

September 17th, 2019

The Honorable Elijah Cummings
Chairman
U.S. House Oversight & Reform Committee

The Honorable Jerry Nadler
Chairman
U.S. House Judiciary Committee

The Honorable Bennie G. Thompson
Chairman
U.S. House Homeland Security Committee

Dear Representatives,

This July, MediaJustice’s #ProtectBlackDissent campaign brought a delegation of Black activists representing a wide range of organizations including several Black Lives Matter Chapters, the Highlander Center, and the Black Alliance for Just Immigration, to Washington, D.C. to urge congressional leaders to address the FBI’s misleading and harmful “Black Identity Extremist” (BIE) threat designation. In addition to delivering a petition with over 100,000 signatures, this campaign issued a letter calling on your respective committees to take action in three specific ways:

1. Require the FBI and other agencies to revoke the BIE and similar designations and to institute reforms to prevent improper targeting based on race, other protected characteristics, and/or speech;
2. Fully investigate and make public all documents related to:
 - a. the FBI’s “Black Identity Extremist” and other similar designations, including all documents that address how these designations came into existence; how federal, state, and local law enforcement have been trained on them; whether they are or have been used as a basis for investigative activities; and
 - b. DHS and/or other agencies improper reliance on BIE or similar designations, including the release of memos known as the “Race Paper” and the “Growing Frequency of Race-Related Domestic Terrorist Violence”; and
3. Host congressional hearings so that the FBI and DHS testify on the record about how “Black Identity Extremist” and other related designations have been used and what steps the agencies are taking to revoke the designations.

Now, with newly leaked FBI files suggesting a continued focus at the bureau on programs surveilling Black activists — in the wake of recent white supremacist attacks in Dayton, Ohio,

Gilroy, CA and El Paso, TX — the below signed-on organizations urge you to act more quickly and decisively.

While FBI Director Christopher Wray testified to Congress that the bureau is no longer using the “Black Identity Extremist” designation, documents leaked by The Young Turks last month suggest that the flawed and baseless definition of so-called “Black Identity Extremism” is still in use (although under a different name). And though the FBI also told Congress that the bureau focuses on violence and not ideology when determining its investigations, these documents show that despite numerous violent attacks committed by white supremacists in recent years, the FBI has identified the so-called “Black Identity Extremism” as a top counterterrorism priority.

Furthermore, the documents confirm the FBI implemented a program called “Iron Fist” to “mitigate the threat posed by the BIE movement at a national level” — without citing any actual evidence that so-called “Black Identity Extremists” actually exist and pose a security threat. Part of this strategy included focusing FBI field and HQ resources on gathering information, searching open-source material, and focusing on the procurement of weapons by people supposedly associated with BIE. According to these documents, the FBI is directing its resources toward improperly surveilling and criminalizing Black activists for exercising their right to dissent, at the exact time white supremacists are organizing online and violently attacking communities of color. This misguided prioritization and false assessment has put the nation at risk. The FBI’s refusal to accurately portray the reality of domestic terrorism actually further emboldens homegrown white supremacist terrorists and stifles the United States government’s ability to protect its citizens from enemies both foreign and domestic.

Given these recent developments, our organizations now urge you to use every tool at your disposal to compel the FBI to not only be truthful about its use of the groundless “Black Identity Extremist” designation and other related designations but to end “Iron Fist” and other programs implementing those designations. We stand ready to work with your office to redress the targeting of Black activists and marginalized communities of color for their First Amendment-protected activities by FBI and other law enforcement agencies.

Sincerely,

ACLU

Alternate Roots

BYP100

Center for Constitutional Rights

Citizen Action of NY

The Coalition of Concerned Citizens

Color of Change

Defending Rights and Dissent
Demand Progress
Free Press Action
Freedom to Thrive
Generation Justice
Government Information Watch
Highlander Research and Education Center
Instituto de Educacion Popular del Sur de California
MediaJustice
Media Alliance
Media Mobilizing Project
Million Hoodies Movement for Justice
Mpower Change
Muslim Justice League
National Lawyers Guild
Official Black Lives Matter Memphis
Race Forward
Racial Justice Action Center
RootsAction
The Black Alliance for Just Immigration
The Black Identity Extremist Abolition Collective
The Greenlining Institute
X-Lab