



Written by [Jack Kenny](#) on May 23, 2013

## Antiwar.com Editors Sue FBI for Surveillance Files

The editors of Antiwar.com are suing the FBI for access to surveillance files they say the agency has compiled on them and their online magazine. A news article appearing on the publication's website Wednesday said founder and managing editor Eric Garris and editorial director Justin Raimondo are demanding release of records. The suit was filed Tuesday at the San Francisco Division of the U.S. District Court for the Northern District of California. Both Garris and Raimondo live and work in the San Francisco Bay area.



The announcement comes on the heels of reports of two government investigations of journalists in regard to news leaks of classified information. One involved government seizure of call records from 20 Associated Press phone lines for a two-month period in a 2010 investigation of a news leak about a clandestine CIA operation in Yemen. The other concerns an FBI investigation of Fox New reporter James Rosen as a possible "aider and abettor and/or co-conspirator" in the leak of classified information regarding North Korea's intention to launch a missile in response to a condemnation of its nuclear testing by the United Nations Security Council. Both investigations have sparked widespread criticism of government interference with news gathering operations and intimidation of news sources. Surveillance of Antiwar.com fits the same pattern of abuse, according to [Wednesday's article](#), written by Kelley B. Vlahos.

"Antiwar.com says this is one more example of post-9/11 government overreach, and a stark reminder that the First Amendment has been treated as little more than a speed bump on the road to a government surveillance state," reported Vlahos, who noted she is a frequent contributor to the publication.

Raimondo has written that he became aware of the FBI's interest in Antiwar.com two years ago, when the site's webmaster notified him of documents that had been obtained through the Freedom of Information Act. In a [column](#) originally published August 11, 2011 and republished on the website Wednesday, Raimondo said an April 30, 2004 memo, stamped "Secret," referred to antiwar's publication of a "terror suspect list," compiled under a program the FBI called "Operation Lookout." Different versions of the list had been published elsewhere on the Internet, but an "assessment was conducted on the findings discovered on www.antiwar.com," the memo said.

The article by Vlahos describes the memo as part of a "heavily redacted 94-page document." The agent-author referred to a "preliminary investigation" to "determine if [redacted] are engaging in or have engaged in, activities which constitute a threat to national security."

The documents make clear that the FBI has files on Garris and Raimondo, according to the suit, filed by attorney Julia Harumi Mass, staff attorney for the American Civil Liberties Union of Northern California. Numerous requests for those files under the Freedom of Information Act have "received no agency determination setting forth whether Defendant FBI intends to produce records or any basis for



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withholding them,” the suit contends.

“Freedom of the press is a cornerstone of our democracy, whether it’s AP or Antiwar.com,” said Mass. “FBI surveillance of news organizations interferes with journalists’ ability to do their jobs as watchdogs that hold the government accountable.”

[Antiwar.com](#) publishes several articles a day critical of U.S. foreign policy and military interventions, particularly in the Middle East, where the United States has gone to war in Iraq and Afghanistan and has carried out numerous other military operations in other countries in recent years. The online magazine also regularly publishes articles charging violations of civil liberties on “the homefront.” Many of its news and opinion pieces have been critical of the close ties between the United States and Israel, which are seen as a cause for much of the U.S. military involvement in the Middle East. The publication is a division of the [Randolph Bourne Institute](#), a non-profit educational organization, named in honor of a journalist and political activist who opposed American entry into World War I.

The 2011 column by Raimondo cited several references in the FBI memo to articles he had written. He noted that pictures of himself and Garris were included. The memo also referenced articles in other publications that cited Antiwar.com. One reference was to an article the memo described as “reporting on the magnitude and value of American military and economic assistance to Israel.” The author cited “one of his sources of information as [www.antiwar.com](#),” according to the memo. Another report noted that a leaflet citing an article by Raimondo was handed out at a protest demonstration at the gates of a British military base.

Yet another report described a meeting of the Nazi National Alliance, where “a member discussed a website, Antiwar.com” as a way for members to “educate themselves about the Middle East conflict.” The site was mentioned again in reference to an investigation that included inspection of computer hard drives: “The review of two hard drives revealed visits to many websites between 7.25/2002 and 06/15/2003. One of the websites listed was [antiwar.com](#).” That prompted Raimondo to include a mock confession in his column:

Of course we’re terrorists — yes, that must be it. Otherwise, why would the FBI Counterterrorism Unit be taking such an interest in Antiwar.com? And the proof? Well someone snared in one of their investigations actually went to our website — more than once! If that isn’t good reason for the feds to set their dogs sniffing around our garbage cans, then I don’t know what is.

The suit claims Antiwar.com has lost four “significant donors” because of the FBI’s apparent interest in the site, resulting in a loss of \$75,000 a year since 2011. According to the editors’ attorney, the FBI’s attention has also affected “editorial choices” for the publication.

“Our clients are entitled to obtain records the FBI has gathered about them and their online magazine,” said Mass. “This is especially important because the FBI’s surveillance has impacted our clients’ ability to maintain support for their website and has impacted their editorial choices — exactly the type of harm the First Amendment is supposed to protect against.”



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