



ACLU EYE on the FBI:

The San Francisco FBI conducted a years-long Mosque Outreach program that collected and illegally stored intelligence about American Muslims' First Amendment-protected religious beliefs and practices.



FBI documents obtained through the Freedom of Information Act reveal that from 2004 through at least 2008, the San Francisco FBI conducted a "mosque outreach" program through which it compiled intelligence on American Muslim religious organizations and their leaders' and congregants' constitutionally-protected beliefs and activities, without any suspicion of wrongdoing. The ACLU previously disclosed that the FBI [turned its "community outreach" programs into](#)

[a secret and systematic domestic intelligence-gathering initiative](#). Now, FBI documents obtained by the ACLU of Northern California, the Asian Law Caucus, and the San Francisco Bay Guardian show that the FBI used the similar guise of "mosque outreach" to gather intelligence on mosques and Muslim religious organizations.

The documents also show that the FBI categorized information about Muslims' First Amendment-protected and other entirely innocuous activities, as well as mosque locations, as "positive intelligence" and disseminated it to agencies outside the FBI. As a result, the agency wrongly and unfairly cast a cloud of suspicion over innocent groups and individuals based on their religious beliefs and associations, and placed them at risk of greater law enforcement scrutiny as potential national security threats. None of the documents indicate that the FBI told individuals interviewed that their information and views were being collected as intelligence, and would be recorded and disseminated.

The FBI's targeting of American Muslim religious organizations for secret intelligence gathering raises grave constitutional concerns because it is an affront to religious liberty and equal protection of the law. The bureau's use of outreach meetings to gather intelligence also undermines the trust and mutual understanding necessary to effective law enforcement. Additionally, the FBI's retention of information gathered through "mosque outreach" in its intelligence files violates federal Privacy Act prohibitions against the maintenance of records about individuals' First Amendment-protected activity.

THE ACLU DOCUMENTS:

- 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 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, California. 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.

- A 2005 FBI [memorandum](#) described contacts with a representative of the South Bay Afghan Community Center and failed attempts to set up an outreach meeting with the Afghan Cultural Center. The document identifies the representatives of each organization, and lists the address and phone number of the Afghan Cultural Center. This information was described as "positive intelligence" and disseminated outside the FBI.
- A 2006 FBI [memorandum](#) documented a contact with a named representative of the Islamic Network Group to discuss a recently written article, the name of which was redacted. This information was labeled "positive intelligence" and disseminated outside the FBI.
- A 2005 FBI [memorandum](#) contained a detailed description of the Islamic Center of Santa Cruz, and documented a meeting with a congregant, including his name and religious affiliation, and his discussion of congregants' financial contributions to the Center and community support for Islam. The document was classified as "secret," marked "positive intelligence," and disseminated outside the FBI.
- A 2005 FBI [memorandum](#) described a meeting with a representative of the Granada Islamic School at the Santa Clara Muslim Community Association. The document detailed the school's facilities and summarized a conversation regarding the school's structure and its relationship with its parent organization. This information was described as "positive intelligence" and disseminated outside the FBI.
- A 2007 FBI [memorandum](#) entitled "Mosque Liaison Contacts" reports FBI contacts with 20 northern California mosques. The name, address, and contact information for each mosque was described as "positive intelligence" and disseminated outside the FBI.
- A 2007 FBI [memorandum](#) documented two visits to the Anjuman-e-Najmi mosque in Fremont, California, identified congregants by name, described their conversations, associated them with the Dawoodi Bohra community of Shi'a Muslims, and reproduced the contents of a lengthy e-mail describing the community's religious beliefs and history. This information was 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."

THE PROBLEM:

The San Francisco FBI documents described above bear titles such as, "Mosque Outreach Liaison," "Mosque Outreach Contacts," or "Mosque Liaison Contacts." Some of these documents indicate that the FBI begins its "outreach" with questions about possible hate crimes against the Muslim community, but

FBI begins its “outreach” with questions about possible hate crimes against the Muslim community, but none of the documents appear connected to [a mosque protection effort initiated after 9/11 by the FBI Civil Rights Unit](#) to guard against anti-Muslim hate crimes. That effort operated under a “44” FBI case file number (see for example, this [2007 San Francisco FBI memorandum](#)). In contrast, the file numbers on the “mosque outreach” documents were redacted, and many were classified “secret,” which indicates this effort was conducted under the FBI’s national security-related investigative and intelligence authorities. Although sometimes heavily redacted, all of the documents make clear that the FBI used its outreach meetings to document religious leaders’ and congregants’ [identities](#), personal information ([1](#) & [2](#)), and [religious views](#), practices ([1](#) & [2](#)), [affiliations](#), and [travel](#), as well as the [physical locations](#) and [layouts](#) of mosques.

Almost every FBI memorandum described above was labeled “positive intelligence,” which means the information in it would be uploaded and retained in FBI intelligence files. Categorizing information about religious beliefs, practices, and otherwise innocent activities as “positive intelligence” could have very serious negative consequences for Muslim groups and their congregants. FBI agents accessing this information in intelligence files would assume it was relevant to the FBI’s investigative and intelligence mission, casting a cloud of suspicion over the group or individual mentioned and potentially leading to more intensive scrutiny or investigation. The dissemination of this “positive intelligence” outside the FBI would only increase the likelihood that other law enforcement or intelligence agencies would investigate innocent groups or individuals based solely on their religion.

Freedom of religion is a foundational element of American democracy, guaranteed by the First Amendment to our Constitution. In order to protect Americans’ religious freedom and other First Amendment rights, Congress passed the Privacy Act of 1974, which prohibits the government from collecting or retaining information about individuals’ First Amendment activities in all but very limited circumstances. The FBI’s documents demonstrate that it is ignoring these mandates and is misusing outreach to mosques and religious organizations to collect intelligence on American Muslims’ religious beliefs and activities. The FBI’s conduct, exposed in its own documents, threatens to chill American Muslims’ religious rights, exploits the good faith of Muslim groups and their members, and undermines community support for the government’s legitimate community outreach efforts.

THE SOLUTION:

In the ACLU’s [previous “Eye on the FBI” alerts](#), we called on the FBI to stop using community outreach for intelligence purposes, to be honest with community organizations regarding what information is collected and retained during community meetings, and to purge all information collected improperly. The latest revelations make the need for these reforms even more urgent. We also again call on the Department of Justice Inspector General to investigate Privacy Act violations within the FBI’s San Francisco Division, and to initiate a broader audit of FBI practices throughout the nation, to determine the scope of the problem and identify solutions. Finally, the Department of Justice must amend its 2003 [Guidance](#) Regarding the Use of Race by Federal Law Enforcement Agencies to ban profiling based on religion in all of its investigations.

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To learn more about the ACLU’s “Mapping the FBI” initiative, please visit www.aclu.org/mapping-FBI