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January 27, 2011

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Attorney General Eric Holder  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Holder,

We write to request that you address expanding abuses by the Federal Bureau of Investigation under the 2008 Attorney General's Guidelines issued by your predecessor. Despite our diverse political affiliations and interests, we agree that federal law enforcement agencies should require (at least) individualized suspicion of criminal activity before initiating investigatory activities.

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In addition to a thorough analysis of the Bureau's current operations and their impacts on civil rights and civil liberties, we also ask that you promulgate revised Attorney General's Guidelines to restore rights and liberties eroded by Attorneys General Mukasey in 2008 and Ashcroft in 2003. Beyond its governing policies, the Bureau also remains in desperate need of institutional reform, including new leadership and new internal checks and balances to end the problems that have long undermined the Bureau's legitimacy.

The FBI has emerged as a recidivist institution, repeatedly violating the rights of law-abiding Americans *en masse*. As you know, the COINTELPRO era spanned decades and reflected an aggressive campaign by the FBI until the 1970s to undermine civil rights organizations, like the NAACP, pursuing peaceful political activities protected by the First Amendment. Nor was the Bureau's assault on the civil rights movement its first foray into criminalizing conduct that our Constitution protects: the program began by targeting labor organizers and political dissidents, and followed the previous Palmer Raids, which similarly vilified legions of Americans on the basis of their political views.

In September 2010, a series of FBI raids targeting peace activists throughout the Midwest suggested that the Bureau is once again operating under unconstitutional policies. Their recurrence under your leadership could leave an enduring stain on your tenure, as well as that of the Obama administration, and offends fundamental American values shared across the political spectrum.

The 2008 Mukasey Guidelines were the latest of several revisions to the original Guidelines issued in 1976 to end the abuses of COINTELPRO. The 2008 revisions allow individual agents discretion to use intrusive investigatory methods without any evidence suggesting that a crime has been committed, and even permit race, religion, or political speech to serve as factors justifying intrusive investigation.

The Bureau's ongoing "undisclosed participation" activities recall COINTELPRO's abuses and even expand upon them. FBI agents, informants, and state and local law enforcement agents cooperating with them through Joint Terrorism Task Forces (JTTF) have infiltrated faith institutions and activist groups advocating for causes as varied as pro-life or pro-choice stances on reproductive rights, environmental causes, opposition to racial bias pervading the criminal justice system, and foreign policy objectives.

Even some of the legal standards governing these activities remain secret, despite repeated requests from the public and Members of Congress seeking greater transparency. FBI Director Robert Mueller delivered inaccurate testimony before the Senate Judiciary Committee this summer, admitting after the hearing—in writing—that the Bureau's surveillance activities are limited neither by evidence, nor even by suspicion. *Mueller's admission confirms that agents are currently monitoring law-abiding Americans arbitrarily and potentially on the basis of constitutionally protected association, political speech, religion, national origin, or race.*

Inadequate transparency unfortunately pervades the Bureau's operations. In at least three reports over the last four years (in 2007, 2008, and 2010), the Justice Department's Inspector General has documented rampant abuse of investigatory powers expanded by the PATRIOT Act—as well as further abuses of new powers invented by the FBI without congressional authorization.

At a minimum, we request that you rescind the 2008 Mukasey Guidelines and issue new Guidelines to better respect constitutional rights. While considering the scope of reforms needed to protect civil rights and civil liberties, you should not grant the existing Guidelines artificial legitimacy, nor should the Bureau be afforded credibility that it has not only failed to earn, but also actively undermined. In the interim, new powers demanded by the FBI should be denied and its leadership should be replaced.

Respectfully submitted,

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 David Strong, Greenfield  
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Tom Burke, Grand Rapids  
 Brian Enright, Harrison Township  
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 Ross Rowley, Apple Valley  
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 Evan Hazard, Bemidji  
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 Earl Rosenwinkel, Duluth  
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 Paul Stokes, Corrales  
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 Matthew Cloner, Tukwila

Robert Roseland, Twisp  
 Patricia Bereczki, Vancouver  
 Mike Ellison, Vancouver  
 Yury Gagarin, Vancouver  
 Tadd Hess, Vancouver  
 Sennja Joyner, Vancouver  
 Barbara Mercer, Vancouver  
 Kerry Logan, Wenatchee  
 Kelly Hochendoner, White Salmon  
 Ralph Hochendoner, White Salmon  
 Charles Totten, Winlock  
 Mary S. Whitmore, Woodinville  
 Jeff Lyles, Yacolt  
 Lori Stefano, Yelm

**West Virginia**

John Doyle, Charleston  
 Mary L., Charleston  
 Harold Messer, Huntington  
 Lonnie Ward, White Sulphur Springs

**Wisconsin**

Kim Bothom, Edgerton  
 John Stoltenberg, Elkhart Lake  
 Martha Stoltenberg, Elkhart Lake  
 Roxanne Beaupre, Green Bay  
 Bruce Eggum, Gresham  
 Maureen Burley, Hager City  
 Michael Stewart, Lake Geneva  
 Eric Bauer, Madison  
 Jay Gold, Madison  
 Shirley Haidinger, Madison  
 Robert Scheele, Madison  
 Ted Voth Jr., Madison  
 Kristen Zehner, Marshall  
 Sue Rogan, Middleton  
 Julie Enslow, Milwaukee  
 Randolph Schoedler, Milwaukee  
 Sister Letitia Prentice, Mukwonago  
 Kent Bryngelson, Niagara  
 Joyce Frohn, Oshkosh  
 Doug Dederich, Poynette  
 Shawn Mulvihill, Racine  
 Kenneth Hammond, Verona  
 John M. Stewart, Washburn  
 Robert Hill, Waupaca