



Written by [Michael Tennant](#) on March 10, 2011

DHS Exonerates Itself for Targeting Peaceful Protestors

In March 2006, the Intelligence Branch of the Federal Protective Service of the Department of Homeland Security's Threat Management Division issued a "Protective Intelligence Bulletin" that listed a variety of peaceful advocacy groups and included a "Civil Activists and Extremists Action Calendar" with details of their then-upcoming demonstrations. The bulletin stated that it had been "retrieved from the INTERNET via one of the many news media reporting services" and was "being provided ... for SITUATIONAL AWARENESS in the law enforcement/government security/force protection arena."



To those not in thrall to the national security state, the bulletin looked like nothing so much as a means of cracking down on those who dissent from the government's line. (With George W. Bush heading the executive branch in 2006, most of those targeted were on the left; in turn, the Barack Obama DHS issued a [2009 report](#) warning of the threat posed by "rightwing extremism.") The fact that it requested law enforcement "to report the various planned activities of" the activist groups and to provide follow-up reports to DHS raised even more suspicion about the government's intentions.

Three years later the American Civil Liberties Union filed a [complaint](#) with DHS's Office of Civil Rights and Civil Liberties (OCRCL) requesting an investigation into the bulletin as "a potential abuse of authority" by DHS officials. The letter read, in part:

It is not clear where DHS officials find the authority to monitor the Internet to document and report the activities of "civil activists," since there is no indication anywhere in the document to suggest illegal activity might occur at any of these demonstrations. Federal regulations require reasonable suspicion of criminal activity before criminal intelligence information may be placed into, or disseminated from a criminal intelligence system. Collecting and disseminating information regarding the peaceful political activities of U.S. persons is anathema to democratic values and a violation of constitutional rights. This type of government monitoring chills free speech and association and wastes security resources.

In addition, the ACLU asked DHS to explain why FPS has an intelligence branch when it has no intelligence responsibilities and to reveal "the extent of DHS monitoring of peaceful political protests, what information is collected, how long and in what form it is retained and to whom it is disseminated."

The OCRCL conducted the requested investigation and — lo and behold — "found no wrongdoing or abuse of authority," [according to an ACLU statement](#). The ACLU says it received a letter stating this in November 2009, at which time OCRCL asserted that "the memorandum detailing the findings of the investigation was a privileged communication that was protected from disclosure." The organization sent another letter last week that contained more details but still refused to disclose the memo. The only concession from OCRCL was that FPS "did not adequately distinguish between civil activist and



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violent extremist organizations when it collected and disseminated” the data on the bulletin, the ACLU writes.

Once again the government investigates itself and finds that everything is in order yet refuses to release the results of its investigation. As cheerleaders for increased government surveillance of the law-abiding like to say (about the law-abiding), if the government has nothing to hide, then why is it afraid to let the public see its findings? Is it because the findings themselves are damning or because there never was a serious investigation in the first place?

The ACLU states that “OCRCL also informed us that FPS has not issued this type of Protective Intelligence Bulletin since 2006.” It has, however, as mentioned above, issued other warnings about “extremism” since, but not in the same form. In addition, the FBI and other law enforcement agencies have engaged in spying on various nonviolent groups, though at least the government [admitted some wrongdoing](#) in those instances.

Although the ACLU is often on the [wrong side](#) of issues, lovers of liberty should be in complete agreement with the conclusion of its statement, a scathing indictment of DHS’s self-exoneration and a stirring defense of the First Amendment:

We strongly disagree with the OCRCL’s finding that FPS acted within its authority to compile and disseminate a list tracking the political activities of advocacy groups. No agency or department in government has the right to monitor the peaceful and lawful political activities and speech of Americans. The OCRCL is charged with “promoting respect for civil rights and civil liberties in policy creation and implementation” at DHS. Yet it believes that collecting data on the political activity of groups not suspected of wrongdoing and disseminating that information in an “Action Calendar” to other law enforcement agencies is perfectly within the government’s authority. The prevalence of this attitude within law enforcement — even in elements specifically charged with protecting civil liberties — may help explain why we are seeing so many incidents of improper spying or obstruction of political activity [across the country](#). These types of demonstrations are at the heart of our First Amendment rights to speech and assembly. The government must immediately stop any ongoing programs or activities that monitor lawful political speech and advocacy of American citizens.



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