

ACLU: FBI's 'Positive Intel' Violates Muslims' Religious Rights

By Norm Pattis

The American Civil Liberties Union has leveled an attack on the FBI's "mosque outreach" program, which the groups claims was used to illegally obtain information about the religious practices of San Francisco-area Muslims.

In a Tuesday press release, the ACLU accused the FBI of violating the Privacy Act of 1974 and released what it said was an ACLU analysis of documents it obtained from the FBI's San Francisco field office.

However, a leading civil rights attorney and author discounted the claim. Norm Pattis, a trial attorney and legal commentator, told POLICE Magazine the program was a legitimate counter-terrorism initiative.

"This doesn't strike me as harassment of the Muslim community," Pattis said. "I don't think gathering information should be against the law. In general, I think this is a smart application of community policing."

The ACLU claims FBI agents in San Francisco recorded identities of Muslim religious leaders and congregants, personal information, and religious views and practices. The FBI labeled this information as "positive intelligence" and

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disseminated it to other government agencies. The distribution placed the people and organizations involved "at risk of greater law enforcement scrutiny as potential national security threats," according to the group.



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The information was collected openly, but individuals weren't aware it would be distributed, according to the group.

"Everyone understands that the FBI has a job to do, but it is wrong and counterproductive for the bureau to

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target American Muslim religious groups for secret intelligence gathering and place innocents at risk of investigation as national security threats," said Hina Shamsi, director of the ACLU's National Security Project. "The FBI is casting a cloud of suspicion on American Muslim religious organizations based on their faith alone, which raises grave constitutional concerns."

The "Mosque Outreach" documents, from between 2004 and 2008, detail information and activities including:

- FBI agents visited the Seaside Mosque five times in 2005, documenting the subject of a particular sermon and congregants' discussions regarding a property purchase for a new mosque.
- FBI agents met with members of the South Bay Islamic Association four times from 2004 to 2007, documenting discussions about the Hajj pilgrimage and "Islam in general."
- FBI agents contacted representatives of the Bay Area Cultural Connections (formerly the Turkish Center Musalla), describing the group's mission and activities, as well as the ethnicity of its members. A memo indicates the FBI used a 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.

The ACLU has asked the Justice Department's inspector general to investigate privacy violations in the FBI's San Francisco office and to

initiate a broader audit of FBI practices nationwide to determine the scope of the problem and identify solutions. ■