



Congress of the United States
House of Representatives
Washington, DC 20515

January 19, 2021

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Speaker Pelosi, Majority Leader McConnell, Minority Leader McCarthy, and Minority Leader Schumer:

We write you today in the aftermath of one of the darkest days for American democracy. While we are all concerned about the security of the Capitol and armed attempts to interrupt our legislative business, we wish to state our strong opposition to the expansion of the domestic national security and surveillance powers of the United States government, as has often been our country's reaction to horrific acts of violence like the January 6th attack on the U.S. Capitol. The Trump mob's success in breaching the Capitol was not due to a lack of resources at the disposal of federal law enforcement, and in this moment we must resist the erosion of our civil liberties and Constitutional freedoms, however well-intentioned proposed security reforms may be.

While we are not necessarily opposed to reforms to address the law enforcement and intelligence communities' inability or unwillingness to seriously confront domestic white nationalist violence, we firmly believe that the national security and surveillance powers of the U.S. government are already too broad, undefined, and unaccountable to the people. To further degrade those rights and liberties in reaction to this attack would undermine our democracy at a time when we must join together to defend it with all our collective might.

While many may find comfort in increased national security powers in the wake of this attack, we must emphasize that we have been here before and we have seen where that road leads. Our history is littered with examples of initiatives sold as being necessary to fight extremism that quickly devolve into tools used for the mass violation of the human and civil rights of the American people, such as:

- The **House Un-American Activities Committee (HUAC)** – As we all know, the HUAC – born as a reaction to the rise of pro-Nazi, fascist elements in the U.S. in the lead up to Second World War – quickly turned a blind eye to domestic fascist activity and used its powers to target a wide variety of Civil Rights and leftist leaders,¹ such as the Honorable Coleman A. Young² and Langston Hughes.³
- The **Federal Bureau of Investigation’s (FBI) Counterintelligence Program (COINTELPRO)** – In the 1950s and 1960s the FBI’s COINTELPRO domestic surveillance program, sold as a non-partisan program to target extremism on both ends of the political spectrum, failed to take serious action against the Ku Klux Klan (KKK) while targeting a wide array of Black, Indigenous, environmentalist, anti-war, leftist and peaceful protest groups with illegal wiretaps, warrantless searches, and other illegal, repressive activities.⁴ As the Department of Justice’s Nadine Frederique described in 2016, “The Bureau conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence.”⁵ The American Civil Liberties Union (ACLU) adds that “The FBI used the information it gleaned from these improper investigations not for law enforcement purposes, but to ‘break up marriages, disrupt meetings, ostracize persons from their professions and provoke target groups into rivalries that might result in deaths.’”⁶ It was under this program that the FBI and CIA aided domestic right-wing paramilitary terrorist organizations such as the Minutemen and the Secret Army Organization (SAO).⁷
- The **USA Patriot Act** – In the aftermath of the 9/11 terror attacks, Congress hastily passed this disastrous legislative attack on Americans civil liberties in the name of national security that significantly undermined many of the reforms that stemmed from the Select Committee to Study Governmental Operations with Respect to Intelligence Activities’ (Church Committee) investigation into – amongst other scandals – COINTELPRO. For two decades Congress has tried in vain to reign in (or at least conduct oversight of) the Pandora’s Box of surveillance and domestic intelligence programs contained within this Act with little success.⁸
- The **FBI’s Assessment Authority and Operation IRON FIST** – Following the birth of the Black Lives Matter (BLM) movement in 2014 in response to the murder of Michael Brown in Ferguson, MO, the FBI has consistently utilized its “assessment” authority to target BLM activists for surveillance and harassment. By 2017, the FBI had invented a

¹ Brian L. Zirkle and Pam Dixon, *House Un-American Activities Committee*, in *Surveillance in America: An Encyclopedia of History, Politics, and the Law*, 2016, p. 215-219.

² Detroit Historical Society, *Encyclopedia of Detroit: Young, Coleman A.*, Detroit Historical Society (accessed January 11, 2021), <https://detroithistorical.org/learn/encyclopedia-of-detroit/young-coleman>.

³ Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, Volume 2, Volume 107, Issue 84 of S. prt, Beth Bolling, ISBN 9780160513626. Permanent Subcommittee on Investigations, Publisher: U.S. GPO. Original from the University of Michigan p. 988.

⁴ Nadine Frederique, COINTELPRO, Britannica (July 21, 2016), <https://www.britannica.com/topic/COINTELPRO>.

⁵ *Id.*

⁶ American Civil Liberties Union, More About FBI Spying, ACLU, <https://www.aclu.org/other/more-about-fbi-spying>.

⁷ *FBI Funds Right Wing Violence*, Ann Arbor Sun (September 3, 1975), <https://aadl.org/node/200028>.

⁸ American Civil Liberties Union, Surveillance Under the USA/Patriot Act, ACLU (accessed January 11, 2021), <https://www.aclu.org/other/surveillance-under-usapatriot-act>.

domestic terrorism category called “Black Identity Extremist movement.” Their justification? “An FBI intelligence report cited six unrelated incidents over a three year period in which Black subjects not associated with one another attacked police officers, to allege that a terrorist movement driven by ‘perceptions of police brutality against African Americans’ existed.”⁹ Put simply, this category is a bald-faced lie designed to terrorize Black Americans and their allies standing up to the very real terror of police brutality against the African American community. This lie was then used as a justification to conduct a nationwide assessment of and intelligence collection effort targeting BLM activists codenamed “Iron Fist.” The FBI prioritized this racist, pointless exercise over investigations into the very white supremacists and far-right extremists that attacked our nation’s Capital on January 6th.¹⁰

These are just four examples from our recent history of expanded national security and surveillance powers being turned on law-abiding Americans. While it is clear that this attack represents one of the biggest intelligence failures in recent history, this does not mean that our government needs more national security and/or surveillance powers. **To expand the government’s national security powers once again at the expense of the human and civil rights of the American people would only serve to further undermine our democracy, not protect it.**

These white nationalist attackers and their forebearers have benefitted from increased state surveillance power at nearly every turn in our history. While not necessarily intentional, increasing the reach and power of our national security apparatus now would only serve to further the oppression of Black, brown, Indigenous, people of color, and leftist groups.

Instead, we urge you to take action to achieve the following goals:

1. Fully investigate the violent January 6, 2021 attack in a non-partisan, transparent manner.
2. Commit today to release all findings from any investigations into the attack to the public.
3. Recognize white nationalist and QAnon groups as the national security threat that they are and take action to combat them through existing laws, powers and regulations, which are more than sufficient to meet this threat.
4. Recognize that the reason that the threat posed by these groups hasn’t already been adequately addressed is because of a deeply ingrained unwillingness and/or hesitancy to act against these groups within all three branches of government – and especially in the law enforcement community, including the Department of Justice, FBI, Department of Homeland Security, and the intelligence agencies – and is not the result of insufficient domestic national security and/or surveillance powers.

⁹ Michael German, The FBI Targets a New Generation of Black Activists, Brennan Center for Justice (June 26, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/fbi-targets-new-generation-black-activists>.

¹⁰ *Id.*

Congress must have the courage to do what is right, not what is easy and popular. In the face of great tragedy, we call on you to reject reactionary demands to further erode the rights and liberties of the American people. **For our part, we pledge to oppose any attempts to expand the domestic national security or surveillance powers of the United States government at the expense of the rights of our people with every tool available to us as duly elected Members of Congress.** We sincerely hope you will join us in this effort.

Sincerely,



RASHIDA TLAIB
Member of Congress

EARL BLUMENAUER
Member of Congress

RO KHANNA
Member of Congress

JAMAAL BOWMAN, ED. D.
Member of Congress

BARBARA LEE
Member of Congress

PRAMILA JAYAPAL
Member of Congress

ALEXANDRIA OCASIO-CORTEZ
Member of Congress

MONDAIRE JONES
Member of Congress

ILHAN OMAR
Member of Congress

AYANNA PRESSLEY
Member of Congress