



West Virginia

P O Box 3952

Charleston WV 25339-3952

(304) 345-9246

www.acluwv.org

Robert Johnson,
Special Agent in Charge
Federal Bureau of Investigations
Pittsburgh Field Office
3311 East Carson Street
Pittsburgh, PA 15203

October 31, 2017

Dear Special Agent Johnson:

The undersigned West Virginia organizations are writing to express concern over the recently leaked August 2017 FBI intelligence assessment singling out “Black Identity Extremists” as a “very likely threat” to engage in violence aimed at law enforcement personnel. This type of language is all too familiar to those who are aware of the FBI’s long, ugly history of using specious threats to justify racist surveillance of African American leaders. The leaked document raises substantial concerns that the FBI is once again targeting people because of their constitutionally protected actions and their race.

For decades, the federal government has spied on black leaders across the political spectrum, including A. Philip Randolph, Thurgood Marshall, Angela Davis, Marcus Garvey, W.E.B. Du Bois, Martin Luther King, Jr., Malcolm X, and Jesse Jackson. During the civil rights era, the FBI infiltrated and spied on the meetings of civil rights groups, and disrupted the personal lives of virtually every major black leader in the United States. According to a report from then-FBI Assistant Director William Sullivan to J. Edgar Hoover, in surveilling Martin Luther King, Jr., the FBI sought “to take him off his pedestal and to reduce him completely in influence” with the result being that “the Negroes will be left without a national leader of sufficiently compelling personality to steer them in the proper direction.”

The Constitution prohibits the government from targeting people because of their racial identity or because they take part in First Amendment-protected activities, including protesting racial inequity and injustices. We are deeply concerned that the FBI has created this new “Black Identity Extremist” designation to enhance government scrutiny of Black community organizers, including people involved in the nonviolent Black Lives Matter network.

The Southern Poverty Law Center has recorded at least 37 deadly radical rightwing terrorist attacks after the Oklahoma City bombing which killed 168 people in 1995; since then, 77 law enforcement officials and innocent civilians have been killed by anti-government paranoiacs or white extremists, including the nine people killed at Emanuel AME Church in Charleston, SC and, more recently, Heather Heyer at a white supremacist rally in Charlottesville.

So although the majority of deadly extremist attacks in the United States over the past 15 years have been perpetrated by white supremacists, the FBI appears to be allocating an inordinate

amount of resources to surveil African Americans based on a purported ideology linked to their “Black identity.” We’ve seen this before. We must not permit the racism so deeply prevalent in our society, or the tacit approval of white supremacy from our country’s highest office, to result in the federal government once again targeting African American leaders and activists through unlawful surveillance.

James Comey, FBI director fired by President Trump, said in a speech at Georgetown University in 2015, “The Irish had tough times, but little compares to the experience on our soil of black Americans. That experience should be part of every American’s consciousness, and law enforcement’s role in that experience—including in recent times—must be remembered. It is our cultural inheritance.

There is a reason that I require all new agents and analysts to study the FBI’s interaction with Dr. Martin Luther King, Jr., and to visit his memorial in Washington as part of their training. And there is a reason I keep on my desk a copy of Attorney General Robert Kennedy’s approval of J. Edgar Hoover’s request to wiretap Dr. King. It is a single page. The entire application is five sentences long, it is without fact or substance. The reason I do those things is to ensure that we remember our mistakes and that we learn from them.”

We must not repeat the shameful mistakes of our past. We urge you to recognize the racism that still infects all of our institutions—including the FBI—and the biases present within each of us that influence the decisions we make. It would be illegal and immoral for law enforcement to target people because of their race. Based on the past actions of federal law enforcement, we know that we all must be vigilant to fight discriminatory impulses. For that reason, we encourage you to take extra precautions to ensure the legitimacy and necessity of any attempts to target groups classified as “Black Identity Extremists.” History will be watching.

Respectfully,

Joseph Cohen,
Executive Director
ACLU of West Virginia

-and-

Call to Action for Racial Equality
American Friends Service Committee WV
NAACP – Charleston, WV branch
West Virginia FREE
West Virginia Healthy Kids and Families Coalition
West Virginia Citizen Action Group
Planned Parenthood South Atlantic