality agreements that forbid them from disclosing information regarding referred individuals outside of the SRC, unless otherwise specified (e.g., to FBI), including to other law enforcement entities,

third parties, and the media, and from publishing reports that would identify or discuss specific cases or referred individuals... Given the complex set of legal and privacy issues, SRC members should not consult outside experts regarding an intervention plan on behalf of the SRC for an FBI-referred individual without written permission from the FBI."

The memo also made clear that any information inquiries to any SRC member regarding an FBI referral must be reported to the FBI immediately. Presumably, "third parties" includes members of Congress.

A hundred years ago, the FBI was much more open about its employment of volunteer public informants. Just weeks before the outbreak of WW I, Chicago-area ad agency executive A.M. Briggs, responding to the Wilson administration's call for American citizens to help ferret out alleged "disloyal" or suspicious persons, formed what became known as the American Protective League. Officially recognized by the Justice Department and supervised by FBI agents, the APL became a sprawling network of more than 200,000 informants and volunteer vice cops.

As University of Chicago law professor Geoffrey Stone noted in his 2004 book *Perilous Times*, the APL "reported thousands of individuals to the authorities on the basis of hearsay, gossip, and slander." A January 1919 New Orleans APL Division report to the Justice Department gives detailed figures on the number of "loyalty" investigations and other types of activities undertaken by its APL members—almost none of whom had any training in police investigative techniques, constitutional law, or proper counterintelligence operations.

The SRCs are the new covert version of the APL, based on the same discredited notion that entire groups of people are potential threats based simply on their religion, race, or national origin.

The domestic surveillance scandals involving the FBI over the past century—including the use of organizations like the APL—have made the Bureau's leadership eager to avoid damaging publicity about current controversial programs like CVE and SRCs. The attempted use of de facto gag orders on SRC members is a prime example of the tactics the FBI is employing to try to keep the public in the dark about new, potentially unconstitutional domestic intelligence gathering tactics—and to divide an already fragmented and frightened Arab- and Muslim-American community.

Fortunately, that community is not remaining silent in the face of these assaults on the rights of its members. On May 1, a number of civil society organizations wrote a bluntly worded letter to President Obama regarding his administration's CVE programs, and particularly the new, covert SRCs. The groups stated their vehement opposition to CVE programs, which "create an environment where Arab Americans and American Muslims are subjected to intrusive surveillance, monitoring, and potential prosecution, not based on particularized probable cause of involvement in actual crimes, but based solely on their First Amendment-protected speech. The infrastructure set in place by CVE, especially its 'Shared Responsibility Committees' ('SRCs'), sets up enhanced surveillance on specific communities based on ethnicity and religion."

Whether President Obama or the Congress will act to rein in this latest FBI domestic surveillance overreach remains to be seen.

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