

June 17, 2020

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

The Honorable Kevin McCarthy
House Republican Leader
Washington, D.C. 20515

The Honorable Jerold Nadler
House Judiciary Committee Chairman
Washington, D.C. 20515

The Honorable Jim Jordan
House Judiciary Committee Ranking Member
Washington, D.C. 20515

Dear Speaker Pelosi, Leader McCarthy, Chairman Nadler and Ranking Member Jordan:

The undersigned civil rights and civil liberties groups urge you to take action to address the unconstitutional and dangerous use of surveillance by state, local and federal police officers against demonstrators protesting the murder of George Floyd and so many others perpetuated by systemic police brutality. Specifically, we urge you to cease federal funding for the surveillance technologies that are being used to militarize our communities and criminalize dissent.

Black-led movements fighting for racial justice in America have always been met with violence and surveillance by police, but there have been moments in our history where a spike in tensions have seen increasingly dangerous tactics. We saw this in the 1960s, when civil rights protesters were savagely beaten for challenging Jim Crow, and illegal programs like COINTELPRO were established to disrupt the pursuit for civil rights and justice. We are seeing it now in cities and towns across the country as curfews and calls for “law and order” by dog-whistle politicians encourage police to use aggressive tactics and “dominate protesters”.

The First Amendment rights of racial justice protesters are once again being chilled as physical interactions with officers intensify, and increasingly invasive and largely unregulated surveillance technologies are used to monitor, disrupt and map those that seek to protest abusive policing practices. Customs and Border Protection (CBP) drones have been flown above protestors fighting against police brutality. The DOJ has wrongly temporarily expanded the authority of the Drug Enforcement Agency (DEA), and likely other federal police agencies, to respond to current protest activities, including allowing them to engage in “covert intelligence”. And, FBI agents are reportedly questioning individuals arrested at protests about their beliefs, raising First Amendment concerns. These interrogations appear connected to President Trump’s statements indicating that antifa has

prompted violence at protests and is a terrorist group. To be clear, President Trump has no authority to make such a designation and there is no evidence to support his theories.

These abuses mirror efforts we have already seen in this administration to surveil racial justice activists--from creating the fictional and dangerous term of "Black Identity Extremists" to surveil Black activists under the pretense that any individual that has a "perception of police brutality and racism" is a threat to officers, to operating a covert surveillance program called "Iron Fist" to specifically infiltrate supposedly "Black Identity Extremist" groups. The FBI has falsely testified to Congress that the bureau is no longer using this term, but documents recovered under FOIA prove the agency continued to target black activists.

Additional leaks have also exposed the FBI for surveilling journalists and those protesting Trump's inhumane border policies as well as monitoring the family separation rallies. The countless streams of videos exposing police officers using excessive use of force against protesters, coupled with the reporting of surveillance tools used to target and identify activists, further underscores that the police are not neutral actors and are being deployed to undermine today's movement for racial justice. This is not about preventing "looting", this is a pattern of criminalizing dissent.

Congress's failure to effectively address systemic police abuse and update privacy laws to protect people from unjust surveillance has allowed us to get to this dangerous point. From the militarization of state and local police agencies to the failure to include significant reforms to massive surveillance programs like those contained in the deeply problematic PATRIOT Act, Congress has failed to take sufficient action to prevent increased surveillance of communities of color and those fighting for equal rights.

It has become abundantly clear that we need a dramatic change to policing in our communities, including divesting from police. This reform must also include dramatic changes to our surveillance infrastructure, which has also contributed to increased militarization and policing abuses. Thus, we urge you to:

1. Cease any state and local grants that can be used to purchase surveillance technologies by police agencies, absent community consultation, state/local authorization, and safeguards to prevent abuse;
2. Make clear that Customs and Border Protection, the Drug Enforcement Administration, Immigration and Customs Enforcement, and other federal agencies cannot use their intelligence assets for general policing, including surveillance of protests;
3. Prohibit federal funds from being used for mass unwarranted surveillance programs, including the Patriot Act, and technologies that are antithetical to the First and Fourth Amendment; and
4. Close loopholes in existing domestic terrorism and national security laws that are vulnerable to being exploited to target activists and communities of color;

Protesters are in the streets fighting for the lives of Black people and racial justice in the face of a deadly pandemic that is ravaging our most over-policed communities. Meanwhile, the actions of police are undeniably escalating under a Commander- in- Chief tweeting out calls to get tough and shoot “looters.” It is time for Congress to respond with bold plans to protect Black people in America.

Sincerely,

A New PATH
Access Humboldt
Access Now
Advancement Project National Office
Algorithmic Justice League
American Civil Liberties Union
API Equality-LA
APIENC
Asian American Advocacy Fund
Asian Americans Advancing Justice-Asian Law Caucus
Associate Professor, MIT, and Senior Research Fellow, Algorithmic Justice League
Black & Brown Activism Defense Collective
Black Alliance for Just Immigration (BAJI)
Black Lives Matter Philadelphia
Cameroon American Council
Carceral Tech Resistance Network
CCTV Center for Media & Democracy
Center for Constitutional Rights
Center for Democracy & Technology
Center for Gender & Refugee Studies
Center on Privacy & Technology at Georgetown Law
Citizen Action of New York
Citizen Action of NY
Climate Defense Project
Color Coded
Color of Change
Community Justice Exchange
CreaTV San Jose
Daily Kos
Data for Black Lives
Defending Rights & Dissent
Demand Progress
Detention Watch Network
Detroit Community Technology Project
Dignity & Power NOW

Electronic Frontier Foundation
Electronic Privacy Information Center (EPIC)
Equality Labs
Fight for the Future
Free Press Action
Freedom Forward
Freedom to Thrive
Generation Justice
Global Action Project
Government Accountability Project
Government Information Watch
Hacking//Hustling
Highlander Research & Education Center
Immigrant Defense Project
Innovation Law Lab
Institute for Local Self-Reliance
Instituto de Educación Popular del Sur de California (IDEPSCA)
International Corporate Accountability Roundtable (ICAR)
Just Futures Law
Martinez Street Women's Center
Media Alliance
MediaJustice
Mijente
Mother's Against Wrongful Convictions
Movement Alliance Project
Movement for Black Lives
MP Associates
MPower Change
Muslim Justice League
National Hispanic Media Coalition
National Lawyers Guild
National Network for Immigrant & Refugee Rights
New Florida Majority
New Working Majority
North Carolina
Open MIC (Open Media & Information Companies Initiative)
Organizing Black
OVEC-Ohio Valley Environmental Coalition
Palestine Legal
Parole Illinois
Partnership For Working Families
Poligon Education Fund
Progressive Technology Project

Project South
Public Citizen
RAICES
Restore The Fourth
Reviving the Islamic Sisterhood for Empowerment (RISE)
RootsAction.org
RYSE Center
S.T.O.P. - The Surveillance Technology Oversight Project
SAALT
South Texas Human Rights Center
Southeast Asia Resource Action Center (SEARAC)
SouthWest Organizing Project
Starting Over, Inc
Stop LAPD Spying Coalition
Temple Beth El (for ID purposes only)
The AjA Project
The Greenlining Institute
The National Immigration Law Center
The TransLatin@ Coalition
Transgender Law Center
United Church of Christ, OC Inc.
United Voices of Cortland
United We Dream
UnKoch My Campus
Urbana Champaign Independent Media Center
Western States Center
Win Without War
WITNESS
Woodhull Freedom Foundation
X-Lab