



Jordan Cove Pipeline Protests: Is the FBI Still Spying on Activists?

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April 29, 2021

It's been over three months since the Federal Energy Regulatory Commission threw a regulatory wrench into Canada-based Pembina Pipeline Corporation's proposed Jordan Cove liquified natural gas (LNG) terminal project, and the legal battle between the Canadian company and Oregonians opposed to the project continues. Another question about this confrontation also lingers: Are anti-Jordan Cove pipeline project activists and groups still being target by federal, state and local law enforcement?

During the years-long confrontation over the project, allegations that law enforcement entities were spying on, and even attempting to intimidate, Jordan Cove opponents have surfaced multiple times. In August 2019, the U.K. newspaper *The Guardian* revealed that via Oregon public records requests, it had received emails from the Southwest Oregon Joint Task Force that "included addressees in the FBI, the Bureau of Land Management, the Department of Justice (DoJ), the National Forest Service (NFS), Oregon state police (OSP), and various Oregon municipal police and sheriffs departments." In February 2020, *The Intercept* obtained records showing that Pembina had for almost four years been "the sole funding source of a unit in the [Coos County] sheriff's office dedicated to handling security concerns related to Jordan Cove — despite the fact that there is not yet any physical infrastructure in place to keep secure."

The exact level of FBI involvement in this kind of activity remains unknown, but last week the Cato Institute obtained, via the federal Freedom of Information Act (FOIA), an FBI Portland Field Office document that explicitly shows the FBI was monitoring the public protests and educational activities organized and run by key groups long opposed to the Jordan Cove project.

The FBI FD-1057—in Bureau parlance, an "Electronic Communication"—dated June 15, 2018 noted that the "Cascadia Wildlands and the Civil Liberties Defense Center are coordinating two protests of the Jordan Cove Pipeline on 1 and 2 July 2018." The Bureau EC went on to state that "On July 1, 2018, Cascadia Wildlands, in coordination with the University of Oregon Outdoor Program, are leading a kayak field trip at Jordan Cove on Coos Bay" and that on July 2, the Civil

Liberties Defense Center would “lead a demonstration in Coos Bay against the construction of the Jordan Cove terminal center, pipeline, and fracking.” The FBI document clearly indicated the report was about the Jordan Cove project, complete with its own FBI file number—which the Bureau has withheld from release.

How a kayaking trip involving University of Oregon students or a perfectly legal public demonstration by a local civil liberties group represented a threat to national security is beyond me, but this kind of FBI monitoring of First Amendment-protected speech and association activity is, unfortunately, not new. It’s made possible by a form of de facto investigation known in the FBI as an “Assessment”—something that allows the FBI to recruit informants inside activist groups, monitor their social media and related public communications activities, and search public and classified databases for information on individuals associated with said groups.

DRAD and other civil liberties organizations like the Brennan Center have repeatedly denounced the FBI’s use of “Assessments” or other investigations targeting activists engaged in peaceful protests and public education campaigns. Oregon Senator and Senate Intelligence Committee member Ron Wyden has been a critic of both the Jordan Cove project and FBI surveillance overreach. He now has an FBI surveillance problem targeting Oregonians opposed to the project. He’s got his work cut out for him on this one.

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