FBI conducted surveillance of BAMN in the name of combating “domestic terrorism”

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On January 16, the nonprofit government transparency organization Property of the People published 52 pages of heavily redacted documents relating to an investigation opened by the Federal Bureau of Investigation (FBI) against the By Any Means Necessary (BAMN) group in 2016. The FBI investigation of BAMN was filed under the caption “DT – Anarchist Extremism.” The acronym “DT” stands for “domestic terrorism.”

The documents, which can be viewed here, establish that the FBI targeted BAMN following a June 2016 provocation by neo-Nazis and the Ku Klux Klan in Sacramento, California.

Emboldened by the rhetoric of the Trump presidential campaign, including its demand to build a wall on the southern border, a rabble of various white supremacist groups organized a march on the state capital. A group calling itself the Traditionalist Workers Party was joined by the Golden State Skinheads, Blood and Honor, the Traditionalist Youth Network, National Socialist Movement, and the KKK. This provocation was confronted by a much larger counterdemonstration, which included contingents organized by BAMN as well as the anarchist affiliation Antifa.

Armed with knives and other weapons, white supremacists clashed with counterdemonstrators. A total of ten people were injured, including three critically, in a violent melee.

BAMN, a group aligned with the Democratic Party, identity politics, and the trade unions, was formed in California in 1995 as the Coalition to Defend Affirmative Action, Integration & Immigrant Rights, and Fight for Equality By Any Means Necessary. It has participated in a number of counterdemonstrations against rallies by white supremacists.

The FBI’s invocation of the framework of the “war on terror” to target BAMN for investigation and surveillance is a major attack on democratic rights. While the FBI report glosses over and minimizes the violence and provocations by the far-right, the FBI employs a tendentious legal framework against BAMN that could be used to target and silence dissent on a broad scale.

The newly released documents indicate that the FBI responded to the June 2016 rally and counterdemonstration by opening a “domestic terrorism” investigation into BAMN. The report states: “Captioned investigation is being initiated on BAMN (By Any Means Necessary), a domestic group, based on information that on June 29, 2016 [sic], members of BAMN attended a Ku Klux Klan rally and assaulted a Nazi supporter.”

“In 2016,” the report continues, “law enforcement learned that the Ku Klux Klan would be holding a rally at the State Capitol Building on June 26, 2016. The KKK consisted of members that some perceived to be supportive of a white supremacist agenda. In response, a number of groups mobilized to protest the rally. Flyers were posted asking people to attend in order to shut down the rally.”

The FBI’s report is remarkable for the way it minimizes the actions of the far-right provocateurs while it scrutinizes and impugns the actions of the counterdemonstrators. The FBI agent’s description of the KKK as consisting of “members that some perceived to be supportive of a white supremacist agenda” leaves no doubt about where that agent’s sympathies lie.

The FBI’s version of the riot all but justifies the conduct of the neo-Nazis, attempting to shift blame onto the counterdemonstrators: “On June 26, 2016, the rally took place as scheduled. Counter-protesters were also present, and violence broke out amongst the crowd. Several people were stabbed and hospitalized; others suffered more minor injuries.”

The FBI opened a “full investigation” against BAMN based on two alleged federal crimes: “riots” and “conspiracy against rights.” In other words, turning reality on its head, the FBI opened an investigation into whether BAMN had “conspired” to violate the rights of the KKK and into whether BAMN was responsible for the riot.

The report indicates that special agents “conducted physical surveillance at 2020 Bonar Street, Berkeley, CA 94702” on a redacted date. This is the address of the Berkeley Unified School District, where BAMN was presumably holding a demonstration.

The notes of the surveillance include the following entries: “Several children observed sitting outside 2020 Bonar Street with signs next to them;” “Several adults observed standing outside 2020 Bonar Street with several children. [Redacted] observed speaking [Redacted] observed holding a sign;” and “Group observed walking toward 1231 Addison Street, Berkeley, CA 94702.”

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This surveillance apparently did not yield any plausible evidence of criminal activity. The agents grudgingly admit that "the individuals being observed may have been engaged in protected First Amendment activity."

Significant portions of the report are too heavily redacted to decipher. However, it is possible to make out that on October 5, 2016, an FBI special agent, whose name is redacted, met with "University of California Berkley [redacted]," who "provided" the agent with redacted material "concerning" a redacted subject. It is not clear whether this is a meeting with a university administrator or campus police. It is also not clear whether the information being provided to the FBI concerned any particular students.

FBI agents obtained copies of BAMN leaflets and appended them to the report. The agents also reviewed YouTube videos and monitored internet posts. The FBI devoted special attention to slogans in BAMN materials such as "no 'free speech' for fascists!" and calls to "shut down" the neo-Nazi rally.

To the extent that BAMN leaflets bragged about teaching "Trump supporters about the painful consequences of openly supporting Trump and his political platform of bigotry," this serves as a lesson that radical posturing of this kind only helps to open up an organization to state scrutiny and repression.

The unnamed FBI special agent "acknowledges that individuals and groups named in this [report] have been identified as participating in activities that are protected by the First Amendment to the U.S. Constitution. Their inclusion here is not intended to associate the protected activity with criminality or a threat to national security, or to infer that such protected activity itself violates federal law. However, based on the alleged actions of BAMN [long passage redacted] it is possible the actions of certain BAMN members may exceed the boundaries of protected activity and could constitute a violation of federal law. In the event no such violent activity occurs or is discovered, FBI policy and federal law dictates that no further record be made of the protected activity."

To translate this into plainer language: BAMN members have not violated any laws and are exercising their right to free speech, but the FBI investigation is justified anyway because BAMN members "could" do things that "may" violate the law in the future. Notwithstanding the repeated statements of deference to the First Amendment and the right to free speech, this logic would justify FBI surveillance of any political activity at any time, since any lawful organization's members "could" do something that "may" violate the law in the future.

The report states that an FBI special agent "researched BAMN and discovered that it was a national organization. The group had been active in the Berkeley, California and Oakland, California areas." The special agent, whose name is redacted, "researched some historical activity of the group by reviewing police records and open source information from various events. In some, the group members lawfully exercised their First Amendment rights by engaging in peaceful protests. In other instances, the members engaged in other activity by refusing to disperse, trespassing in closed buildings, obstructing law enforcement, and shouting during and interrupting public meetings so that the meetings could not continue."

Without endorsing such methods, disrupting meetings with shouting hardly equates to "domestic terrorism," especially given that this report was generated in the context of a violent provocation by neo-Nazis and the KKK. Nor can any plausible argument be made that refusing orders by police officers to disperse is "domestic terrorism."

The vague crime of "obstructing law enforcement" is frequently invoked by American police officers to justify arbitrary arrests and to cover up the use of excessive force. The FBI's report takes it a step further, essentially implying that this ambiguous term equates to "domestic terrorism."

The FBI has a long history of operating as a political police force aligned with reaction. This history includes the infamous wiretapping and harassment of Martin Luther King, Jr., as dramatized in the recent film *Selma* . The 2016 investigation of BAMN for allegedly conspiring to violate the rights of the KKK certainly resonates with this history, as BAMN itself was quick to point out.

Nevertheless, the most significant aspect of the FBI's report is the invocation of the framework of the "war on terror" against domestic dissent.

The US government, after all, has asserted that alleged "terrorists" can be deemed "unlawful enemy combatants" who can be subjected to abduction, torture, and even secret assassination anywhere in the world. The entire globe as well as the interior of the US have been designated as the "battlefield" of the "global war on terror." Under these conditions, the practice of labeling domestic dissent—in this case, opposition to a rally of neo-Nazis and the KKK, or even merely "refusing to disperse"—as "domestic terrorism" has ominous implications.

There is no reason to doubt that the FBI is targeting left-wing political dissent in the US more broadly with investigations, surveillance, and infiltration. In 2011, a FBI agent was exposed who had spent two and a half years infiltrating the Anti-War Committee (AWC) and later the Freedom Road Socialist Organization (FRSO) in Minneapolis and Chicago. This agent's activity preceded a series of government raids and subpoenas to 23 activists to testify before a grand jury based on allegations of providing "material support to designated foreign terrorist organizations."

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