

# MediaJustice

July 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,

On behalf of the undersigned racial justice and civil rights organizations and over 60,000 individuals across the country, we urge you to take immediate action to address the FBI's and other agencies' targeting of Black activists through the use of the "Black Identity Extremist" ("BIE") threat designation and related domestic terrorism threat designations, including "Racially Motivated Violent Extremism". We are concerned that such designations are being improperly used to target Black people and Black-led organizations based on race and/or protected First Amendment activities.

Law enforcement officials and numerous members of Congress have recognized that the BIE designation is baseless and harmful.<sup>1</sup> Despite these concerns, however, the FBI has refused to disclose critical information about this designation and to take appropriate remedial action to address associated and ongoing harms. Moreover, there are concerns that other agencies, including DHS and state and local law enforcement, may also be improperly relying on BIE or similar designations to target Black people and Black-led organizations in violation of the Constitution.<sup>2</sup> To address these concerns, we urge you to use every tool at your disposal to:

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:

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<sup>1</sup> Richmond, Cedric et al. *Letter to FBI Director Christopher Wray*, October 13, 2017

[https://cbc.house.gov/uploadedfiles/cbc\\_rm\\_thompson\\_cummings\\_conyers\\_letter\\_to\\_fbi\\_re\\_intel\\_assessment.pdf](https://cbc.house.gov/uploadedfiles/cbc_rm_thompson_cummings_conyers_letter_to_fbi_re_intel_assessment.pdf)

<sup>2</sup> Center for Constitutional Rights. "Color of Change v Department of Homeland Security and Federal Bureau of Investigation." <https://ccrjustice.org/COC-FOIA>

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- 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".
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.

The BIE designation came to light through a leaked FBI Intelligence Assessment report released by Foreign Policy in October 2017. The intelligence assessment asserts the existence of a purportedly new domestic terrorism threat posed by so-called "Black Identity Extremist" by simply claiming-without evidence- that isolated cases of violence targeting police officers are connected by a shared ideology. It also focuses on Black people "who perceive racism and injustice in American society," wrongfully associating the so-called BIE threat with entire movements that protest violence perpetrated by police, like Black Lives Matter.

The new "Black Identity Extremist" designation is not only flawed and misleading, it builds on a long history of FBI surveillance and efforts to disrupt Black activists and civil rights leaders. It also raises concerns that this and similar designations are being used by the FBI and other agencies to surveil and target Black activists today. Disturbingly, despite requests and ongoing FOIA litigation, the FBI refuses to disclose key information about the BIE and similar designations even in the face of despite ongoing litigation by MediaJustice and the ACLU to enforce the public's right to information under the FOIA.

Concerns over improper targeting of Black activists are not confined to the FBI. The BIE assessment was shared with at least 18,000 federal, state and local law enforcement agencies, including DHS. Yet there is little public information regarding whether or how DHS and these other agencies currently rely on the BIE or similar threat designations.

We are asking for your support in compelling the FBI and other agencies to be more transparent about their activities as they relate to the made-up threat of "Black Identity Extremists". With your support, we can ensure Black activists are not improperly targeted based on race or First Amendment protected activities.

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Sincerely,

ACLU

Black Identity Extremist Abolition Collective

Black Lives Matter DC

BYP100 DC

Center for Democracy & Technology

Citizen Action of New York

Color of Change

Defending Rights & Dissent

Demand Progress

Fight for the Future

Free Press Action

Highlander Research and Education Center

KeepDC4Me

May First Movement Technology

MediaJustice

Media Mobilizing Project

Million Hoodies Movement for Justice

Montgomery County Civil Rights Coalition

National Hispanic Media Coalition

National Lawyers Guild

Official Black Lives Matter Memphis

The Black Alliance for Just Immigration

United Church of Christ, OC Inc.