

# FBI Changes Mission Statement to Remove “Law Enforcement”

July 31, 2018

Responsible for Equality And Liberty (R.E.A.L.)

<http://www.realcourage.org/2018/07/equality-under-the-law/>



Responsible for Equality And Liberty (R.E.A.L.)’s support for universal human rights, includes our support for **Equality Under the Law**, as a key part of meeting human equality. Without equality under the law, we cannot defend any equality.

## Introduction

Respect and equality under the law is not a modern concept for shared human rights and dignity. The wisdom of respecting shared rights and dignity through a common law has been respected through the centuries. From the earliest laws such as the Code of Hammurabi through the Magna Carta, humanity has seen repeatedly that respect and enforcement for a shared law is essential for a coherent society. “Where there is no vision, the people perish: but he that keepeth the law, happy is he.” Our shared commitment to equality and liberty for humanity cannot be based only in the “ends justify the means” for intelligence operations, but must be defended on a foundation of equality under the law for all people. The nations of the world codified this international commitment in the Universal Declaration of Human Rights in December 10, 1948, nearly 70 years ago.

The Universal Declaration of Human Rights (UDHR) Article 7 calls for such equality under the law, and UDHR Article 11 also calls for such equality in legal proceedings involving human beings everywhere in the world.

Signed by the United States of America and the nations of the world, UDHR Article 7 states: “All are equal before the law and are entitled without any discrimination to equal protection of the law.”

### Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Universal Declaration of Human Rights, Article 7

Such Equality is a core human rights concept accepted by the United States of America and nations of the world in the UDHR. Equality is also a fundamental part of the defined values of the American people, as stated by U.S. founders since July 4, 1776, that “we hold these truths to be self-evident, that all men are **created equal**.” In the United States of America, commitment to Justice is not merely a desirable goal; the priority of the U.S. government to “**establish Justice**” is one of foundational reasons for the establishment of its form of government, as stated in the introduction to the U.S. Constitution.

We the People of the United States, in Order to form a more perfect Union, **establish Justice**, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Constitution of the United States of America has a focus to “Establish Justice”

While the concept of “justice” may be subjective, the American and universal human rights commitment to **“equality under the law”** must be unchangeable and unwavering. Equality under the law is fundamental to universal human rights, and is essential to effective “law enforcement.” The concept of “enforcement” of “equality under the law” is a distinct and essential feature of democratic nations for all people.

So a commitment to **“law enforcement”** is very different than a commitment to **“security”** or a **commitment to “combating crime.”** The world has seen how totalitarian nations and those with contempt for equality under the law can offer abusive forms of “security” and rationalize unjust and unequal forms of persecution to rationalize “combating crime.” There is an **essential need for equality in “law enforcement”** as a priority for any nation with a commitment to equality, and with a goal to “establish Justice.” At the United States Supreme Court, the highest legal court body in the nation, the words chiseled into the marble above the entryway are: **“Equal Justice Under Law.”** With every law enforcement organization, its **most essential and powerful tool is the TRUST of the people that it represents**, based on clearly documented and agreed upon **law developed with the understanding and knowledge of the PEOPLE.**



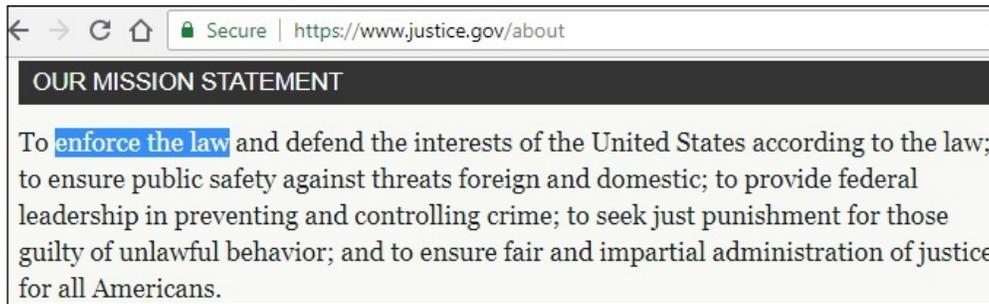
To those committed to equality under the law, **trusted** law enforcement must be equally addressed for all, with equal standards and processes of law for all. A commitment to equality under the law and law enforcement must also be free from political influence and bias. Equality means equality. **For a democracy to work, the people must trust that such equality under law and respect for the people’s voice is the priority for OUR law enforcement.**

**We commit to equality under the law – not just for those we like or those like us – but equality under the law for ALL.** This includes the unpopular, the minorities, the vulnerable, and those considered outcasts from powerful elements in society.

Unlike those who might rationalize their acts as merely “combating crime” or “security,” those who wear the **badge of law enforcement**, representing a democratic society and equal laws for all, **must be TRUSTED** to represent a standard of integrity in equally enforcing OUR law – not just their individual will and bias. **Our law enforcement agencies and personnel must be trusted to represent ALL of us in a democracy**, which is why we hold their actions to the highest standards of truth, honesty, and equality.

Therefore, it comes as a grave concern to see any United States justice organization distancing itself from an unequivocal commitment to “law enforcement” as the priority in their mission. The American public must trust its representative justice organizations to be committed to law enforcement.

The [mission of the U.S. Department of Justice \(DOJ\) remains to “enforce the law,”](#) as its first priority.



### U.S. Department of Justice Mission Statement

However, the DOJ's Federal Bureau of Investigation (FBI) continues to move away from that law enforcement priority. The American people **need to trust** the FBI as a law enforcement organization; the FBI can never be successful without such trust and confidence. But as will be detailed and documented below, the FBI has removed the term "law enforcement" from its public mission statement as defining its organization. This remains the case at the time of this article's publication. While it may appear "naive," Responsible for Equality And Liberty (R.E.A.L.) literally stumbled upon this change in the FBI public mission statement. R.E.A.L. checked and double-checked as it was assumed this discovery was an error of some sort. Clearly, R.E.A.L. is still astounded by this change by the FBI with no reporting, no mention, and no discussion. This decision is more than changing of words by the FBI on a mission statement; it is *an attack on the public trust of the FBI's law enforcement mission and credibility*.

The goal here is not only to report on this fact, but also to provide context as to how this happened, and why this decision is **so important** to the American people and equality under the law. This article will address:

- [\(A\) Path to FBI Decision to Remove Law Enforcement from Mission Statement](#)
- [\(B\) Can a Law Enforcement Organization Serve as An Intelligence Organization?](#)
- [\(C\) FBI and FBI Informants' "Right" to Commit Crime](#)
- [\(D\) History of FBI Authority, Practices, and Law Enforcement Values – Demonstrating Impact of Leaving Law Enforcement Out of FBI Mission Statement](#)
- [\(E\) Call for Change to Restore Law Enforcement to FBI's Mission](#)
- [To the FBI](#)
- [To the American People](#)

It will provide representative, detailed examples of the impact on society of changing commitment to law enforcement, as an ever-increasing "intelligence driven" culture is changing the character and values of the FBI as a trusted law enforcement institution. This article will address not only why this is important, but also why this FBI decision is a serious challenge to the foundation of democratic freedoms and human rights, and why this must change – both for the FBI and the American people. The blunt and candid assessments in this article are not R.E.A.L.'s preference. Softer, gentler language is preferred. But there is a time to speak frankly on matters of grave importance. This is such a time. R.E.A.L. apologizes in advance for any who are offended, but equality under the law, and consistent commitment to law enforcement is this important to America.

The FBI must prioritize **trusting** the American people; the American people need to have the confidence to trust the FBI. **For the FBI, such priority of public trust is not a choice.** There are 328,000,000 Americans to 35,000 total FBI employees. Despite the FBI's perceived power and authority, the entire FBI is 0.0106 percent of America; it is dependent on the public trust of the American people. It cannot recklessly undermine such public trust by rash acts as removing "law enforcement" from its public mission. But this is merely a symptom of institutional problems that require attention to clearly defining

the powers of the FBI in written public law, as well as a renewed commitment in statement, values, and actions by the FBI in making law enforcement its top priority.

This will not be a “brief” summary of the issues, but will link multiple issues together to provide a broad understanding on associated issues challenging the commitment to equality under the law, and the consequences of making “law enforcement” a non-priority in a democratic republic, particularly for the FBI. There are readers with different levels of knowledge on law, history, and human rights; the goal here is to enhance the general understanding of such interrelated topics to understand the imperative for a law enforcement defense of equality under the law.

A [petition has also been created to urge friends of law enforcement to call upon the FBI to restore “law enforcement”](#) to its [mission statement](#). You are urged to please [sign this petition](#) and take a stand on law enforcement as a priority in the FBI.

Contextual Notes on R.E.A.L.’s Position  
(See also [Note 1](#) and [Note 2](#) at conclusion of this article.)

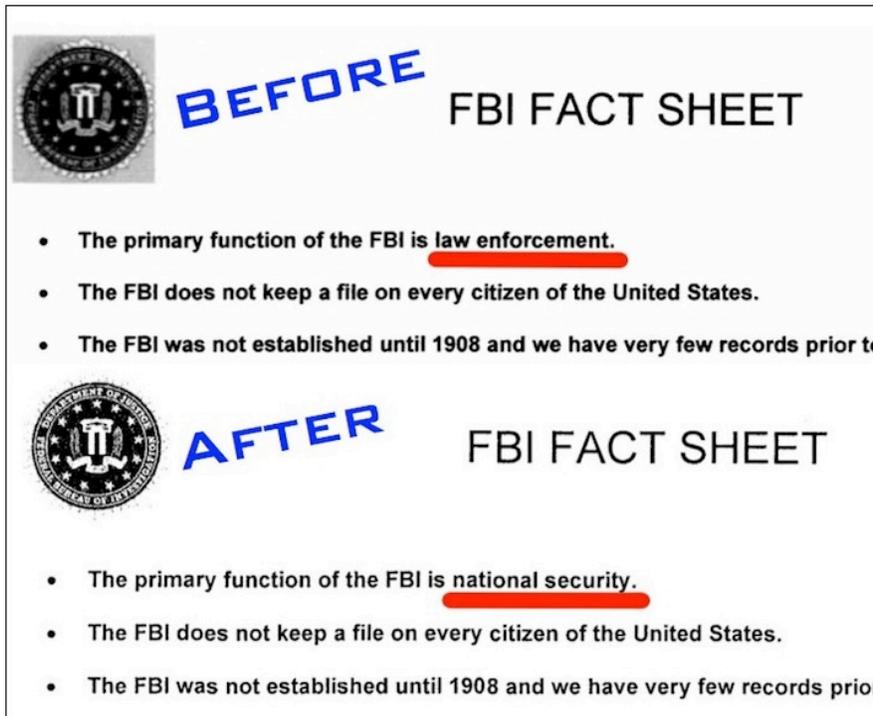
## A. Path to FBI Decision to Remove Law Enforcement from Mission Statement

The mission orientation of the FBI has been a matter of debate for too many years, including terrible abuses that we have seen, and heroic 20th century efforts to reform FBI activities involved in intelligence. But despite the reform efforts, the struggle over a law enforcement agency with a “[dual mission](#)” in intelligence has seen growing conflict in its mission and ethos in the 21st century. After the September 11, 2001 terrorist attacks, a growing emphasis and body of resources on intelligence functions have gained priority and emphasis in the FBI.

This changing emphasis towards intelligence activities was initially notable during FBI Director Robert Mueller’s term. The term that became popular was that FBI was now becoming an “[intelligence-driven](#)” organization, and [Director Mueller was viewed as one who had reorganized the FBI](#) from a “law enforcement institution to an **intelligence-driven** agency. While these changes were prominent in resources and expanded focus during FBI Director Mueller’s term, they became even more so during FBI Director Comey’s term, which began in 2013.

As FBI Director James Comey [stated to Congress in 2014](#): “Today’s FBI is a threat-based, **intelligence-driven organization**.” In discussions with the media at intelligence forums, FBI Director sought to re-imagine FBI from a [law enforcement agency role to a “leadership factory,”](#) stating “I believe the FBI should be the leadership factory of the United States government and it’s not there yet.” Media figures [reported on how Director Comey sought](#) to “recalibrate the FBI from a pure crime-fighting organization to an **intelligence-driven** national security enterprise.”

The first [public reports](#) of FBI intentions to remove “law enforcement” from its mission were in January 2014, [as reported by national security lawyer Kel McClanahan](#), during a review of a Freedom of Information Act (FOIA) report, when he came upon an FBI fact sheet in a FOIA document review where the mission statement had been changed from “The primary function of the FBI is **law enforcement**” to “The primary function of the FBI is **national security**.”



FOIA on FBI Fact Sheet: Change from FBI Law Enforcement to FBI National Security Mission

Foreign Policy media reported an interview with FBI spokesman Paul Bresson who reportedly stated: “When our mission changed after 9/11, our fact sheet changed to reflect that.” In April 2010, a [public and redacted version of DOJ Office of Inspector General \(OIG\) Audit Report 10-24](#) indicated that the FBI had doubled the amount of FBI agents on counterterrorism, while reducing resources on **law enforcement**.

But while this re-orientation of the FBI from “law enforcement” to “national security” mission was ongoing, where was the public discussion on this? Where were Congressional Representatives in explaining to their constituents on the changes being made, and who was getting the public acceptance on this migration from “law enforcement” roles? The public discussions on having the FBI perform counterterrorism investigations were **NOT** a discussion to have the FBI abandon **law enforcement** as a priority, and certainly not to literally **remove the term “law enforcement” from its publicly-stated mission**. An FBI that depends on the TRUST of the American people cannot choose such a path of unilateral change in its mission, without the consensus, understanding, and agreement of the American people. **Let us never forget – it is OUR FBI organization – representing the American public.**

Among other intelligence-centered efforts, FBI Director Comey went on to public “security” conferences to remind the American public that they should have no expectation of “absolute privacy” in America, ignoring the [U.S. Constitution’s 4th Amendment](#), and the [UDHR Article 12 on human rights of “privacy.”](#) On March 8, 2017, FBI Director James Comey [stated](#): “There is no such thing as absolute privacy in America; there is no place outside of judicial reach” – “Even our communications with our spouses, with our clergy members, with our attorneys are not absolutely private in America.” Former FBI Director Comey’s love for the powers of the FBI lost sight that the FBI’s powers were derived from, with the consent of, and on the authority of the American people, the written U.S. Constitution, and written law. Power without accountability to the people and the law is not law enforcement.

# FBI's Comey: No Absolute Privacy in U.S.

The FBI director also says he has no intention of stepping down anytime soon.



By Curt Mills, Staff Writer March 9, 2017, at 12:58 p.m.



FBI Director James Comey speaks on cyber security at the first Boston Conference of Cyber Security at Boston College on Wednesday. (STEPHAN SAVDIA/AP)

**FBI DIRECTOR JAMES** Comey charged on Wednesday that there is no longer "absolute privacy" in the United States – the government could one day request and access the details of just about any conversation.

"Even our memories aren't private," Comey [told a panel in Boston](#). "Any of us can be compelled to say what we saw. In appropriate circumstances, a judge can compel any of us to testify in court on those private communications. There is no place in America outside of judicial reach."

Comedy continued, "There is no such thing as absolute privacy in America."

## Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Universal Declaration of Human Rights – Article 12 – on Privacy Rights

Two months later, "intelligence-driven" FBI Director James Comey was fired on May 9, 2017, and FBI Deputy Director Andrew McCabe took over as Acting Director. Acting Director McCabe also had had a key role in intelligence within the FBI. (Director Comey is only the second FBI Director fired in its history.)

Some of the rest of the world was no longer even viewing the FBI as a "law enforcement" organization at all, as seen in a [2017 Australia article](#) titled: "FBI Special Agent George Bokelberg reveals what it's like working for America's top **domestic intelligence service**."

But a few months before that article was printed, the FBI's public mission statement was changed, with no announcements and no discussion by the media, despite rigorous coverage of news stories concerning the FBI. While FBI Acting Director Andrew McCabe was leading the FBI, [the FBI's public mission statement on its FBI.gov website](#) was **CHANGED on June 21, 2017 to remove the reference to the term "law enforcement."**

On June 18, 2017, the public FBI mission statement still referenced “the Bureau has dual responsibilities as a law enforcement and intelligence agency.” On June 21, 2017, the public FBI mission statement removed references to such “dual responsibilities” and to “law enforcement.”



Responsible for Equality And Liberty (R.E.A.L.) has seen **NO REPORTS** noting this dramatic public change in the FBI mission in the media or elsewhere. For over a year, **this public FBI mission statement has been changed with no notice**, and no interest by the media, law enforcement professionals, and human rights activists.

# FBI Public Mission Statement

## June 18, 2017

**Note: Law Enforcement Mission in Red Box**



### Mission & Priorities

The FBI today is considered one of the world's premier security and crime-fighting forces. Reporting to both the attorney general and director of national intelligence, the Bureau has dual responsibilities as a law enforcement and intelligence agency. Learn about our vision, mission, priorities, core values, budget, and more.



#### Our Vision

Ahead of the threat through leadership, agility, and integration.

#### Our Mission

To protect the American people and uphold the Constitution of the United States.

#### Our Priorities

- Protect the United States from terrorist attack
- Protect the United States against foreign intelligence operations and espionage
- Protect the United States against cyber-based attacks and high-technology crimes
- Combat public corruption at all levels
- Protect civil rights
- Combat transnational/criminal organizations and enterprises
- Combat major white-collar crime
- Combat significant violent crime

#### Our People & Leadership

The FBI employs 35,000 people, including special agents and support professionals such as intelligence analysts, language specialists, scientists, and information technology specialists. Learn how you can join us at [FBIJobs.gov](http://FBIJobs.gov). For details on our executive and organizational structure, see our [Leadership & Structure](#) webpage.

#### Our Locations

We work literally around the globe. Along with our headquarters in Washington, D.C., we have 56 field offices located in major cities throughout the U.S., more than 350 satellite offices called resident agencies in cities and towns across the nation, and more than 60 international offices called legal attachés in U.S. embassies worldwide.

#### Our Budget

In fiscal year 2016, our total direct-funded budget is approximately \$5.7 billion, including increases to enhance our cyber investigative capabilities and leverage Intelligence Community Information Technology Enterprise components and services within the Bureau.

#### Our Core Values

- Rigorous obedience to the Constitution of the United States;
- Respect for the dignity of all those we protect;
- Compassion;
- Fairness;
- Uncompromising personal integrity and institutional integrity;
- Accountability by accepting responsibility for our actions and decisions and the consequences of our actions and decisions;
- Leadership, both personal and professional, and
- Diversity.

#### Our History

The FBI was established in 1908. See our [History](#) website for more details on our evolution and achievements over the years.

#### Our Motto

"Fidelity, Bravery, and Integrity." Learn about the origins of this motto.

In the FBI's public mission statement, the references to the FBI as a "law enforcement" agency were removed between June 18 and June 21, 2017, while the FBI was being led by Acting Director Andrew McCabe. By June 21, 2017, the **FBI's public mission statement** deleted the reference that "the Bureau has dual responsibilities as a **law enforcement** and intelligence agency."

The FBI mission statement left the focus of the remaining mission statement only to state: "To protect the American people and uphold the Constitution of the United States," with priorities to "Protect the United States from terrorist attack, Protect the United States against foreign intelligence operations and espionage, Protect the United States against cyber-based attacks and high-technology crimes, Combat public corruption at all levels, Protect civil rights, Combat transnational/national criminal organizations and enterprises, Combat major white-collar crime, Combat significant violent crime."

No statement was left in the FBI's mission statement on "law enforcement," consistent with previous FBI mission statements and the mission statement of its parent organization, the DOJ. As previously stated, there is a significant different in public commitment to equality under the law in law enforcement between those who work for "security" or for "intelligence" goals, or those who seek to merely "combat crime," and those in **law enforcement responsible for Equality under the Law**.

# FBI Public Mission Statement

## June 21, 2017

**Note: Law Enforcement Mission Removed!**



### Mission & Priorities



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#### See Also

- Read a more detailed overview of the FBI: [Today's FBI: Facts & Figures, 2013-2014](#) (pdf).
- Get answers to [Frequently Asked Questions](#).

The DOJ commitment to “enforcing the law” is more than only “combating crime” or “security,” as described in the revised FBI public mission statement, which removed the reference to the FBI as a “law enforcement” agency. Totalitarian nations around the world, vigilantes, and other abusers of the law, democracy, equality, and justice can claim to “combat crime” or have a “security” interest, but they are not representatives of a democratic nation’s public with federal law enforcement authority on behalf of its people.



A commitment to equality under the law is not merely a commitment to vague “security” or “intelligence” ethos, but to a **law enforcement ethos that understands the law applies equally to everyone**. Our justice community must be trusted to adhere to written law and represent the American people.

*The American people must not allow those who hold the law in contempt, such as terrorists and hackers, to drive our nation’s premier federal law enforcement agency to abandon a priority of law enforcement for “intelligence” or “national security.” We must not give such enemies of equality under the law such a victory over a democracy.*

It is no small irony that this FBI mission statement abandoning law enforcement was changed while under Acting FBI Director Andrew McCabe (FBI Deputy Director acting as director during May 9, 2017 – August 2, 2017) , with a focus on intelligence activities, who was charged with “lack of candor” by the DOJ OIG and who was subsequently fired on March 16, 2018.

It is even more remarkable that, since then, there have been no further changes to restore “**law enforcement**” (deleted on June 21, 2017) to the FBI public mission statement, under the administration by the new FBI Director Christopher Wray (August 2, 2017 to present). This is despite another DOJ OIG report issued on June 14, 2018, regarding investigation into bias and “improper” behavior by the FBI personnel. This June 14, 2018 DOJ OIG report was concerned about “accountability principles that guide **law enforcement** decisions in the United States.” Yet even as the DOJ OIG wrote these words, it failed to notice that such guidance was for an FBI organization that a year earlier had deliberately removed “law enforcement” from its public mission, and has continued to leave “law enforcement” out of its public mission statement.

**The American people are smarter and better than this.** They need to have the public discussion and decisions on how their federal resources should be used, and if the U.S. can really afford to have the FBI abandon “law enforcement” from its public mission.

*In respecting law enforcement, we must be committed to Equality under the Law – not just for those we like or those like us – but equality under the law for ALL... including the unpopular, minorities,*

*vulnerable, and those considered outcasts from powerful elements in society. This commitment goes with the law enforcement badge and the law enforcement authority in a democratic and free society.*

To be perfectly clear, R.E.A.L. has zero interest in being critical of the FBI, and [as noted elsewhere](#), R.E.A.L. is a longtime friend and supporter of law enforcement and the FBI, with R.E.A.L.'s founder having years of experience directly working for the FBI. More than most in the human rights, R.E.A.L. understands the imperative of public trust in the FBI's commitment to law enforcement. The **trust of the American people** cannot be recklessly disregarded for tactical operations to deal with extremists using terror or other methods. **The “ends justify the means” is not the standard of law enforcement of a democracy in the United States of America or any democratic nation.**

R.E.A.L. is very well aware of the many accomplishments and achievements of the FBI in the cause of justice, which are rarely acknowledged, and the acts of heroism which are either quickly forgotten or never publicized. R.E.A.L. has long seen a reformed FBI as a positive force in law enforcement to protect the human rights of the vulnerable, and R.E.A.L.'s founder has had a direct role in this in the FBI. R.E.A.L. is very much aware of the responsibility and integrity of the many thousands of FBI employees and agents working on behalf of justice. To those thousands of responsible individuals in the FBI, along with the American people and U.S. Constitution that they represent, please know that R.E.A.L. urges such reform in the FBI on your behalf. The FBI has a responsibility to “Fidelity, Bravery, Integrity” in its law enforcement mission, respecting the LAW, and respecting the TRUST to act on behalf of the American people.

The removal of “law enforcement” from FBI mission statement represents a new level of attack on the trust of the American people. Voices respecting the law and law enforcement cannot remain silent on this dramatic decision. Too often criticism of the FBI in recent years has been focused on near-term issues of political anger, denial, or personalities, while ignoring serious institutional issues that have developed over time, as a migration from “law enforcement” priorities continues. R.E.A.L. offers a voice of reason, equality, and respect for the law to call for changes in this misguided path. R.E.A.L. recognizes that the issues at stake for American democracy with the change in FBI values and mission are much larger than any one debate.

**A responsible FBI is one with a core mission that is unequivocal in its commitment to equality under the law enforcement, first and foremost. The FBI badge, given in TRUST to represent the people, must also be the ethical compass in holding fast to equality under the law — for all – not just those we like or those like us — but for ALL.**



America's FBI can never view such a commitment to “law enforcement” and the commitment to equality under the law which it must represent, as outdated or a lack of a national priority. Such a commitment to

law enforcement is not something that can simply be erased by hiring more people in intelligence or a 1984-style removal of “law enforcement” from the FBI public mission statement. Where resource issues and legal direction are a challenge, those issues **MUST** be publicly discussed and shared solutions found. But a solution to excise “law enforcement” from the FBI’s publicly stated mission and privately supported values – cannot be acceptable to the American public.

Such a departure from a public commitment to “law enforcement” tracks with a growing departure from a commitment to written LAW itself. The concept that large segments of the FBI’s operations are based on internal “guidelines,” Executive Orders, and interpretations by friendly courts, are not the hallmark of a law enforcement commitment. An FBI, which must be trusted by the American people, must trust the American people to clearly and unambiguously document its powers and authorities in public written LAW.

A commitment to **equality under the law must begin with our FBI itself**. Not the law and powers it wishes it had, not the law and powers that it self-legislates, not the law and powers agreed to in conference rooms and courts far away from the eyes and ears of the American people. But a commitment to equality under the law must begin with the law and powers granted to the FBI, clearly and unambiguously, by the American people, written into the law of the land. Sweeping generalities in the U.S. Code, with our law enforcement to decide “all of the details” is the most untrustworthy of laws. There will only be vague and ambiguous responsibility or accountability to vague and ambiguously written laws. The American people deserve better than this, especially regarding the FBI, one of the powerful organizations representing the American people.

By its very definition, **TRUST must be shared**. Along with equality under the law, trust is a foundational element of every functioning democracy. While the FBI seeks the trust of the American people, it must also trust the American people it represents, and it must trust American to enumerate its powers and authority in more specific and detailed law. Trust is measured in accountability to specific details, not simply to our general perceptions; in the case of law enforcement with the FBI, trust be measured as to how effectively in conforms to written LAW. Vague and general laws on the FBI and its powers undermine such trust and accountability. The **decision of the FBI to simply remove “law enforcement” from its mission statement with no discussion and no public accountability** is one of the smallest, but most dramatic failures of not having comprehensive laws which govern the FBI’s powers and oversight. No one even noticed this change. How can an FBI organization be trusted in law enforcement, when the [\*\*FBI removes the term “law enforcement” from its public mission statement?\*\*](#)

## **B. Can a Law Enforcement Organization Serve as An Intelligence Organization?**

The argument of the FBI for decades, especially by former FBI Director Robert Mueller after the 9/11 attacks, is that the FBI can have a “dual role” as both a law enforcement and as an intelligence agency. This “dual role” perspective was also a previous view in the former FBI public mission statement, before it was changed and was removed along with the reference to “law enforcement” as part of the FBI’s mission, without the public’s knowledge. As this article will point out, there are also tremendous and inherent conflicts in such a “dual role,” which undermines the credibility of the FBI as a law enforcement agency, including a different set of values in law enforcement in “equality under the law” versus intelligence’s **“the ends justify the means.”**

The concept of a “firewall” between law enforcement and intelligence agencies is an argument, until the operations of “counterterror” within FBI field offices across nation and “joint task forces” suddenly merge and conflate law enforcement and intelligence. In the struggle against extremists using terror tactics, while the goal has been to prevent loss of life and destruction by terrorists, the more **long-term damage in American democracy has been the destruction of the divisions between law enforcement and intelligence values**, priorities, thinking, and resources.

## How Can America Allow Itself to Believe These Are Compatible?



In this struggle over the soul of the FBI, the **loser continues to be “law enforcement” and a consistent commitment to Equality Under the Law.** Removing the term “law enforcement” from the FBI mission statement is simply the most concrete example of changes in perception, priorities, values, and resource emphasis in the FBI over decades. If we could go back to September 12, 2001, and show the public what has been happening over the past decades, and show the nation the day when the FBI would remove “law enforcement” itself from its mission statement, would America still have taken the same path to struggle against extremist terror tactics? Would we have taken the same approach as we have seen FBI informants grow from 1,500 to at least 15,000, with **informants having the “right” to commit CRIME, as authorized by the FBI** – to further intelligence investigations?

Would America have made the same choices as it saw our FBI law enforcement inciting terrorists to attack Americans, concocting numerous “terror plots” for entrapment, using Taliban terror group proponents as resources, seeking FBI informants who ended up committing mass murder terror attacks against Americans? Would we have felt the same when an FBI agent stood by and did nothing as terrorists he incited shot our police? When we saw our FBI law enforcement believing that operating child pornography web sites was acceptable, entrapping those with cognitive challenges to the level of mental retardation, pulling knives out to threaten they “know where they live” to suspects and their families, and repeatedly putting public safety at risk to gather more “intelligence” in investigations designed to “keep us safe”?

The TRUTH is we would wonder *what country is being discussed, because that couldn’t possibly happen in the United States of America.*

But as Americans living in this very reality, we cannot continue to live in denial that we have a problem with individuals or a political problem at the FBI, when **we have an institutional problem.**

It is not because we didn’t KNOW better. Despite the calls by former FBI Director Mueller and former FBI Director Comey to re-invent the FBI as an “intelligence-driven” agency, the American people already had the history to know better. We didn’t need the facts of 21st century abuses, institutional conflict, and contradiction behind him, to remember the 20th century history of COINTELPRO and 20th century abuses, including the obscene FBI attacks and FBI blackmail threats calling for the very DEATH of Martin Luther King, Jr. But the American people thought we could “reform” our way out of this problem, with enough “oversight” and controls to prevent future abuses. We didn’t make the tough choices when we needed to. Now, the FBI has removed “law enforcement” itself from its agency’s mission. **Will the voices of the American people finally be raised?**

At what point would more voices of retired FBI agents, former FBI personnel, and the forces of legitimate law enforcement have no choice but to speak out on this very unpopular and controversial issue?

The FBI slogan of **“Fidelity, Bravery, and Integrity”** was created in 1935. It has accompanied over 80 years of accomplishments, but also suffered many years of controversy, especially when coupled with controversial efforts by “intelligence-driven” FBI activities. There is a significant difference in fidelity, bravery, integrity to a democratic nation under the Law, with intelligence during wartime emergencies, and with a standing and expanding domestic intelligence organization whose primary agenda is “the ends justify the means” on behalf of an ambiguous view of “national security.” In an **“intelligence-driven”** organization, the priorities are not to equality under the law, or the U.S. Constitution, when “the ends justify the means.” There is even less “bravery” in refusing to make such difficult choices. For the FBI to live up to its motto, it must restore law enforcement not only to its mission statement, but also to its priority. For the **American people to TRUST the FBI**, the FBI must be consistent to enforce the written law and the trust of the American people.

## Fidelity, Bravery, Integrity

- No Fidelity in Abandoning Equality Under Law
- No Bravery in Not Making the Difficult Decisions for Democracy
- No Integrity for Abandoning Constitution over “Ends Justifies the Means”
- Americans Did Not Pay the Ultimate Price - to Lose Their Freedoms



It is past time for those **committed to equality under the law in law enforcement to speak up and take a stand for this nation.**

The standard **FBI badge symbol of “blind justice” has increasingly been replaced by a growing number of FBI National Security Branch personnel with a logo supporting “intelligence”** and never blinking Eagle’s Eye. The “Blind Justice” of the Law and a Never-Ending Surveillance State are incompatible values for a single organization. We have seen this in the basic concepts of **“noble cause corruption”** among FBI leaders and individuals, whose “intelligence-driven” values of “the ends justify the means” have been a greater priority than the basic concepts of equality under the law. **For those in law enforcement, there is no “higher loyalty” than simply “equality under the law”** – for everyone... not just for those we like and for those like us – but for **all**.

### C. FBI and FBI Informants’ “Right” to Commit Crime

**A law enforcement agency must be consistent in law enforcement.** As in any democratic republic, **the American people must TRUST its law enforcement** to hold to such basic standards of shared trust under the LAW. While this should be an obvious truism, the “intelligence-driven” values of the “ends justify the means” has shouted down such basic and equality-based considerations, and we now see the **FBI removing “law enforcement” even from their public mission statement.** The efforts to “keep America safe” after the 9/11 terror attacks led to a dramatic explosion of increased FBI informants in the post 9/11 America, leading to **15,000 FBI informants.** **What many do not know is that FBI guidelines give these many thousands of FBI informants the “right” to commit crimes,** as authorized by the FBI.

On an annual basis, the FBI has authorized FBI “informants” to **perform** between 5,000 and 6,000 criminal acts, or as the FBI and DOJ prefer to call them “otherwise illegal acts;” this is an average of “15 crimes a day.” Over a four year period, the FBI authorized informants to break the law **22,800 times, according to statistics collected from FOIA reports.** Based on intelligence values in managing a

network of “informants,” the FBI has prioritized use of informants to act on its behalf to gather information on criminal and terror threats, and rationalizes such informants committing criminal acts themselves as, “the ends justify the means.” The FBI justifies such “right to crime” for its Confidential Human Sources (CHS) informants (as well as its own Undercover Agents (UC)), as necessary.



After the [1970s COINTELPRO FBI Domestic Intelligence abuses](#), a series of reforms were put in place to document and control the use of intelligence activities to prevent future abuses. In 1976, this included a series of Attorney General Guidelines for Domestic Operations by then Attorney General Levi, called the [“Levi Guidelines \(“Domestic Security Investigation Guidelines”\)”](#). At the time of the U.S. Senate “Church Committee” research on the FBI’s abuses in domestic surveillance, the [goal](#) of these Attorney General Guidelines were to be part of reforms on the domestic political groups that the FBI could properly investigate. In 1980-1981, [an amendment to the guidelines under Attorney General Civeletti](#) began providing guideline on immunity of some criminal behavior by FBI informants. After 9/11, the Attorney General Guidelines would be repeatedly amended to allow for more aggressive FBI domestic operations.

But after 9/11, another dramatic change happened in the use of FBI informants. The **number of FBI informants dramatically increased** from the previous numbers documented by the DOJ, as the FBI mission being to migrate to an “intelligence-driven” agency. As the number of FBI informants dramatically increased, so did the real power of FBI and DOJ authorities to **authorize FBI informants to commit criminal acts**.

According to [DOJ records](#), in 1975, it was found that the FBI Domestic Intelligence Branch “was using more than 1,500 informants in connection with domestic security investigations.” But by 2011, it was determined the **number of FBI informants had expanded from 1,500 to at least 15,000 – at least TEN TIMES the number of informants that were originally anticipated under the Attorney General Guidelines**. This shows the mapping of the FBI’s migrating focus from law enforcement to a new priority of domestic intelligence and “national security.”

For context, [the number of 15,000 FBI informants is now larger than the estimated number of FBI agents \(14,000 agents\) and nearly equivalent to 50% of the total 35,000 workforce of the FBI itself.](#) (This old total number of 15,000 FBI informants from 2011 may also now be significantly out of date by 2018, so the number may be larger.) It must be clear to the FBI – these 15,000 FBI informants are not their primary **guiding influence**, rather it is the total 328,000,000 people in America, who the FBI represent.

**In the post 9/11 era, with this sizable number of FBI informants to FBI agents, what influence can actual criminals now have in FBI priorities?**

Along with this rapidly increasing number of FBI informants, the 1970s Attorney General Guidelines for Domestic FBI Operations, intended to guidance and control FBI Domestic Intelligence operations, were amended repeated, and amended after the 9/11 terrorist attacks in 2002 and 2006.

The DOJ justifies the [current Attorney General Guidelines for FBI Domestic Operations](#), with the “right” for the FBI to authorize FBI informants’ criminal acts as follows: “These Guidelines are issued under the authority of the Attorney General as provided in sections [509](#), [510](#), [533](#), and [534](#) of title 28, United States Code, and [Executive Order 12333](#).” But the American people need to read these for themselves, because the language is very clear. NONE of these laws or Executive Orders referenced by the DOJ in the Attorney General Guidelines for FBI Domestic Operations gives the FBI the “right” to authorize criminal behavior. While the FBI, the executive branch, or the courts may choose to interpret such laws to grant such extreme powers to “authorize crime,” the written law of the land is conspicuously and unambiguously SILENT on such “powers.”

There is **not a single word** in these written public laws and Executive Order, referenced by the DOJ, that gives this right to “authorize” crime to the FBI, DOJ, or to federal prosecutors. Read them. The idea that the American people should accept independently developed guidelines for the DOJ, the FBI, or friendly courts, to **somehow “give” them powers to “authorize” criminal behavior** should be outrageous to every American, and to every American citizen who took a vow to defend the Constitution of the United States of America. If our FBI wants the power to give people the “right” to commit CRIMES, they need to have this discussion with the American public, not in conference rooms or hushed court rooms far from the American public’s eyes and ears. Those who wear an FBI badge, wear an FBI badge given to them from the American people that they represent. The American public must **TRUST** the FBI’s badge and authority represents enforcing the written law of the land.

In the current [Attorney General Guidelines for FBI Domestic Operations](#), the FBI is given procedures and authority for the expanded number of informants to be authorized to perform criminal acts is [detailed](#) in Section V “Authorized Methods,” subsection C. “Otherwise Criminal Activity,” (pages 33-34). But one of the first statements in this section (C.2) refers to another document, [“Attorney General’s Guidelines Regarding the Use of FBI Confidential Human Sources,”](#) which [describes](#) “Tier 1” and “Tier 2” crimes that can be authorized by an FBI Special Agent in Charge (SAC) or a Chief Federal Prosecutor (CFP), (pages 5-7). (As of 2015, the [GAO was still referencing](#) the 2006 AG Guidelines on CHS.)

With the huge volume of criminal acts by informants “authorized” by the FBI, the question that the guidelines lead us to is: **How are these FBI SACs and CFPs approving authorizations for criminal acts by informants with between 5,000 and 6,000 crimes a year, or 15 crimes per day of 15,000 informants across the nation?** The number of FBI-“authorized” crimes is staggering. (According to the [FBI Uniform Crime Report \(UCR\) records](#) in 2016, there were a total of 22,559 arrests by the FBI for federal criminal crimes, while the FBI was annually approving an average of 6,000 criminal acts by FBI informants (with FBI “authorized” crimes equivalent to 27% of the number of FBI federal criminal arrests).)

When we look at this number of FBI informant criminal acts and assess the number of FBI Special Agents in Charge (SAC) of FBI Field Offices (FO) (56 field offices) to approve such crimes, the number of criminal acts by FBI informants approved by the FBI is even more troubling. With an estimated 56 SACs in FBI FOs and an average 6,000 FBI informant crime authorizations per year, each FBI SAC would have to approve 107 authorizations by FBI informants to commit crimes. This would equivalent to an authorization by **every FBI SAC for an FBI informant to commit a crime essentially every 2-3 days**. With an [ever reducing FBI emphasis on law enforcement](#), the “intelligence-driven” FBI is developing a **emphasis** to increasingly **approve CRIME!**

**But we know for a FACT that such controlled FBI approval of criminal acts by FBI informants is NOT happening by SACs of Field Offices**, as testified by the FBI itself. In February 2017, during a second set of trials of the extremists who took over the U.S. Malheur reservation in Oregon by gunpoint, we learned in court that 15 FBI informants were working with the extremist group. We also learned that these [FBI informants were authorized to carry weapons and commit criminal acts](#); one [FBI informant provided weapons training to the extremists](#) who had taken over the facility. But in court, when “former FBI Special Agent in Charge (SAC) Greg Bretzing, who oversaw the FBI’s response to the occupation” was asked about such FBI informants authorization to commit crimes, FBI SAC Bretzing stated **“It would not have come to me.”** No one thought to ask the obvious question: “Why not? Aren’t

those the FBI rules?" As [reported by the Oregon Public Broadcasting](#), the FBI SAC "wasn't clear about whether agents had directed informants, or given them authority, to break laws. He said those decisions would've been delegated to people in his chain of command."

**So WHO really is authorizing FBI informants to commit criminal acts?** And if we don't know, how do we really know this is the only number of criminal acts being approved by the FBI? An FBI dependent on public trust cannot be dependent on authorizing crime.

**A law enforcement agency cannot be in the business of approving mass numbers of criminal acts. Those committed to equality under the law and law enforcement need to speak out on this, and need to demand that the FBI restore "law enforcement" in its mission statement, as well as its priorities.** Trust in the FBI must begin with the FBI trusting the American people that it represents to clearly and unambiguously define the FBI's powers in written law.

#### **D. History of FBI Authority, Practices, and Law Enforcement Values – Demonstrating Impact of Leaving Law Enforcement Out of FBI Mission Statement**

Such a discussion requires notice to a number of key legal and historical facts, which are often ignored in the drama of intelligence and terrorist reporting. This discussion focuses on 14 topics providing different aspects and issues for the basis and the imperative need to restore "law enforcement" to the FBI's public mission and priorities, both in word and in operational deed.

The 14 topics addressed are:

- [1. Legal Authority for FBI is Focused on Priority to Assist in Detecting and Prosecuting Crime in Support of Enforcing the Law](#)
- [2. "Pursuit of Truth" versus "Seeking an Outcome"](#)
- [3. "Just the Facts" versus "Need to Know Secrets"](#)
- [4. FBI Was Not Created as a "Domestic Intelligence" Organization](#)
- [5. FBI's Domestic Intelligence History and Intended Focus for War-Time Threats](#)
- [6. FBI's Continued Domestic Intelligence During the Cold War under Hoover Led to Serious Abuses, inconsistent with Law Enforcement](#)
- [7. FBI's Domestic Intelligence Abuses Against Pastor Dr. Martin Luther King, Jr. Led to Criminal Behavior, in Contempt of Equality Under the Law](#)
- [8. U.S. Senate "Church Committee" and Attempt at Reforms within the FBI and FBI Domestic Intelligence Activities to Obtain Control Under Law](#)
- [9. Change to Reforms and Resources on FBI Domestic Intelligence and the 9/11/2001 Terrorist Attack Impacting Priority of FBI on Law Enforcement](#)
- [10. Difference in Law Enforcement and Intelligence Values Create Fundamental Ethical Conflict at FBI](#)
- [11. The "James Bond Effect" – Growing Public Perception of the FBI as a Non-Law Enforcement Organization in Popular Media](#)
- [12. Post 9/11 Investigations Conflating Law Enforcement and Intelligence Authority Leads to Increasing Undercover Techniques ... even Leading to Entrapment Cases](#)
- [12\(a\) Peyton Pruitt Terror Case and Prosecution of Cognitively Disabled Individual](#)
- [12\(b\) Robert Lorenzo Hester, Jr. Terror Case and FBI Knife Threat Against Suspect and Family](#)
- [13. Contradictions in Integrity and Public Safety with an FBI Based on Intelligence Values without Law Enforcement Controls](#)
- [13\(a\) FBI Incitement and Failure to Act in Garland, Texas Terrorist Attack](#)
- [13\(b\) FBI Agent Shoots Member of Public and Ignores the Victim](#)
- [13\(c\) FBI Informant Provides Extremists Automatic Weapons Training During of Takeover of Government Facility](#)
- [13\(d\) FBI Operation of Child Pornography Website](#)
- [13\(e\) Reckless Lack of Concern for Public Safety in Crowded Areas while Investigating Terrorist Threats](#)
- [\(i\) Taliban Activist Working with FBI](#)

[\(ii\) FBI Sought Recruitment of Orlando ISIS Terrorist as Trusted Source – killed 49 – planned to Attack Disney World](#)

[\(iii\) FBI Ignores Confession of Violent Individual Warning of Attack – Until He Attacks Ft. Lauderdale Airport for ISIS](#)

[\(iv\) FBI Watched DC Subway Police Officer for 6 Years Making Terroristic Threats and Going Overseas for Terror Training – While Hundreds of Thousands Endangered](#)

[14. Former FBI Agents on Culture Change in “Intelligence-Driven” Focus](#)

## 1. Legal Authority for FBI is Focused on Priority to Assist in Detecting and Prosecuting Crime in Support of Enforcing the Law.

In support of the [DOJ’s core mission to “enforce the law,”](#) DOJ’s primary appointment role to appoint authority to the FBI begins with an emphasis for law enforcement support, according to the LAW. Under the law in [28 U.S. Code § 533 – Investigative and other officials](#), the U.S. Department of Justice’s Attorney General is given the right to appoint resources “to detect and prosecute crimes against the United States,” as well other related investigations to protect the President, the Attorney General and other investigations “under the control of the Department of Justice...” Such authority traditionally legally comes from Department of Justice Appropriation Acts. The connection of Justice Department, and its FBI, as representatives of the American people to work on behalf of the public on legal matters of federal justice and law enforcement, are linked to public funding, executive management and Congressional oversight for such authority. The FBI, its personnel, and its resources act on behalf of the American public. In addition, U.S. shared law outlines the [authority](#) of the FBI in [18 U.S. Code § 3052](#); it is notable that FBI powers described in 18 U.S. Code § 3052 are focused on **law enforcement activities**.

In 2004, under FBI Director Mueller and U.S. President George W. Bush, the [U.S. Congress passed the Intelligence Reform and Terrorism Prevention Act \(IRTPA\)](#) of 2004, Public Law 108-458, 118 Stat. 3638. The FBI was granted additional counterterror and national intelligence powers [under IRTPA Title II](#). However, there were no descriptions of boundaries, and no details on processes.

Most importantly, these IRTPA acts did not end or eliminate **the FBI’s law enforcement priorities under 18 U.S. Code § 3052, nor has this law been modified to re-designate the FBI from an organization with a law enforcement priority to an intelligence priority.**

**18 U.S. Code § 3052 - Powers of Federal Bureau of Investigation**

US Code

The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the [Department](#) of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the [United States](#) and make arrests without warrant for any offense against the [United States](#) committed in their presence, or for any felony cognizable under the laws of the [United States](#) if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(June 25, 1948, ch. 645, 62 Stat. 817; Jan. 10, 1951, ch. 1221, § 1, 64 Stat. 1239.)

This **one single paragraph** is the primary operating written legal authority under our SHARED law for the “powers of the FBI.” While other instructions are provided under specific crimes and general [intelligence capabilities](#), this one single paragraph is the primary legal authority for the 35,000

FBI employees, including 14,000 special agents, at 56 Field Offices across the United States of America, as well as activity around the world. If we expect the FBI to be responsible under the LAW, then the American people must also be responsible in demanding a U.S. Code of shared law by our representative lawmakers that truly and comprehensively defines the “powers of the FBI.” This failure to have comprehensive and meaningful LAW is the **root cause** of the failure to have accountable law enforcement. But even with this completely insufficient 18 U.S. Code § 3052 there can be no doubt that the intent of the powers of the FBI were to support law enforcement.

How can a U.S. Government organization representing the American people, with a core legal role in supporting law enforcement, **remove “law enforcement” from its publicly-stated mission, without changes to public law and public discussion?**

The FBI is required to exercise its powers and mission in accordance with U.S. law, not the whim and will of those in its leadership or institutions; we are a nation of laws (even insufficient and incomplete laws), not of personalities. The FBI has important roles, but **this is not a “carte blanche” authority for the FBI to act unilaterally as an independent entity**, with no real accountability to the U.S. Government or the American people. A law enforcement organization must act within the powers given to it under the law, not those powers that it seeks to adopt as it deems appropriate. If the FBI no longer considers itself a “law enforcement” agency within its publicly stated mission, then a non-law enforcement agency should not have law enforcement powers or authority. The FBI cannot have it both ways: law enforcement power – without a law enforcement identity, values, and responsibility.

In 2007, [FBI’s National Security Branch Deputy Director John P. Mudd stated, regarding the FBI, that](#) “we are not and never will be solely an intelligence agency.” But what is the message to the American public when very term “law enforcement” has been removed from the FBI public mission statement?

## 2. “Pursuit of Truth” versus “Seeking an Outcome.”

Both law enforcement and **real** national security is dependent on TRUSTING the American people with the truth, not depending on secrets. U.S. President John F. Kennedy [stated](#) on February 26, 1962: “a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.”

**Law Enforcement Depends on  
Pursuit of SHARED Truth**



**President John F. Kennedy**  
“A nation that is afraid  
to let its people judge  
the truth and falsehood in  
an open market is a  
nation that is  
afraid of its people.”

In respecting Equality Under Law, the goal in law enforcement is the **“pursuit of truth.”** Truth is the only fundamental factor that is a driver of a law enforcement organization being able to equally enforce the law. In law enforcement, we must seek to ensure justice in law enforcement actions, protection of the innocent, and punishment for those who have been proven to break the law. We need such transparency on the truth to be able to retain the trust of the American public to cooperate with law enforcement, and also for law enforcement agencies to share the truth among themselves.

In pursuing equal justice under law, the facts of truth do not have a race, gender, nationality, religion, political background, or other identity. Facts are facts. A fact-based organization seeking law enforcement has a responsibility to document and share facts with the American public, so it can clearly determine the TRUTH about issues involving the American people's public safety. The concept behind the creation of the FBI was to have an investigative body to support the DOJ's mission to "enforce the law," which will seek the TRUTH. Too often, we are told that today's "intelligence-driven" FBI cannot reveal "secret" information, with increasing numbers of FBI documents that are "redacted" or "sanitized" to protect the American people from knowing things that they are not "authorized" to know.

Shared truth is decreasingly a priority to our FBI, with truth increasingly becoming the exclusive right for only the "privileged," "who are supposed to represent and get paid by the American people. How long can such an approach to federal law enforcement last in a democratic republic?

If "knowledge is power," then those with a commitment to law enforcement values would seek to empower the American public with knowledge and facts, to be partners in protecting our shared law and our shared nation. Hoarding of knowledge and locking the facts away as "secrets" for the privileged few are the practices of dictators and totalitarian regimes, not democratic republics.

Law enforcement seeks the TRUTH, unlike intelligence organizations which seek "an outcome." For example, the Central Intelligence Agency (CIA) spy organization has a different focus, however. Their focus is on reporting on "outcomes" that they seek to shape and control, and developing "narratives." The goal to seek "outcomes" is not the same as the pursuit of the truth to protect equality under the law.

In intelligence agencies, these are different values, different standards, and different commitments to public integrity and truthfulness, from those given to a justice community with law enforcement authority. A foreign intelligence community and its shadowy operations and manipulations are not given law enforcement powers for arresting and using force to protect our shared law.

The shaping of the "outcome" of various global activities is a regular part of **such spy reports**. While spy organizations may seek an outcome, it must be the responsibility and accountability of American government organization with law enforcement authority to share the **TRUTH** with the American people. America must not be a nation of shadows and secrets, but a nation of facts which we must face in the bright rays of democracy.

If the American public rightly expects truth and honesty from the FBI, consistent with the law enforcement powers they are given, then the crisis of the FBI's "dual roles" in law enforcement and intelligence must be addressed by the American people, under the existing laws or if necessary, change the laws. Abandoning law enforcement values or mission should never be an option for America's FBI. But this is where the growing FBI "intelligence-driven" values and operations has brought us.

**The FBI's "stealth" decision to quietly remove "law enforcement" from its public mission statement and simply expect that "no one will notice" – speaks volumes as to the institutional challenges and intentions regarding both law enforcement and the TRUTH. This decision was an assault on Public Trust.**

When Truth and Honesty are expendable, the real victim is democracy itself. A nation that respects Equality Under the Law cannot make such sacrifices for "security," because a public not trusted with the truth is a public that cannot trust its government.

**When Truth and Honesty are “Expendable,”  
the real victim is **Democracy** itself.**

**A nation that believes in Equality Under the Law,  
cannot make such sacrifices for “national security,”  
because a public not trusted with the Truth  
is a public that cannot Trust its government.**

**Responsible for Equality And Liberty (R.E.A.L.)**



A representative government does not have the right to betray the trust of its own people. But in addition to the American people who were never told of this [change to remove “law enforcement” from the FBI mission statement](#), who else within the DOJ and FBI itself were not told? How many of the FBI’s own 30,000 employees were told and knew of the FBI’s decision to remove “law enforcement” from its public mission statement? A nation where the **FBI does not even trust its own employees** has done more than abandon “law enforcement,” it has also abandoned its commitment to “**Fidelity – Bravery – Integrity**” with the American people and its own personnel.

This is the path that a new version of an “**intelligence-driven**” **FBI leads us to**. This is the real destruction that a handful of terrorists have truly achieved, by allowing terrorist actions, not the trust of American people, as the voice that decides the future of America’s democratic republic. America must not be a nation with a dark and dishonest future [to “Keep Fear Alive.”](#) but a nation built on the bedrock foundation of Truth and Trust in support of Equality Under the Law.

R.E.A.L. asks those in the FBI, who remain committed to law enforcement, to [sign our petition](#) and demand that law enforcement be [restored to the FBI’s mission statement](#) and culture.

### **3. “Just the Facts” versus “Need to Know Secrets”**

A culture of law enforcement and equality under the law is based on facts, with recorded information designed to address facts, not opinions. These facts are designed to be accessible to the public or the public’s law enforcement representatives. The concept of records management for law enforcement activities is intended to allow shared use by 80,000 law enforcement organizations and 1,000,000 personnel in law enforcement. In all of this law enforcement-based record keeping, the focus is on documented facts, based on identities of criminal suspects and crimes. In a democracy as our citizens are innocent until proven guilty, their private identification information is usually controlled. Many public arrests are regularly reported in the U.S. news media, and criminal histories involving court proceedings are regularly accessible from court records through arrest records, in person and over the Internet, to all of the American public.

In the past the FBI employees worked with agencies around the nation to make certain that such shared law enforcement records focused on the FACTS. Not opinions or planned “outcomes.” Not bias, racism, gender bias... and most importantly not a “narrative.” Equality under the law in nationwide law enforcement operations are dependent on responsible individuals who are focused on “**just the facts.**”

The culture of facts and sharing of facts with the American public was an inherent tool of America’s law enforcement functions under the FBI. On difficult cases involving notable threats, the FBI has repeatedly gone to the American public, which shares its nation’s commitment the laws and public safety, for support and information. The FBI’s history of a “most wanted” listing included posters of criminal suspects, which once included postings in the U.S. Postal Service, as part of goal to communicate with

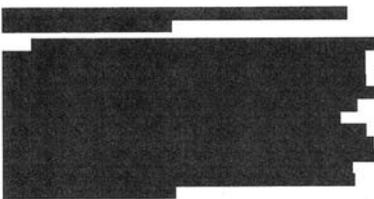
American public in a shared focus in respecting the law. Such communications and coordination on the facts with the American public, even on terrorist crimes, became the American public's perception of FBI's communications with the public on matters of public safety.

**FBI Migration to "Intelligence-Driven" Agency Impacts Public Communications**

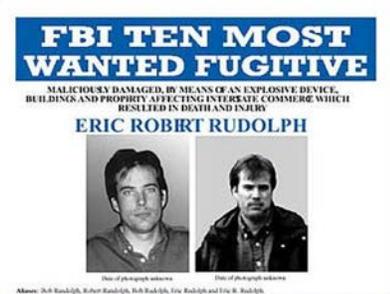
**From** **To**



**WANTED BY THE FBI**  
MURDER OF U.S. NATIONALS OUTSIDE THE UNITED STATES; CONSPIRACY TO MURDER U.S. NATIONALS OUTSIDE THE UNITED STATES; ATTACK ON A FEDERAL FACILITY RESULTING IN DEATH  
**USAMA BIN LADEN**



(U) In response to the Committee's inquiries, the Chairman and Ranking Member received a briefing on March 15, 2017, from then-Director James B. Comey, Jr.



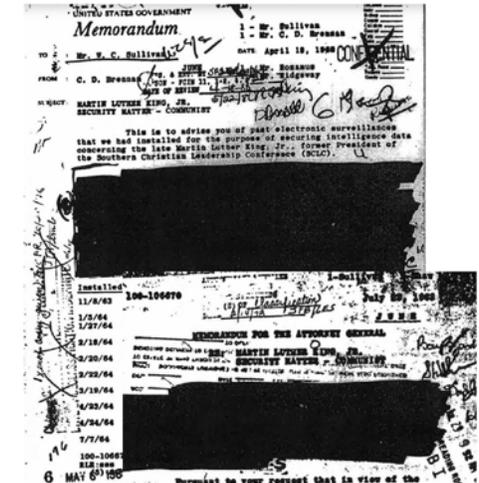
**FBI TEN MOST WANTED FUGITIVE**  
MALICIOUSLY DAMAGED, BY MEANS OF AN EXPLOSIVE DEVICE, BUILDINGS AND PROPERTY AFFECTING INTERSTATE COMMERCE WHICH RESULTED IN DEATH AND INJURY  
**ERIC ROBERT RUDOLPH**



But as the FBI continued an "intelligence-driven" pursuit, news articles and public communications increasingly focused on "redacted" and "sanitized" documents largely blacked out. This troubling signal was a familiar sight to the public in the 1960s and 1970s when the notorious [FBI COINTELPRO operations of disruption and harassment](#) were viewed as acceptable forms of "intelligence." Even today, many documents remain "redacted" and "sanitized" from that time period, as if the American people don't even have right to know their own government's history.

**FBI Domestic Intelligence During Spying on MLK, Jr.**

*We have seen THIS before...*



Under an increasingly "intelligence-driven" FBI in the post 9/11 America, press conferences on shared criminal threats became increasingly replaced by FBI intelligence operatives "leaking" anonymous

comments to media outlets, with the press shaping news stories around “leaked” information, rather than our FBI speaking openly to the American people on its concerns. This change in “culture” has led to the [DOJ OIG itself reporting](#) on “a culture of unauthorized media contacts” within the FBI and the challenge of the “‘cultural attitude’ regarding media contacts and leaks at the FBI.” But this change in culture represents a much larger challenge – a growing lack of trust in the FBI personnel addressing facts to the American people they represent – face-to-face.

True national security is best served not by endless secret tools, redacted documents, secure facilities, cipher locks, and retina scans – but the ability to look the American people truthfully in the face and tell people **the TRUTH** about law enforcement and public safety matters. That is real commitment to national security.

To those who believe they are “combatting” extremist terror, foreign propagandists, etc., by enveloping the FBI in a cloak of “national security” secrecy, and undermining its foundational law enforcement mission – they need to understand that the only ones being helped are those you believe your struggling against.

These enemies are not the greatest threat to America, which has seen many threats before from many enemies. This included a half-century of threats from the U.S.S.R., which developed nuclear weapons, including those with an impact of 50 to 100 megatons (each megaton is 1,000,000 tons of explosive force, with a 100 MT weapon impact’s [radiation for a 46 mile radius](#)).

But the only enemy that can truly inflict long-term **damage** to America itself is the one that **undermines the TRUST of the American people** in equality under the law, and confidence that its law enforcement share this commitment to the law and public safety. To those who believe the [FBI should abandon its “law enforcement” mission](#), what worse damage can these secret enemies do, that undermining the public’s trust in the FBI’s commitment to equality under the law **WILL** do?

America simply cannot afford the [FBI to abandon law enforcement from its mission statement](#). The **American people must be able to TRUST the FBI** with a shared vision of equality under the law – for ALL.

#### **4. FBI Was Not Created as a “Domestic Intelligence” Organization.**

The concept of the FBI as a “standing” domestic intelligence agency was not the mission behind the creation of the FBI. The FBI was originally created as the Bureau of Investigation (BOI) on July 26, 1908, to obtain investigative individuals to support U.S. Department of Justice investigations. Despite the efforts by some in the intelligence community to re-invent history, the actual investigatory focus of the BOI was regarding federal criminal threats, not domestic intelligence as they would like us to believe.

Prior to the creation of the BOI, the Department of Justice used U.S. Secret Service members to periodically conduct investigations. But at the beginning of the 20th century, concerns about growing federal crimes and the need to investigate them required the need for the Department of Justice to form this BOI. One of the first priorities of the new organization was to address issues, under federal law, to stop forced sexual slavery of women and human trafficking of young girls (under the Mann Act). In 1935, the BOI was renamed the Division of Investigation, and then again renamed as the Federal Bureau of Investigation (FBI).

#### **5. FBI’s Domestic Intelligence History and Intended Focus for War-Time Threats.**

The original focus was on law enforcement investigations related to federal crimes. During World War I and World War II (and the ramp up to both), the BOI/FBI assisted in wartime domestic intelligence investigations, but after the end of the war, such domestic intelligence emphasis was de-emphasized. The FBI provided both domestic and international support for intelligence services during World War II, with its FBI Special Intelligence Service. At the end of World War II, [the FBI’s Special Intelligence Service was disbanded](#), and the newly formed Central Intelligence Agency (CIA) was asked to take over its operations and expand U.S. intelligence activities worldwide. The concept of a standing “domestic intelligence” organization during both war and peace was not the primary basis for the creation and maintenance of the DOJ FBI investigatory agency, with a priority to “enforce the law.”

## 6. FBI's Continued Domestic Intelligence During the Cold War under Hoover Led to Serious Abuses, inconsistent with Law Enforcement

FBI Director J. Edgar Hoover's campaign to continue domestic intelligence during the "Cold War" with the threat of the Union of Soviet Socialist Republics (USSR), which ended in December 26, 1991, remained a struggle for law enforcement ethics. Despite the disbanding of the FBI's Special Intelligence Service at the end of World War II, FBI Director Hoover sought to continue domestic intelligence activities with the FBI Domestic Intelligence Branch. In 1956, these renewed domestic intelligence effort led to the creation of the FBI COunter INTElligence PROgram (COINTELPRO), which during the 1960s and 1970s, significantly undermined democracy with extensive abuses, which also **undermined the credibility of law enforcement and equality under the law.**

### **U.S. Senate Report on FBI COINTELPRO Domestic Intelligence Activities in America**

#### *3. Covert Action and the Use of Illegal or Improper Means*

(a) *Covert Action.*—Apart from uncovering excesses in the collection of intelligence, our investigation has disclosed covert actions directed against Americans, and the use of illegal and improper surveillance techniques to gather information. For example:

(i) The FBI's COINTELPRO—counterintelligence program—was designed to "disrupt" groups and "neutralize" individuals deemed to be threats to domestic security. The FBI resorted to counterintelligence tactics in part because its chief officials believed that the existing law could not control the activities of certain dissident groups, and that court decisions had tied the hands of the intelligence community. Whatever opinion one holds about the policies of the targeted groups, many of the tactics employed by the FBI were indisputably degrading to a free society.

While the FBI CONINTELPRO was created to protect U.S. citizens from USSR Communist domestic threats, the extensive [abuse](#) of such domestic intelligence authority by the FBI Domestic Intelligence Branch led to persecution of U.S. citizens engaged in legitimate political discourse and advocacy. The U.S. has clear and unambiguous historical documentation of the damage that domestic intelligence agents, given a law enforcement badge, poor management, a mission inconsistent with the U.S. Constitution, and lack of oversight of representation on behalf of the American people, can do to a democracy. After FBI Director Hoover's death in 1972, such FBI intelligence abuses were documented by the [U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities](#), 1975-76 (Church Committee), in public hearings, and recorded in Final Report, S. Rep. No. 94-755 (1976), [Book II, Intelligence Activities and the Rights of Americans](#).

From 1956-1971, FBI COINTELPRO tactics included discrediting targets through psychological warfare, smearing individuals and/or groups using forged documents and by planting false reports in the media, harassment, wrongful imprisonment, and illegal violence. According to the reported findings of the Church Committee on FBI Domestic Intelligence abuses ([Book II, pages 10-11](#)) ranged from:

- "- Anonymously attacking the political beliefs of targets in order to induce their employers to fire them;"
- "- Anonymously mailing letters to the spouses of intelligence targets for the purpose of destroying their marriages;"
- "- Obtaining from IRS the tax returns of a target and then attempting to provoke an IRS investigation for the express purpose of deterring a protest leader from attending the Democratic National Convention; "
- "- Falsely and anonymously labeling as Government informants members of groups known to be violent, thereby exposing the falsely labelled member to expulsion or physical attack; "
- "- Pursuant to instructions to use 'misinformation' to disrupt demonstrations, employing such means as broadcasting fake orders on the same citizens band radio frequency used by demonstration marshalls to attempt to control demonstrations and duplicating and falsely filling out forms soliciting housing for persons coming to a demonstration, thereby causing 'long and useless journeys to locate these addresses'

"- Sending an anonymous letter to the leader of a Chicago street gang (described as 'violence-prone')

stating that the Black Panthers were supposed to have ‘a hit out for you. The letter was suggested because it ‘may intensify...animosity’ and cause the street gang leader to ‘take retaliatory action’ ”

The American people decided many decades ago that campaigns of harassment, violence, misinformation, slander, false reports in the media, and information warfare propaganda are not the roles of a law enforcement organization representing the American people, with the power to make arrests. These known and officially-documented FBI Domestic Intelligence abuses should give the FBI an ethical and moral boundary to ever renounce its law enforcement commitment.

### **7. FBI’s Domestic Intelligence Abuses Against Pastor Dr. Martin Luther King, Jr. Led to Criminal Behavior, in Contempt of Equality Under the Law**

In America’s history, the FBI led law enforcement campaigns to challenge the white supremacist hate group, the Ku Klux Klan (KKK), and investigated horrific murders of civil rights leaders, including the Mississippi murders on June 21, 1964 of James Chaney, Andrew Goodman and Michael “Mickey” Schwerner. But law enforcement successes were also tarnished with FBI Domestic Intelligence abuses. Everyone in the FBI and all those who understand American history must recognize FBI Domestic Intelligence abuse of law enforcement resources, power, and authority in their own attack on civil rights leaders, including Dr. Martin Luther King, Jr., are among the darkest chapters in American history. Former FBI Director Comey once had FBI agents tour the U.S. Holocaust Memorial Museum. But let us not forget that that the U.S. had its own genocide, in the legalized crime of slavery of African-American human beings, and the subsequent persecution of African-Americans for over a century after their liberation in the Civil War, which we continue to see today. Americans don’t need to look only to Nazi Germany to see shame and horrific crimes against humanity. They can see horrific abuse, slavery, murder, and persecution at home. It would dishonest and a disservice to a commitment to the equality under the law which we must support, to ignore the ignominious role of FBI Domestic Intelligence in this persecution, threats, and calls for violence against African-American citizens.

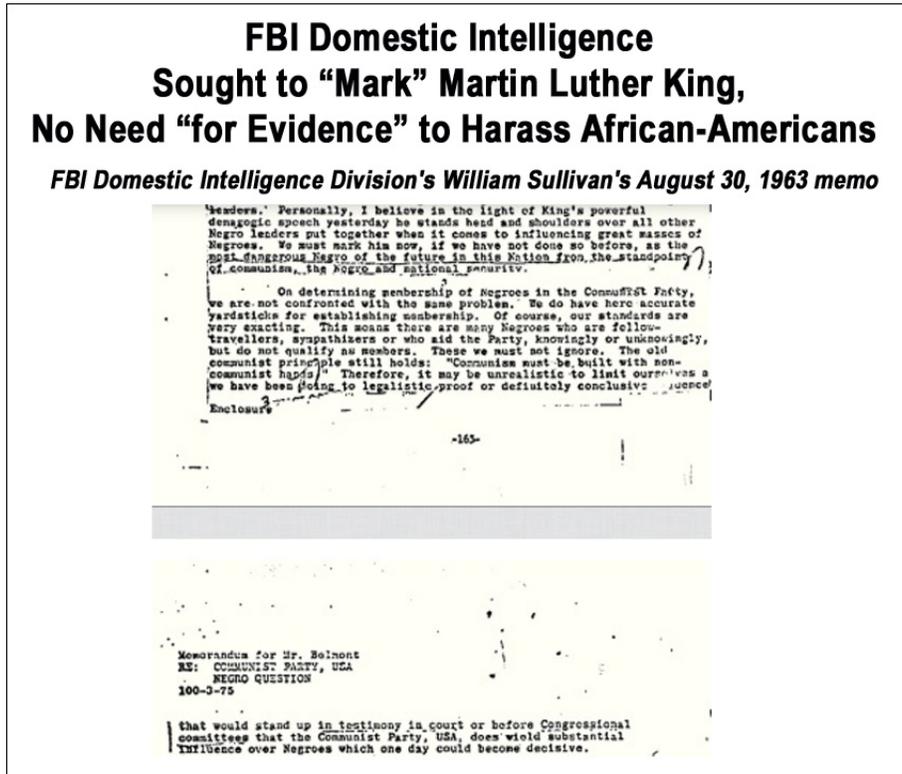
The well-documented FBI Domestic Intelligence’s “war” on Christian pastor and African-American minority human rights leader Martin Luther King, Jr. should give every American patriot pause, when the FBI seeks to remove a “law enforcement” commitment to equality under the law from its mission. The FBI Domestic Intelligence abuses regarding Dr. King are well-documented, infamous, and shameful to all those who respect liberty and equality under the law. After these abuses were discovered the American people gave the FBI a chance to reform as a law enforcement organization. **This infamous case alone should provide all of the rationale necessary for the American people as to why the FBI **\*\*MUST\*\*** have a priority and consistent commitment for the integrity of equality under the law FIRST.**

According to [the Church Committee investigation on FBI Intelligence activities \(Book II, page 11\)](#): “From ‘late 1963’ until his death in 1968, Martin Luther King, Jr., was the target of an intensive campaign by the Federal Bureau of Investigation to ‘neutralize’ him as an effective civil rights leader. In the words of the man in charge of the FBI’s ‘war’ against Dr. King, ‘No holds were barred.’”

The Christian African-American human rights leader, Martin Luther King, Jr., was originally monitored by the FBI Domestic Intelligence program beginning in December 1955 and through the 1960s, initially under the “Racial Matters Program,” and then in suspecting Dr. King’s possible ties to Communist figures under the “Communist Infiltration Program.” The FBI Domestic Intelligence program wiretapped, surveilled, and ultimately threatened this historic American human rights figure. Much of this has since been made “public,” buried within hundreds of files in the FBI “Vault” archives, released under the Freedom of Information and Privacy Acts (File Number: 100-106670, Section 103), ([Part 1 of 2](#), [Part 2 of 2](#)). While this historic Christian human rights leader was clearly NOT a Communist, FBI Director J. Edgar Hoover and FBI Domestic Intelligence program leaders continued to seek to slander and spread false information about Dr. King.

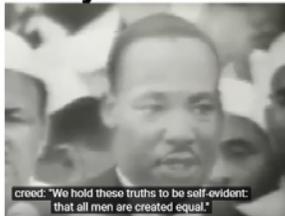
**This should give us pause, to those who believe the FBI abandonment of “law enforcement” from its public mission is “no big deal.”**

The FBI Domestic Intelligence program regularly sought to undermine Dr. King's message of nonviolence and human rights with despicable slander, attempting to portray this Christian pastor as a tool of Communism. Assistant Director of the FBI Domestic Intelligence Division, William C. Sullivan, wrote on August 30, 1963, about his view of "Negroes in the Communist Party": "it may be unrealistic to limit ourselves as we have been doing to **legalistic proof or definitely conclusive evidence that would stand up in testimony in court** or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive." America has seen what happens **when the FBI walks away from a priority and discipline of "law enforcement" and gives power to FBI agents to persecute the American people "without proof or evidence,"** simply based on hate. In fact, we have actual historical "evidence" of this.



In FBI Domestic Intelligence Division's William Sullivan's August 30, 1963 memo on this Christian pastor and human rights leader, he also stated regarding Dr. King's August 28, 1963 "I have a dream" speech, describing his message of love and hope for human rights as a "demagogic speech," and **urging FBI Intelligence "we must mark him now, if we have not done so before, as the most dangerous Negro of the future in the Nation from the standpoint of Communism, the Negro, and national security."**

**FBI Intelligence Viewed Dr. Martin Luther King, Jr.  
A "National Security" Threat for Calling for Equality**



'senders.' Personally, I believe in the light of King's powerful demagogic speech yesterday he stands head and shoulders over all other Negro leaders put together when it comes to influencing great masses of Negroes. We must mark him now, if we have not done so before, as the most dangerous Negro of the future in this Nation from the standpoint of Communism, the Negro and national security.

As Dr. King stated to the nation, “I have a dream that one day this nation will rise up and live out the true meaning of its creed: ‘We hold these truths to be self-evident: that all men are created equal’,” FBI’s Domestic Intelligence labeled him a “national security” threat. We have the incontrovertible proof that it is unacceptable and intolerable for the FBI to further its “intelligence” mission, without **a clear and compelling commitment to law enforcement’s equality under the law**. America has this **historical EVIDENCE**; we know for a fact what happens when we allow the FBI to abandon responsibility for law enforcement, and act to demonize, persecute, and harass our fellow citizens on what they will assess to be the interests of “**national security**,” without accountability.

Dr. King was covertly wiretapped by FBI Domestic Intelligence operations in hotels across the nation, including the Willard Hotel in Washington, D.C., where he had finished revisions on his “I Have a Dream” speech, and which is nearby the **Freedom Plaza**, where some of Dr. King’s artifacts (including his Bible) have been placed in a time capsule. R.E.A.L. and so many other human rights leaders have called for human rights, dignity, women’s rights, and equality under the law in this same Freedom Plaza, where nearby, in a shameful time for America, Dr. King was nearby being surveilled by FBI Domestic Intelligence. **America must be better than this. Change and reform must include an unquestioning commitment to equality under the law as part of “law enforcement.”**

But the infamous damage done by FBI Domestic Intelligence against this human rights leader for equality and nonviolence went far beyond this. FBI intelligence leaders sought to spread salacious rumors and slander about Dr. King to the U.S. media, and even developed a letter calling for Dr. King to commit suicide, or the FBI Intelligence agents would reveal damaging information on him. While **heavily redacted versions of this infamous threat letter** by the FBI were previously discovered, **the fully unredacted version this infamous letter** of FBI Intelligence’s blackmail hate towards Dr. King was **fully revealed by an archivist, Beverly Gage** in 2014. In it, the FBI threatened the Christian pastor and human rights leader: “you are done.” In fact, **the only thing that was “done” was the credibility of FBI as an intelligence organization.**

R.E.A.L. is very hesitant to publish with this article a copy of this obscene specimen of FBI Intelligence criminal threat to this human rights leader. But in the interest in educating the public to understand the immense gravity of what can happen with an FBI committed to intelligence ethos and becomes unmoored from law enforcement values, R.E.A.L. is providing an image of this letter. **It shamefully demonstrates our FBI engaging in criminal threats against one of the greatest national leaders of our times. It is simply a national disgrace. How could we ever allow such an organization to pursue “intelligence,” without law enforcement values?**

# FBI Intelligence Threat Letter Against Dr. Martin Luther King, Jr.: A National Disgrace

KING,

In view of your low grade, abnormal personal behavior I will not dignify your name with either a Mr. or a Reverend or a Dr. And, your last name calls to mind only the type of King such as King Henry the VIII and his countless acts of adultery and immoral conduct lower than that of a beast.

King, look into your heart. You know you are a complete fraud and a great liability to all of us Negroes. White people in this country have enough frauds of their own but I am sure they don't have one at this time that is any where near your equal. You are no clergyman and you know it. I repeat you are a colossal fraud and an evil, vicious one at that. You could not believe in God and act as you do. Clearly you don't believe in any personal moral principles.

King, like all frauds your end is approaching. You could have been our greatest leader. You, even at an early age have turned out to be not a leader but a dissolute, abnormal moral imbecile. We will now have to depend on our older leaders like Wilkins a man of character and thank God we have others like him. But you are done. Your "honorary" degrees, your Nobel Prize (what a grim farce) and other awards will not save you. King, I repeat you are done.

No person can overcome facts, not even a fraud like yourself. Lend your sexually psychotic ear to the enclosure. You will find yourself and in all your dirt, filth, evil and moronic talk exposed on the record for all time. I repeat - no person can argue successfully against facts. You are finished. You will find on the record for all time your filthy, dirty, evil companions, male and females giving expression with you to your hideous abnormalities. And some of them to pretend to be ministers of the Gospel. Satan could not do more. What incredible evilness. It is all there on the record, your sexual orgies. Listen to yourself you filthy, abnormal animal. You are on the record. You have been on the record - all your adulterous acts, your sexual orgies extending far into the past. This one is but a tiny sample. You will understand this. Yes, from your various evil playmates on the east coast to and others on the west coast and outside the country you are on the record. King you are done.

The American public, the church organizations that have been helping - Protestant, Catholic and Jews will know you for what you are - an evil, abnormal beast. So will others who have backed you. You are done.

King, there is only one thing left for you to do. You know what it is. You have just 34 days in which to do (this exact number has been selected for a specific reason, it has definite practical significance. You are done. There is but one way out for you. You better take it before your filthy, abnormal fraudulent self is bared to the nation.

According to [Archivist Beverly Gage's report](#), who identified the fully unredacted threat letter to Dr. King in the archives, Assistant Director of the FBI Domestic Intelligence Division's "William Sullivan, apparently took it upon himself to write the anonymous letter and sent an agent to Miami, to mail the package to Atlanta." Others have claimed that J. Edgar Hoover himself wrote the letter. The FBI should know who wrote this criminal threat of blackmail, and there should be an explanation as to WHY they were not **criminally prosecuted under the law**. Mr. Hoover died in 1972; Mr. Sullivan died in 1977. Mr. Sullivan was angered that he was passed over as a successor as FBI Director.

We either believe in EQUALITY under the law or we do not. There is no such thing as “situational equality under the law.” Like any other citizen in America, Mr. Sullivan and Mr. Hoover were NOT above the law. The FBI failed in its fundamental law enforcement responsibility in bringing WHOEVER was behind this **criminal threat of blackmail to justice**, like any other citizen. The idea that such criminal behavior was tolerated as “intelligence” operations by the FBI remains a national disgrace towards its commitment to law enforcement.

To those opposing Communist totalitarian oppression and police states, it is no small irony to see that the Stasi-like tactics used to persecute, silence, and slander those seeking political discourse and advocacy... were **just like the very Communist authorities** such FBI Intelligence claimed to be fighting against. This is the core lesson to be learned from **where we go when we embrace “the ends justify the means.”**

#### **8. U.S. Senate “Church Committee” and Attempt at Reforms within the FBI and FBI Domestic Intelligence Activities to Obtain Control under Law**

COINTELPRO was disbanded in 1971. As a result of the U.S. Senate “Church Committee” hearings, FBI Domestic Intelligence and COINTELPRO abuses led to a series of reforms, including laws designed to regulate government surveillance and internal guidelines, including DOJ Attorney General’s Guidelines. This included calls during the 1970s for new Congressional oversight authority. Based on concerns of the continuing need for U.S. protection in the 1970s from foreign threats, including the nuclear USSR Communist state, the U.S. passed a **[new law in 1978 called the Foreign Intelligence Surveillance Act \(FISA\)](#)** as a means to provide court-oversight of FBI investigations of foreign communications in the United States, that it viewed to be a threat of espionage or sabotage to the nation. Under the 1978 FISA law, the goal was to create Foreign Intelligence Surveillance Courts (FISC) to independently validate warrants, based on detailed and verified facts of the need for such intelligence cases. Even **[in 1978, there were questions](#)** about the potential for executive branch abuse under the new FISA law, but most viewed the reform as way for measured and documented accountability.

The continued reform focus on law and legal responsibility included the appointment of a judge, former Judge William Webster, in 1978, to serve as the FBI Director. Within the FBI during the 1980s, there was also a renewed focus and emphasis on law enforcement, which after all, was the fundamental priority for the FBI. R.E.A.L.’s founder worked in the FBI in the development of interstate criminal history records, and sought to identify and get corrections from state agencies on abusive terms in criminal records, left over from segregationist state histories, such as “rape of white woman.” While public confidence in FBI had reached a nadir during the discovery of FBI Intelligence abuses, internally within the FBI, there was a new focus and sense of responsibility focused on consistency in equality under the law.

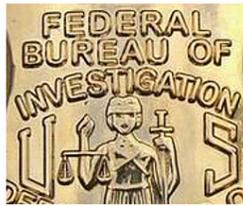
#### **9. Change to Reforms and Resources on FBI Domestic Intelligence and the 9/11/2001 Terrorist Attack Impacting Priority of FBI on Law Enforcement**

After the September 11, 2001 terrorist attacks and the Central Intelligence Agency (CIA)-based Counterterrorist Center (including an FBI Intelligence agent) **[failure to share information](#)** about terrorists entering the United States (**[9/11 Commission Report, Chapter 6](#)**, pp. 181-82), an increased effort at domestic counterterrorism was initiated and led by the FBI. This included a significant expansion in FBI intelligence functions, and by 2010, the U.S. DOJ OIG determined that number of resources in the FBI designated for cases on **[counterterrorism investigations had doubled](#)**, while law enforcement investigation resources continued to decrease.

In modern times, in addition to the FBI’s extensive intelligence organizations today involving counterterrorism, the FBI maintains a dedicated **[FBI National Security Branch \(NSB\)](#)** founded in 2005, integrating personnel from the FBI Counterterrorism Division, the FBI Counterintelligence Division, FBI Weapons of Mass Destruction Directorate, and Terrorist Screening Center, and it administer an interagency High-Value Detainee Interrogation Group (HIG). However, with the integration of counterterror operations across FBI Field Sites, there is a functional network of FBI intelligence services across the nation.

# FBI Migrates Roles to Emphasize Increased Intelligence Role

From



To



Under FBI Directors Mueller and then Comey, the number of FBI intelligence resources dramatically increased. Laws intended to effectively manage FBI intelligence activities became overtaken by [amendments to DOJ Attorney General Guidelines](#), by new legislation such as the 2002 USA Patriot Act ([Public Law 107-56](#)), and then in 2015, the USA Freedom Act ([Public Law 114-23](#)) (intended to with new provisions to control some use of public metadata by the National Security Agency – NSA), and by new intelligence authorities given to the FBI under [Title II](#) of IRTPA in 2004 ([Public Law 108-458](#), 118 Stat. 3638).

The reform focus of the “Church Committee” controls to prevent abuses by FBI Intelligence resources were rapidly being overtaken or out-manuevered by new “**intelligence-driven**” FBI imperatives. In addition to the new laws and firehose of new intelligence resources, increasing numbers of FISA warrants were being approved by the FISCs. The role of FBI intelligence processes in intelligence investigations on U.S. citizens has led to [questions](#) raised about the validation of facts used in obtaining FISA warrants, among many other vague areas in managing intelligence investigation authority and integrity. The new FBI “intelligence-driven” direction also had a molding effective on the career focus and relative ethos of FBI agents from a law enforcement focus to an intelligence focus.

FBI leaders, such as former FBI Deputy Director Andrew McCabe, migrated careers from law enforcement in the 1990s, to counterterrorism and intelligence career paths. In [the “intelligence-driven” FBI, Mr. McCabe worked](#) in the FBI’s counterterrorism divisions, with a focus international terror cases, and was designated as a senior intelligence officer. Director Comey promoted Mr. McCabe to [Executive Assistant Director of National Security Branch](#) in 2013, [Associate Deputy Director in 2015](#), [Deputy Director in 2016](#), and by May 2017, he was [Acting Director of the FBI](#). By March 21, 2018, however, after a [DOJ OIG scathing report](#) on his “lack of candor” in official FBI interviews, [Mr. McCabe was fired](#).

In the June 2018 DOJ OIG report, a cultural challenge was identified within the FBI, with a number of reports of senior FBI individuals using official communications tools for political and partisan comments, and remarks that caused troubling concerns over potential bias. The [June 14, 2018 DOJ OIG report](#) also referred to FBI agents leaking information to U.S. media sources, and accepting gifts from media sources for FBI information, with the OIG advising the FBI that it “identified a need to change the ‘cultural attitude’ regarding media contacts and leaks at the FBI,” as well as ethics rules “related to the acceptance of gifts.”

The cultural challenge identified by the DOJ OIG led to them to [conclude](#) that a pervasive problem of FBI media “leaks highlight the need to change what appears to be a cultural attitude.” The OIG reported remarked concern about “a culture of unauthorized media contacts...” that “although FBI policy strictly limits the employees who are authorized to speak to the media, we found that this policy appeared to be widely ignored during the period we reviewed. We identified numerous FBI employees, at all levels of the organization and with no official reason to be in contact with the media, who were nevertheless in

frequent contact with reporters. The **large number of FBI employees who were in contact with journalists** during this time period impacted our ability to identify the sources of leaks. For example, during the periods we reviewed, we identified dozens of FBI employees that had contact with members of the media.” ([DOJ OIG Report June 14, 2018, page 430](#)).

This extensive media leaks addressed by the DOJ OIG are especially notable here as **this is not a typical a “law enforcement issue.”** Law enforcement professionals have a controlled chain of communication with the media and the public, to control case management of facts, and to prevent bias from influencing cases that go to court. In this case, we see a DOJ OIG investigating an FBI problem of pervasive leaks and private communications with media individuals, which is not indicative of law enforcement, but rather on indicative of FBI Intelligence operations, with a goal to “shape” and “manage” a “narrative.”

As such a culture of FBI Intelligence ethos increasingly expands in the FBI, the law enforcement values of equality under the law become de-prioritized with the need to “manage the narrative” and coordinate “sources.” We have seen the consequences of this with the COINTELPRO operations and FBI Domestic Intelligence operations to slander and defame Martin Luther King, Jr. The FBI Intelligence operations, without the oversight controls necessary to prevent abuses, can result in undermining credibility to both the FBI Intelligence and law enforcement mission.

#### **10. Difference in Law Enforcement and Intelligence Values Create Fundamental Ethical Conflict at FBI.**

As previously noted, the June 2018 DOJ OIG report and its reference to “law enforcement” standards completely ignored the decision during former Acting Director Andrew McCabe’s administration to even remove the word “law enforcement” from the FBI public mission statement. There are fundamental differences in law enforcement ethos in case management, equality under the law, essential need for honesty in communications including any documentation used in court – versus intelligence ethos and values. While intelligence operations are ultimately to gain information for future use, the methods employed often entail misdirection, lack of candor, and open methods of deception. Where the law enforcement foundation may be “equality under the law,” intelligence operations may be willing to accept **“the ends justify the means.”**

### **Noble Cause Corruption**

- Involves Law Enforcement Using Unethical, Illegal, or Extralegal Means Because “It’s the right thing to do”
- Perceived as Fulfilling Moral Commitment to World
- Utilitarian Based: “The Ends Justify the Means”

***“The Ends Justifies the Means” is NOT “Equality Under the Law”***

In law enforcement ethics, one of the primary issues discussed is the topic of **“noble cause corruption.”** They specifically teach this as an ethical problem in law enforcement education. This is a corruption under a teleological ethical system, which believes “the ends justify the means,” even if such extralegal, illegal, or unethical, as the belief is that they will achieve a “good” result for society. Such “noble cause corruption” is found with individuals justifying their acts as “for the good of the country,” “to achieve justice,” “to stop evil,” “for the greater good,” “on behalf of the truth,” or “to stop a greater threat.” All of these rationales sound noble, honorable, and reasonable on their face. But these “ends justify the means” arguments, which may be so popular with those in the intelligence community are a literal form of ethical corruption in law enforcement. The “ends justify the means” is not “equality under the law,” nor is it “law enforcement.”

Law enforcement is fact-based and more specifically, LAW-based. Law-based law enforcement in traffic law does not pull over people for speeding based on the color or make of their vehicle, the state on

their license plate, or the identity group of person driving, but the facts of **whether or not the vehicle's driver is speeding or not.**

*A nation making law enforcement decisions based on personalities is not a nation of laws, and it is not a nation committed to equality under the law in law enforcement.*

Yet the culture clash in the FBI, between the growing “intelligence-driven” priorities of increasing numbers in the FBI versus “law enforcement” values creates a built-in conflict. These are fundamentally in opposition with one another.

The **removal of “law enforcement” from the FBI public mission statement**, which is still removed over a year later, demonstrates that law enforcement values are **not winning this struggle.**

### **11. The “James Bond Effect” – Growing Public Perception of the FBI as a Non-Law Enforcement Organization in Popular Media.**

A public portrayal of numerous FBI agents supporting murderers, conspiring with murderers to be shielded from prosecution, killing government officials, and other numerous crimes... should be OUTRAGEOUS and unacceptable to the FBI leadership. But in popular American media entertainment, especially over the past 5 years, such portrayals of FBI agents have become “normal,” even “acceptable,” to the American public. While the FBI leadership, which as the latest DOJ OIG report shows, has a lot to say on many topics to news media, outrage over portrayal of FBI agents as criminals, killers, and worse, is of no concern whatsoever. At the same time over the past 5 years, the FBI has questioned its own role in law enforcement, to the point that the very term “law enforcement” has been removed from the FBI mission statement.

Since September 2013, [NBC’s “The Blacklist” fictional television drama](#) has weekly portrayed FBI agents as coordinating with murderers, helping them conceal their murders and crimes, and misdirecting others in law enforcement from investigating such crimes. In the 111 episodes of this television drama thus far, who are the worst “villains”? The worst “villains” are actual “law enforcement” officers who view murder as “against the law” and occasionally seek to disrupt the FBI Agents cooperating with the “friendly murderer” who assists them on “more important” cases to find “bigger” criminals in a so-called “blacklist.” In one set of episodes, NBC had fictional FBI agents covering up a series of 18 MURDERS by a “friendly murderer” to help continue to get information, because after all “the ends justify the means.” During the same time period, ABC has also got into such portrayals, with fictional FBI agents as terrorists. And of course, there is a lot more out there. But with the four different FBI Directors we will have had in the past 5 years since September 2013: Director Mueller, Comey, McCabe, Wray (assuming he makes it to September) – this does not seem to be a concern to any of them. And for the vocal FBI Agents Association (FBIAA), the outrageous “normalizing” by entertainment media regularly portraying FBI agents as murderers and terrorists isn’t even worthy of a Twitter message from them. Furthermore, the 30,000 active members of the FBI also seem to collectively shrug about this, thus far.



This should trouble the American people who still consider the FBI a law enforcement organization. This **lack of outrage** regarding the portrayal of the FBI is ***not* the natural behavior of a**

**law enforcement organization**, dependent on public trust to solve crimes, and committed to equality under the law. If such an obscene entertainment media portrayal was being routinely done about the California Highway Patrol, the Pennsylvania State Police, the Texas Rangers, or the U.S. Marshals as murderers, actively conspiring to conceal and protect murder, and other heinous crimes, it is reasonable to expect that sometime, over the past 5 years, someone would raise an objection. For a law enforcement agency, such protracted silence is deeply troubling. We all have 1st Amendment rights, including law enforcement agencies.

But if you no longer view yourself as a “law enforcement organization,” then the “**James Bond effect**” of being viewed as somehow dangerous, edgy, willing to do “whatever it takes” may not be viewed as necessarily undesirable. Has such a “normalization” process in public perception of the FBI, not as “law enforcement,” but rather as “secret agents” being “licensed to kill” or being “above the law” started to take root in the American psyche?

And if both the FBI organization and the American public are willing to normalize **are-imagining of FBI agents as “secret agents”** within the United States, rather than “law enforcement” members sworn to equality under the law, then who will police the FBI? With the FBI removing “law enforcement” from its public mission statement, then who will provide federal law enforcement to ensure equality under the law?

## **12. Post 9/11 Investigations Conflating Law Enforcement and Intelligence Authority Leads to Increasing Undercover Techniques ... even Leading to Entrapment Cases.**

*(It is the expectation that there will be those who see the word “entrapment” and will reject the term, but R.E.A.L. urges the reader to continue as there is an essential law enforcement issue here.)*

The nation and world is well aware the undercover tactics have been used by a wide variety of law enforcement organizations over time. It is rational to expect that **only a small portion criminals will literally be “caught in the act”** in the commission of a crime against our shared laws. Law enforcement agencies have a responsibility to make certain that dangerous criminals threatening the human rights of society will be identified, captured, and prevented from doing further harm, while these criminals believe that they can act with impunity. As we would expect, most criminals captured in an undercover law enforcement operation will claim that they are the victims of “entrapment.” With a history of such false claims of “entrapment” by criminals over many years, it is not surprising that such claims would increasingly be viewed with skepticism and even scorn by some of the public. **After all, these are “criminals.”**

**But what happens when those who we give our law enforcement authority to, actually do engage in “entrapment,” particularly if they pursue intelligence-based standards?** Remember, if we are committed to law enforcement based on equality under the law, we must recognize that individuals are innocent until proven guilty, even (especially) those we dislike. While the public may look on such individuals with scorn, we cannot wholly disregard “entrapment” problems. When we have a law enforcement organization changing to emphasize the priorities, values, and personnel of intelligence operations, we cannot ignore there may be a blurred line between “undercover” work and “entrapment.”

Let us clearly define “entrapment,” so that we have a consistent understanding. Entrapment is not simply undercover police work. Based on U.S. Supreme Court decision in *Sorrells v. United States*, 287 U.S. 435 (1932), “Entrapment is the conception and planning of an offense by an officer, and his procurement of its commission by one **who would not have perpetrated it** except for the **trickery, persuasion, or fraud** of the officer.” In *Sorrells v. United States*, the court also stated “It is not their duty [of law enforcement] to incite to and create crime for the sole purpose of prosecuting and punishing it. It is unconscionable, contrary to public policy, and to the established law of the land to punish a man for the commission of an offense of the like of which he had never been guilty and evidently never would have been guilty if the officers of the law had not inspired, incited, persuaded, and lured him to attempt to commit it.”

**Excerpt from U.S. Supreme Court decision in *Sorrells v. United States*,  
287 U.S. 435 (1932)**

of that defense, on a showing of such facts as are present here, has been recognized.<sup>12</sup> The federal courts have generally approved the statement of Circuit Judge Sanborn in the leading case of *Butts v. United States*, *supra*, as follows: "The first duties of the officers of the law are to prevent, not to punish crime. It is not their duty to incite to and create crime for the sole purpose of prosecuting and punishing it. Here the evidence strongly tends to prove, if it does not conclusively do so, that their first and chief endeavor was to cause, to create, crime in order to punish it, and it is unconscionable, contrary to public policy, and to the established law of the land to punish a man for the commission of an offense of the like of which he had never been guilty, either in thought or in deed, and evidently never would have been guilty of if the officers of the law had not inspired, incited, persuaded, and lured him to attempt to commit

In other words, the concept of “entrapment” is based on the use of coercion and other overbearing tactics to induce someone to commit a crime. This issue becomes even more complicated when we look at the matter of counterterrorism operations by the FBI. Of course, we all want terrorists stopped and we want terrorism prevented. R.E.A.L. has been one of the longest and most consistent advocates on this point. Those Americans who lived through and vividly witnessed such terror attacks have naturally hardened hearts on this point. We have seen thousands of our fellow citizens massacred. We have seen innocent children, families, vulnerable individuals killed, injured, mutilated, and gone through great suffering. Our patience and tolerance, naturally, for those who side with those advocating monstrous killing and mass-murder in our nation, is essentially next to zero. It is the normal and natural reaction of an outraged public that wants to protect its families, its communities, its nation, from threats, plots, sympathies, conspiracy, and God Forbid, acts of such terror — to seek the maximum punishment possible for those who seek such obscene crimes against humanity. Under [IRTPA](#) Title II passed in 2004, the FBI was directed to work to prevent terrorism, and it is a logical plan under that law to develop intelligence operations and networks in the United States to identify possible high-risk threats and prevent them from committing such criminal terrorism.

Equality under the law can be a platitude for some. There are those who like the sound of “equality under the law,” as long as such “equal law” is used to punish everyone **we think** deserves it. But the truth is very different. **Equality under the law and democracy are not for the faint of heart.** These truths that our nation has continued to fight to preserve are a genuine struggle. Those who fight for these do not succeed by just looking the other way, when equality under the law is not convenient or politically expedient for them. Those who work for equality under the law must have the human rights fortitude to accept that such law is not just for those we like and those like us. Certainly intelligence organizations have a different priority and value set than “equality under the law.” The “ends justify the means” and “whatever it takes” are very different views of the world and America from the view of “equality under the law.” But if we support equality under the law, in the campaign to prevent terrorism, we must also have a law enforcement standard used in even in counterterror arrests.

Another primary challenge is the difficulty in obtaining factual information on terror arrests. R.E.A.L. has increasingly found it difficult to obtain meaningful factual information on many terror-related cases, as the news media has often been moving away from the term “terrorism” itself, and an opinion-centric news media has been focused on either viewing suspects as saints or demons, based on their political orientation. R.E.A.L. has frequently reported on terror suspects threats against human rights, but in the course of investigating the deep details of more of these cases, R.E.A.L. has had to go to the criminal complaint (often having to be purchased) on such cases.

But a number of the criminal complaints are very revealing about the both the details on the suspect as well as the actions/inactions and tactics of those in the FBI. The complaints increasingly reveal actors who had no real intent, resources, or meaningful motivation to commit acts of terror, before they were engaged by FBI undercover agents. It remains our hope that such undercover operations prevented such potentially dangerous individuals from being reached by real terror recruiters. But an increasingly lack of concern about public safety with such suspects versus an intelligence focus on leading them on more and more – raises questions about whether tactics are really law enforcement undercover or as described by the U.S. Supreme Court, “entrapment.”

R.E.A.L. does not intend to summarize the many cases debated by the FBI, ACLU, etc. in this area. But the criminal complaints R.E.A.L. has seen are increasingly troubling. The behavior documented in too many counterterror complaints does not have the tone or pace of what we might expect in law enforcement. Two cases are particularly notable to raise concerns.

### 12(a) Peyton Pruitt Terror Case and Prosecution of Cognitively Disabled Individual.

On November 13, 2015, Peyton Jack Pruitt (18 years old) was **arrested** for “soliciting or providing support acts of terrorism,” **Case Number CC-2016-000036.00**. In this case, the teenager Peyton Pruitt had obtained a laptop the year before as a Christmas gift. The troubled teenager living in an Alabama trailer apparently created a Wickr account, which allowed him encrypted texting on the Internet with people who he thought were terrorists, but in fact were FBI undercover (UC) counterterror agents. The troubled teen used Wickr to read Al-Qaeda Inspire magazine website (which is also available in other sources), and then to chat with FBI UC agents about possible targets. But after discussions with FBI UC agents on the Internet on possible targets, Peyton Pruitt was arrested on terrorism charges and held.



The challenge of the investigation is this: Peyton Pruitt is severely mentally challenged, reportedly had an IQ assessment of between 52 and 58, and **the court ordered** a Wechsler Adult Intelligence Scale (WAIS) IQ test, which measured him at 68 (ranked as “Extremely Low”). This WAIS level indicates that there are serious cognitive limitations; previously it would **have been “a benchmark for mental retardation.”** Peyton Pruitt thought that the individuals he believed he working to support were supporting “Arabaric” views (there is no such thing), and **stated** “Allah is Jesus in Arabaric.” A center where Pruitt had been going to school **stated** “he cannot drive a car, hold down a job or see after his own hygiene.” His father **Tony Pruitt stated** that “Peyton has been diagnosed with mental retardation, autism, and attention deficit disorder. He functions at the level of an 8-year-old child. He’s never lived on his own, has never had a job, and can’t tie his own shoes. He lacks motor coordination and cannot button a shirt or put on a belt.”

After extensive FBI interviews (unavailable as some records redacted), a \$1 million bond, and a nearly a year in prison between court appearances, the court in October 2016 ordered him to be released from jail and into his father’s custody. There is no question that this is a **troubled individual**, who needs close monitoring and supervision, including removal of computer access (per the court order). But based on law enforcement standards, was this individual a genuine terrorist threat under the law? **Couldn’t FBI law enforcement investigators uncover that information about the genuine threat level of this suspect?**

### 12(b) Robert Lorenzo Hester, Jr. Terror Case and FBI Knife Threat Against Suspect and Family.

On February 17, 2017 in Missouri, Robert Lorenzo Hester, Jr. (aka Mohammed Junaid Al Amreeki) was **arrested** for providing material support to the ISIS terrorist group. This was another terror plot fabricated by FBI counterterror agents. R.E.A.L. learned the details of the case, literally by chance, while finding that news media was not reporting on the threat adequately, and looking to the **criminal complaint** to get the actual details of the terror plot. Robert Hester was a former U.S. Army veteran, unemployed and angry, a convert to Islam, who was recruited by FBI counterterror UC agents and sources over social media, as Robert Hester claimed that he sought to “overthrow” the U.S. Government,

and he posted photos of weapons and the ISIS flag. (As an aside, there are numerous individuals writing such messages and photos on Facebook, including one R.E.A.L. has [previously reported on, who was working in support of the FBI and George Washington University.](#)) According to the complaint, Robert Hester “engaged online” with FBI UC agents, “identified categories of potential targets for attack,” and the FBI UC offered Robert Hester an opportunity for “an in-person meeting with a like-minded ‘brother’.” Robert Hester also had a record of violence, having thrown a knife through a store window during an argument with his wife; he was arrested on a felony charge when it was found he had a handgun in a diaper bag he was carrying. The FBI UC agent stated that he represented ISIS and sought to engage Robert Hester in a plot in “an attack” that FBI UC agent was planning. After months of discussions about the plot including use of an online encrypted application, the FBI reports in the complaint that Hester “indicated through his statements and actions that he was ready and willing to participate and assist in the ‘plot.’” In recruiting Hester for the “plot,” the FBI displayed guns, and pipes (which they claimed would be made into bombs).

In December 2016, as the “plot” was becoming closer to the date of attack, the **FBI UC agent pulled out a knife on Robert Hester and threatened to attack Hester and Hester’s family** with it if Hester decided to pursue violence on his own, [stating](#) he “knew where Hester and his family lived, among other forceful words.”

## FBI Undercover (UC) Agent Threatened Suspect and Family with Knife

e. Before the conclusion of the meeting, UC-2 reiterated that HESTER could be part of the operation or could disassociate himself from it. At the same time, for security reasons, UC-2 was adamant that HESTER did not have a third option to engage in any sort of violence on his own or participate in some other operation of which UC-2 was unaware. UC-2 insisted that HESTER promise that he would engage in no such thing and UC-2 threatened to come back and find HESTER if he learned that HESTER reneged on the promise. For emphasis, and for the purpose of mitigating the security threat posed by HESTER, [UC-2 displayed a knife and reminded HESTER that UC-2 knew where HESTER and his family lived, among other forceful words.](#)

To complete the “plot,” in February 2017, the FBI gave Hester \$20 to purchase 9-volt batteries, duct tape, copper wire, roofing nails, for “the bomb.” Hester purchased most of the products at the hardware store in Missouri, apologized that he could not buy copper wire with the \$20, and he was arrested. He remains in prison today, awaiting trial, which was supposed to start in August 2018. **R.E.A.L. has zero sympathy for Robert Hester’s online threats, remarks, and his actions with the FBI posing as ISIS**, but it would be dishonest to fail to recognize the volume of such threats routinely appearing on social media and in the public. (Less than a month before Hester’s arrest, a famous entertainment figure was a headliner in a Washington DC protest march [publicly stated, “I have thought an awful lot about blowing up the White House”](#) to the public cheers of thousands.) We cannot normalize Hester’s remarks about seeking “overthrow” of the U.S., his alleged willingness to act on violence, or equate sympathy with ISIS, to other political anger, but we must be measured in assessing the reality of FBI-concocted plots as well.

As Robert Hester made such hateful threats online and in texts, one could hardly consider it entrapment of ideas, as these were ideas that he shared with FBI UC agents. But what he actually did was buy some products that anyone could buy; that was literally the extent of his “material support” for ISIS. This was done after being threatened (as [documented in the complaint](#)) by an FBI UC agent drawing a knife on him with the FBI threatening violence or worse, stating he “knew where Hester and his family lived, among other forceful words.” It may not be considered “coercion,” but **when an FBI agent is allowed to pull out a knife and threaten a suspect and his family, while it is trying to incriminate him in a case,**

**what exactly should we consider this to be? What were the “other forceful words” by the FBI to the suspect at knifepoint, not documented in the complaint?** If this type of behavior, threatening a suspect and suspect’s family at knifepoint is “normalized,” then what is next? This case needs close attention and scrutiny.

R.E.A.L. finds it troubling to report on such cases, as our history is in [challenging the extremist ideologies that drive terrorists](#) to threaten society and human rights. But it would be dishonest in assessing the facts of some cases to ignore that there have been troubling cases that need the FBI to use “law enforcement” values and standards.

These two examples are not intended in any way to question the many legitimate, fact-based cases of terrorist threats that America has seen over the years. But there are cases that require further consistency and credibility, based on law enforcement recognition of whether a suspect is a genuine threat; there are cases where the public and the justice system must have concern to ensure the suspect has not been enticed or coerced by undercover intelligence agents to entrap themselves. When the FBI disrupts its own terror plots with these suspects, there must be a compelling law enforcement record that the case was one of undercover operations, and not entrapment. The threat of allowing entrapment to become normalized, simply because society holds the suspects in contempt, is a larger threat to America — particularly when the FBI chooses to remove “law enforcement” from its public mission statement. Those who support endless entrapment tactics won’t stop here.

We see an FBI that is willing to remove “law enforcement” from its public mission, but which uses such law enforcement authority to justify sting operations – not simply to gain intelligence, but also to concoct terror threats, engage individuals in them, and to arrest them – with **too little distinction between anger of troubled individuals versus actual capability to represent a threat**. For its counterterror mission with law enforcement authority, the FBI must carefully distinguish between legitimate and credible terror threats versus random individuals without the capacity to conduct harm. If the law states that everyone who makes a threat against the state or engages in violent fantasies is a criminal threat, Americans will need to build thousands of new jails to house the millions of those who must be arrested. **A law enforcement authority is also a law enforcement responsibility to consistently recognize actual criminal threats.**

To those who will dismiss abuse of concocted FBI terror plots regarding troubled individuals, too many which as a “necessary evil” for those troubled individuals (as well as genuine threats) who associate themselves with Muslims, what happens if we change that model? What if the FBI develops a vigorous campaign to concoct terror plots for those angry with the U.S. Government for **any reason**? What if the FBI develops a vigorous campaign to concoct terror plots for those **angry with the current U.S. President**, especially given the many thousands (millions?) of death threats made against the U.S. President on a regular basis? Madonna publicly threatens to “blow up the White House” to the cheers of millions, while a teenager with cognitive challenges at the level of mental retardation makes threats online and winds up in prison.

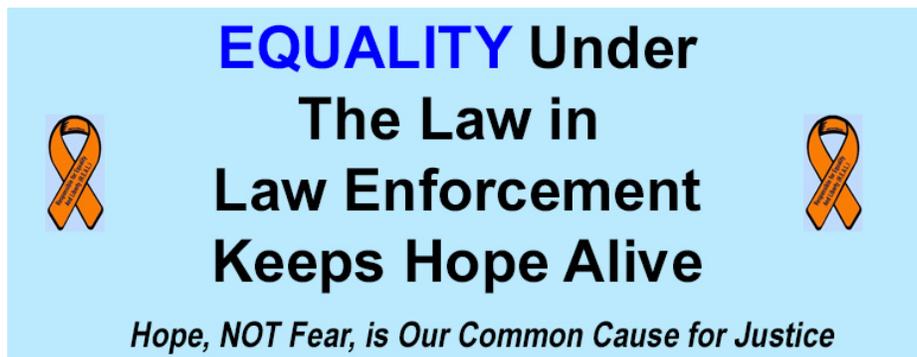
When the model changes from rounding up dozens of Muslims to targeting dozens of other groups, for example dozens of people of color, Christians, Jews, Democrats, Republicans, etc., with concocted terror plots – will this preventive approach still seem credible for organization under a DOJ responsible to equally “enforce the law”?

While according to the U.S. Supreme Court, it may not be law enforcement’s duty “to incite to and create crime for the sole purpose of prosecuting and punishing it,” from an intelligence agency’s perspective, such maneuvers could continue to support a “narrative” to promote intelligence agency objectives. This is a fundamentally different view of the world than one that respects “equality under the law.” It once again shows there is an imperative for the FBI to retain “law enforcement” as part of its mission and values, as long as it retains the authority to make arrests.

Former FBI Assistant Director and Special Agent Thomas Fuentes (with 29 years of service) was interviewed about practices regarding terrorism and FBI budgetary requirements, [stating](#): “If you’re submitting budget proposals for a law enforcement agency, for an intelligence agency, you’re not going to submit the proposal that ‘We won the war on terror and everything’s great,’ cuz the first thing that’s

gonna happen is your budget's gonna be cut in half. You know, it's my opposite of Jesse Jackson's 'Keep Hope Alive'—it's '**Keep Fear Alive.**' *Keep it alive.*"

**A law enforcement agency is not in the business of keeping "fear alive."**



### **13. Contradictions in Integrity and Public Safety with an FBI Based on Intelligence Values without Law Enforcement Controls.**

The challenges to American society of having a combined law enforcement and domestic intelligence agency, such as the FBI, remains that law enforcement values, standards, expectations, controls on the law, public safety, and integrity remain at risk.

The American people may have granted authority to the FBI for law enforcement investigations and actions and intelligence investigations, but **this is not granting a "carte blanche" authority for the FBI to do literally whatever it wants.**

The "**ends justify the means**" values of intelligence operations can lead to illegal, extralegal, and questionable ethical practices, when FBI agents (with law enforcement authority) can act to threaten the law and public safety, without a law enforcement oversight. As we have now seen, the **FBI has literally removed the term "law enforcement" from its public mission statement.** But what are the other impacts to society of allowing a lack of control over domestic intelligence operations, or allow law enforcement functions to increasingly accept an intelligence-based "ends justify the means" value set?

The following are some documented examples of recent challenges, which represent a broader **institutional problem** for the FBI – and for the democracy of the American people. This is not intended to be comprehensive, but merely selected examples of diverse issues, and it is also not intended to ignore the many achievements by the FBI. But to solve a problem, we must first understand it.

#### **13(a) FBI Incitement and Failure to Act in Garland, Texas Terrorist Attack.**

In addition to the FBI's primary law enforcement responsibilities (which it has now removed from its public mission statement), the post 9/11 vision of [IRTPA Title II](#), was intended to give intelligence roles to the FBI to support a "**preventive** counterterrorism posture." "Preventing" terrorism does not equate to creating plots that do not exist with troubled individuals that are not capable or likely to act. "Preventing" terrorism also means not inciting individuals to commit acts of terrorism, and then sitting back and watching while such terrorists act against the American people.

"Prevent" **means** to "**stop** something from happening." Even with different ethos and values, professionals in law enforcement and intelligence share the same English language dictionary. But in the FBI's conflated intelligence and law enforcement mission in counterterror operations, the immediate safety of the American people must be the FBI's priority. This demonstrates why **removing "law enforcement" from the FBI mission statement** is such a serious issue.

On May 3, 2015, ISIS-supporting terrorists Elton Simpson and Nadir Soofi [attacked the Curtis Culwell Center](#) by gunfire, encouraged by the FBI to "tear up Texas," while an FBI Undercover Agent was following them in an automobile and taking photographs of them during the terrorist attack. [CBS News reported](#) comments from fired FBI Director James Comey that the FBI did try to give some "notice" of the attack, but this is inconsistent with FBI Agent's testimony in March 2016, and additional later

testimony in March 2018 on another related trial. [CBS News reported](#) in November 2016 what former FBI Director Comey told them: “FBI Director James Comey said Garland was sent a bulletin three hours before the attack warning that someone could be on their way.” (Senator Grassley later [sought](#) to obtain information from former FBI Director Comey on this case.)

## FBI Agent in Car Taking Photos Seconds Before Garland Terror Attack

But it turns out the undercover agent did more than just communicate online with Elton Simpson. In an affidavit filed in another case the government disclosed that the FBI undercover agent had actually “traveled to Garland, Texas, and was present... at the event.”



Dan Maynard: I was shocked. I mean I was shocked that the government hadn't turned this over. I wanted to know when did he get there, why was he there?

And this past November, Maynard was given another batch of documents by the government, revealing the biggest surprise of all. The undercover FBI agent was in a car directly behind Elton Simpson and Nadir Soofi when they started shooting. This cell-phone photo of school security guard Bruce Joiner and police officer Greg Stevens was taken by the undercover agent seconds before the attack.

Anderson Cooper: The idea that he's taking photograph of the two people who happen to be attacked moments before they're attacked.

But as we later learned through other court actions, the FBI Agent had been in active discussions with terrorist Elton Simpson, and had known since April 24, 2015 that Simpson was seeking violence, and specifically knew about Simpson’s campaigns against the event at the Curtis Culwell Center. Yet the FBI did not make an effort to prevent this ISIS-claimed terror attack, even as the FBI Agent followed right behind the terrorists in his car. This position is a challenge to the FBI’s commitment to law enforcement, and it **dramatically demonstrates how “the ends justify the means” values are incompatible with law enforcement values.**

The two terrorists were wearing body armor and equipped with three rifles, three handguns, and 1,500 rounds of ammunition in their vehicle as they pulled up to a roadblock outside of the Curtis Culwell Center and began firing at police and security guards, who had the security measures in place regarding a controversial exhibit in the center. Garland ISD security officer Bruce Joiner was wounded by the terrorists. Officer Gregory Stevens of the Garland Police Department wounded the terrorists, who were killed by police SWAT team member called to the scene. Terrorist Elton Simpson [posted a hate message](#) on Twitter social media moments before the attack calling themselves “mujahedeen.” Both terrorists Elton Simpson and Nadir Soofi died in the shoot-out. The FBI had been investigating Elton Simpson for nine years since 2006, prior to the Garland, Texas attack. In 2010, Elton Simpson was arrested on “false statement regarding terrorism,” days before planned travel to Somalia, and was sentenced to three years’ probation and a \$600 fine in August 2011 by U.S. District Court Judge Mary Murguia.

The anonymous **FBI UC Agent was originally arrested** by Garland police after the Garland, Texas terror attack as he took photographs of it, but after he was learned that he was an FBI Agent he was released “at another location.” The injured security guard in the attack, Bruce Joiner, [reported what he saw to CBS News](#): ““He was detained and put in the back of a squad car,’ said Joiner... ‘I think they allowed it to go too far.’ ”

## Garland, Texas Terrorist Attack FBI Agent Arrested



After the Garland attack, the FBI largely remained silent on its role in inciting or watching the Garland terror attack unfold without meaningful warning.

Additional information would come, indirectly, out of other criminal complaints and FBI testimony regarding another suspected plotter linked to terrorist Elton Simpson, a man from Charlotte, North Carolina, named Erick Jamal Hendricks, who was arrested and has been under trial for conspiracy to aid ISIS. This would come from other court documents in [August 2016](#) and [March 2018](#), where the FBI had to testify against Hendricks, and in the process had to describe the FBI's relationship with the Garland terrorist Elton Simpson before the attack.

On August 3, 2016, FBI Special Agent Shawn Scott Hare [testified in court, on Case 1:16-mj-02128-KSM](#), about the role of this anonymous FBI UC Agent, who incited the Garland terrorists, and then later was on the scene during the terror attack, taking photographs. Key testimony on FBI's knowledge prior to the Garland attack is on [page 28, item 68 of the court record](#). On April 24, 2015, the FBI UC Agent (called "UCE-1" in testimony), who remains unaccountable for his role, had texted terrorist Simpson (named "juba1911") just weeks before with the message, "**Tear up Texas.**" Furthermore, this same FBI UC Agent knew that terrorist Simpson was planning something about the Garland center specifically, and his response to the FBI Agent's incitement was "U know what happened in Paris...", to which the FBI Agent replied "Right," and terrorist Simpson wrote "So that goes without saying.. no need to be direct" (referring to the [January 7, 2015 Paris terrorist attacks on the Charlie Hebdo magazine](#) – a few months before this conversation).

### FBI August 2016 Court Testimony About FBI Knowledge / Incitement Prior to Garland May 3, 2015 Attack

spy on me for 4yrs. . ." UCE-1 later asked "juba911" how much time he spent in prison, to which Simpson responded, "Not much, got bailed out. . . 1 charge dropped, 1 stayed, 3yrs probation." "juba1911" also made references to the upcoming "drawing" contest in Garland, Texas, asking UCE-1, "Did u see that link I posted? About texas ? Prob not." In response, UCE-1 stated that he/she did not have "juba1911's" Social Media Application #1 account. Thereafter, "juba1911" posted a link to the "Draw Prophet Muhammad Contest" in Garland, Texas. In an effort to continue their dialogue, UCE-1 made the statement, "**Tear up Texas.**" In response, "juba1911" warned UCE-1, "Bro, u don't have to say that. . . U know what happened in Paris<sup>21</sup>. . . I think. . . Yes or no...?" UCE-1 replied, "**Right,**" after which "juba1911" stated, "So that goes without saying. . . No need to be direct."

While the injured security guard Bruce Joiner sought to file a lawsuit against the FBI for failing to prevent the terror attack, the case has virtually disappeared from discussion – until a little followed terror trial in Akron, Ohio in March 2018.

On March 9, 2018, the FBI UC Agent (referenced as “UCE-1” in the earlier August 2016 testimony) involved with the Garland terror attack, testified in private court setting with his identity disguised, regarding associated terror suspect Erick Jamal Hendricks. The anonymous FBI UC Agent appeared in an Akron, Ohio court testifying under the pseudonym “Steven Jane.” He stated that his role in Garland was to improve his relationship with another terror suspect Erick Jamal Hendricks. This [FBI agent also admitted](#), in his March 2018 court testimony, to following the two terrorists in his car as they went to the Curtis Culwell Center, and doing nothing to stop their attack.

According to the [Cleveland Plain Dealer’s report of this court testimony](#): “An undercover FBI agent who testified Friday against a terrorism suspect on trial in Akron said he was driving behind a car in a city outside Dallas when two men got out of the car and opened fire in an Islamic State-inspired attack in May 2015.... Hendricks also had Jane [the anonymous FBI UC Agent] reach out to Simpson, a little more than a week before the attack in Garland, the agent said.

The FBI UC Agent [testified](#) that he knew nothing about the planned attacks, as he followed the armed terrorists and took photos of them. However, in the same Akron March 2018 testimony, the FBI Agent also [stated](#) that he reached out to one of the terrorists less than a week before the attack, and asked the FBI Agent if he was aware of the Garland conference, stating that many had been on social media referring to themselves as [wanting to be a “muhajed”](#) or to “die for their faith” to stop the event (in fact [that is exactly what terrorist Simpson called themselves, “mujahedeen,” in last Twitter message](#) during the Garland attack). But FBI UC Agent still claimed to be “surprised” about the attack. Remember this is the SAME FBI UC Agent, who [according to FBI testimony in August 2016](#), urged terrorist Simpson to “**Tear up Texas,**” and who was told “U know what happened in Paris...”. The challenge of “lack of candor” is a broader institutional problem which goes beyond the former Acting FBI Director McCabe, and when intelligence “ends justify the means” values become increasingly adopted by the FBI, such lack of candor can present a threat to American public safety.

The [Daily Beast reported](#) on the August 2016 testimony of the FBI’s involvement in the Garland terror attacks. It [reported](#) its communications with the DOJ and FBI: “Press officers for the U.S. Attorney’s Office for the Northern District of Ohio, the Cleveland FBI Office, and the Department of Justice declined to comment beyond the affidavit. FBI spokesperson Carol Cratty hung up on The Daily Beast after being asked about the ‘tear up Texas’ text.” (Ms. Carol Cratty remains the FBI spokesperson.)

The injured security guard Bruce Joiner [sought to file a lawsuit against the FBI](#) for failing to prevent the terror attack. Bruce Joiner [stated](#): “I don’t know of any undercover agent that can allow their fellow officers and citizens to be fired upon in the course of an investigation you have to stop that before that happens.”

Who in law enforcement would find their natural reaction in witnessing an attack by terrorists on fellow members of law enforcement to either take photographs or flee? This answer is obvious and simple: **NO ONE in law enforcement.**

This is the core [institutional](#) problem for the FBI. *When FBI Agents are arrested for appearing to be collaborating with terrorists at the scene of a terror attack, this is not an individual problem, but an institutional issue of an organization that has lost its law enforcement priorities. This example is truly all we need to see to demand that the FBI restore law enforcement to its public mission statement.*

13(b) FBI Agent Shoots Member of Public and Ignores the Victim.

To those who respect the law, if you accidentally shot and injured someone, wouldn’t you make sure to assist the victim? Wouldn’t your *normal and natural response* be to go to the victim, and see what you could do? But some believe different standards of law and social morality apply to FBI agents. On June 1, 2018, Washington Field Office FBI Agent Chase Bishop decided to go a Denver bar and nightclub, while wearing his gun, and his gun weapon fell from his waistband while he was **performing a backflip** on the bar’s dance floor, resulting in a bystander, Thomas Reddington, being SHOT.

## FBI Agent Playing on Dance Floor Drops Gun, Leaves Bystander Shot Victim Left Bleeding on the Floor, while FBI Unconcerned



Over 10 days later, FBI Agent Bishop was charged with second-degree assault on June 12, 2018 for the shooting incident. On July 10, 2018, Colorado Judge Frances Simonet gave approval to Agent Bishop to carry his gun again, which apparently was the FBI management's primary concern in this case. FBI Agent Bishop was ordered by a judge to stay at least 100 yards from Thomas Reddington at all times.

[\(Link to Video\)](#)

But on June 1, FBI Agent Bishop appeared completely unconcerned by what had happened and the victim, and walked off after discharging his firearm into a crowded bar. He was questioned after the shooting, not arrested, but released to his supervisor. Thomas Reddington, the man shot, was that he was confused as to what happened. Mr. Reddington was seated at a table when he was shot by the FBI Agent. Mr. Reddington stated to ABC, "Then I looked down at my leg and see some brown residue ... I'm still thinking it's a firework ... all of a sudden from the knee down my leg became completely red. And that's when it clicked in my head, 'Oh, I've been shot.'" The bullet hit Reddington in his outer left leg just below the knee and exited his inner leg. Mr. Reddington stated: "I like stand up and like start walking in a little circle saying, 'Hey, I think I've been shot. Can someone call 911? I blacked back in on the ground. Blacked back out. And then I woke up to a paramedic putting a tourniquet on my leg.'" Mr. Reddington stated that he lost a lot of blood, saying "I soaked through several blankets, several towels, a few gauze pads." The shot man says "I just want to heal...I just want to be able to walk." Meantime, the FBI management's public concern has seemed to be making sure that FBI Agent Bishop gets his gun back.

**Who in Law Enforcement ignores someone that you SHOOT, deliberately or not, without determining their medical condition? Who does that?**

**Law enforcement values and standards go along with the badge and the gun.** If the FBI continues its decision to remove law enforcement from its mission statement, then America needs to reassess the law enforcement tools that it gives to the FBI. *It is "our" gun, it is "our" badge, that we give to the FBI, to enforce the law on the public's behalf.* No one, including the FBI, is above the law. A law enforcement organization would understand that. But the FBI has [chosen to remove "law enforcement" from its public mission statement.](#)

**13(c) FBI Informant Provides Extremists Automatic Weapons Training During of Takeover of Government Facility.**

On January 2, 2016, a group of criminal [extremists took over](#) a U.S. Government facility at gunpoint at the Malheur National Wildlife Facility in Oregon suburb of Burns, Oregon. The extremists, closely associated with the Sovereign Citizens Extremist (SCE) ideology, held the Malheur facility at gunpoint [for 41 days](#), while the extremists surrounded area courthouse facilities, traveled with automatic weapons throughout Oregon and Utah to gain additional supporters and to appear on radio and television, and terrorized the general area with impunity. For a month, federal law enforcement was unwilling to act to stop this armed takeover. This stalemate was only broken when the extremists were moving for further support of local law enforcement and public in John Day, Oregon. Oregon State Police and FBI confronted the armed convoy, and some of the extremists were arrested. Other extremists remained until

they were arrested in the occupied facility into February. In Oregon court proceedings against the extremists, however, the U.S. Government's incompetence in court proceedings resulted in acquittal of the extremist leaders of all charges.



But in a follow-up court hearing, a more remarkable fact was learned under cross-examination of the U.S. Government's witness FBI Special Agent (SA) Ronnie Walker; the FBI had 15 informants engaged with the extremists in the Malheur takeover, and **FBI informants “were authorized to carry weapons and to engage in CRIMINAL conduct.”** FBI SA Walker clarified that among one FBI informant was training the extremists in combat and weapons. FBI informant, Fabio Minnogio – who went by the alias John Killman, was training the extremists in both “hand to hand combat” and firearms training. While a U.S. Government facility was under armed takeover, the FBI had this FBI informant “oversee the shooting range” and “proficient use of a firearm.” Retired FBI Special Agent in Charge (SAC) Greg Bretzing was not aware in court as to who authorized FBI informants to break the law. The Oregonian interviewed this FBI informant who confirmed that he was at the extremists shooting range on January 25, 2016, and after seeing how poorly the extremists could shoot, he gave them training.



This raises a challenge in FBI's conflation of intelligence and law enforcement tactics. When challenged, the FBI uses Attorney General Guidelines to justify such “authorizing” of FBI informants to “break the law.” But, as previously stated, the American public and its legislative representatives need to challenge the weak legal justification that is documented in the Attorney General Guidelines for this. The reality is that if the FBI wants such power to authorize criminal behavior, it needs to get this authority from the American people, not develop internal guidelines self-empowering itself, based on vague interpretations of existing laws. Certainly this is **NOT** part of the FBI powers under 18 U.S. Code §3052.

Further under the existing “guidelines” which the FBI seeks to cite, how was this extremist weapons training support justified? According to the current Attorney General Guidelines, in Section V “Authorized Methods,” subsection C. “Otherwise Criminal Activity,” item 4, page 34, among

those “**activities [that] may not be authorized**” to informants include “**acts of violence.**” What exactly is training extremists, who have taken over a U.S. Government facility, to use automatic weapons considered?

If there are FBI informants being authorized to break the law, carry weapons, and train extremists, during the armed takeover of a U.S. Government facility, and the FBI SAC does not know who gave such authorization, then who does know? **An institutional disregard for “breaking the law” does not represent the values of a law enforcement organization.** The “ends justify the means” is not a legal use of law enforcement authority, especially when it involves training extremists with weapons.

### 13(d) FBI Operation of Child Pornography Website.

When the FBI was first created as the Bureau of Investigation (BOI), its first role was the protection of children, young girls, and women forced into prostitution or facing human trafficking, in its investigations under the Mann Act. On a regular basis, child advocacy and human rights activists turn to FBI agents on human trafficking and interstate child abuse issues. Over a century, the American public has an expectation of the FBI involved in federal criminal activities to exercise law enforcement values to **protect** children and others at risk.

In January 2017, the [Dallas Morning News reported](#) (along with [other media](#)) on an FBI “Operation Pacifier,” which involved the FBI seizing and **operating a child pornography website**, “Playpen,” for weeks in February and March 2015. Instead of shutting the child pornography website down, the FBI continued to operate an identical copy of the Playpen child pornography website, including distribution of the child pornography housed on the website, through a Government controlled server, located in Newington, Virginia. The intent of the FBI was to get more information on the users, using a “sting” operation to stop such child predators. It used a form of malware, which is called a “Network Investigative Technique” or “NIT,” to infect the computers of those logging into the child porn website to gain information about their Internet Protocol (IP) location to obtain evidence for further arrests; the FBI NIT malware reportedly infected over 8,000 computers in 120 countries.

## Excerpt of Example of Articles Rejecting FBI Operation of Child Porn Website

The New York Times

### The Government Shouldn't Distribute Child Pornography. Period.



*Elizabeth F. Joh is a professor at the University of California, Davis, School of Law. She is on [Twitter](#).*

UPDATED JANUARY 27, 2016, 3:20 AM

Participating in the distribution of child pornography is a federal crime. But that's exactly what the F.B.I. did in this case. In order to identify more than 1,000 people suspected of trading in child pornography, the F.B.I. operated a child pornography website for nearly two weeks. During that period, more than 23,000 images of child pornography were available for viewing, downloading and endless reproduction in ways completely beyond the F.B.I.'s control. In short: The government has criminalized an activity and acted to further the commission of just that crime.

As you can see in [the attached link](#), U.S. Magistrate Judge Theresa Carroll Buchanan, in the U.S. District Court for the Eastern District of Virginia (in Case No. 1:1-SW-89), issued a [search warrant to the FBI on February 20, 2015](#) to use such NIT malware on this child pornography server to collect information on those accessing it. While there has been debate over whether in this case, the FBI exceeded its search warrant physical location authority under Rule 41 of the Federal Rules of Criminal Procedures, Rule 41 has since been changed in December 2016 to allow a single judge to issue a search warrant for suspects living anywhere. Among some, there was an [ethical debate](#) over whether the FBI's widespread distribution of child pornography “enabled the very harms it was trying to stop” or whether such an operation ended up eventually in finding information to stop such criminal behavior and protecting children. As [reported by the Seattle Times](#), U.S. District Judge Robert Bryan concluded in a November 30, 2016 court ruling that it was “easy to conclude that the government acted outrageously

here” and that the “only justification for the acts of the government... is that the ends justify the means.” Of course, the American public rightfully condemns the practice of child pornography, its possession, and its distribution, which are **federal crimes**.

But the issue that R.E.A.L. is addressing in this article is one of **law enforcement**. The FBI states authority for this investigation’s operations under [18 U.S.C. § 2252A](#) “Certain activities relating to material constituting or containing child pornography” in the February 2015 warrant, and also under [18 U.S.C. § 2518](#)—“Procedure for interception of wire, oral, or electronic communications.”

But neither of these laws, nor the judge’s warrant, **give the FBI the legal right to operate the child pornography website**. The judge’s warrant gave the FBI the right to **distribute the NIT malware**, but did NOT provide a warrant with a stated legal right to actually **operate** the child pornography website. This is not simply a “fine point;” this is an **essential point** in law enforcement. The FBI implied that it had this authority from the warrant, and FBI felt no need to give legal basis for actually operating the child pornography web site. **But the American people simply have NOT granted the FBI the power to operate child pornography web sites**; that is not what the powers under the law describe as the FBI’s operational authority.

This case is important to consider, because we face a challenge of an **FBI granting itself powers or implied rights that it feels are necessary** which no one questions under the law. The FBI’s investigation and intelligence authorities **simply authorize themselves “powers”** to “break the law,” whenever it seems necessary, with the minimum of legal argument “coverage” to justify such new “powers.” But that is not what the laws and the FBI’s legal powers actually state. The United States government did not create **the FBI as a self-governing organization to invent new powers and authorities as it goes along**, with legal fig-leaves for a slightest semblance of credibility. That is not respect for the Law. How can we have a law enforcement body which does not respect and regularly ignores the law itself? If the FBI needs new powers, that is for the U.S. Congress representing the American people to decide, not the FBI to decide on its own.

The idea of “normalizing” law enforcement agencies to continually perform more and more outrageous federal crimes, when the “ends justify the means,” must give the American people pause. The other issue raised by increasingly “normalizing” criminal behavior by law enforcement, especially for an agency adopting “the ends justify the means” ethos, is that it can result in the commission of more serious crimes, such as distribution of child pornography, to respond to the less legally serious crime of possessing child pornography. Is it similarly reasonable for the FBI or DEA to become an actual heroin dealer for weeks so that it can arrest many individuals possessing heroin as an illegal drug? **Where does this end?** Should the FBI operate a murder-for-hire organization to arrest assassins after they murder members of the public? At what point are those committed to law enforcement going to speak up and say **ENOUGH?**

As the FBI continues to migrate away from actual law enforcement values, **the line between law enforcement and criminal becomes increasingly obscure**. This is not the direction that the FBI, which was the U.S. primary federal law enforcement agency, can take, without seeking legal guidance on its powers from the people that it represents.

The idea of “sting” operations with undercover police selling vehicles, contraband, even drugs, have become common, as methods to gain arrests. We see more and more FBI-created “terror” plots becoming the “new normal” for a large percent of terror arrests. But at what point does the American public ask whether less harmful alternatives exist, and why they are not considered? In this case, there has been the normalization of the FBI operating a child pornography website. **Where is the FBI’s legal law enforcement authority to do this? And if it becomes normalized, then what other federal crimes can the FBI engage in next? When will the American people ask if “the ends justify the means” values undermines the credibility of law enforcement itself?**

### 13(e) Reckless Lack of Concern for Public Safety in Crowded Areas while Investigating Terrorist Threats.

Both in law enforcement and in preventive counterterror intelligence, public safety should be a priority in respecting the LAW. In law enforcement, we cannot ignore the basic public interest imperative of **public safety**. In law enforcement, the public interest imperative is to enforce the law expeditiously – not only to ensure public respect for the law, but also to ensure public safety and protection of human rights from those breaking the law. While some with intelligence-based thinking may believe there is an intelligence interest in gathering more information about those breaking the law, public safety is a greater priority for a law enforcement organization. There is a real difference between collecting more evidence to make a stronger case on a suspect, and endangering the public to a suspected threat, when it comes to someone who may represent a threat to public safety.

In traffic law, when someone is driving recklessly and drives through red lights and nearly hits oncoming traffic or pedestrians, law enforcement does not simply watch and wait to see how “far” the reckless driver will go in endangering the public. They stop the reckless driver and keep them from further public threats. They don’t follow the reckless driver for many miles and miles, noting every threat to public safety, as the reckless behavior continues to endanger the public. We would be shocked and horrified if this was common practice in law enforcement. But with other threats to public safety, we have been led to believe such practices are “normal” and “necessary.”

Over the past 17 years, too many FBI counterterror agents with law enforcement authority have come to believe that the opposite of such basic public safety practices should be followed. Based on the largely outdated concept of complex international terrorist cells, we have seen in too many cases that FBI will look at radicalized individual threats and decide they should be “watched” for an extended period in hopes of gathering more suspects. We have FBI agents watching and taking photographs of terrorists, such as at the Garland, Texas attack, while terrorists prepare to shoot other law enforcement agents, and doing nothing to stop such attacks. This is not law enforcement.

This approach has resulted in the infamous term “known wolves,” where increasingly lone radicalized terror figures are found to be “known” to the FBI, after they have committed an attack. There are doubtless cases where additional evidence is needed and information on links among individuals also posing a threat is needed. But the FBI cannot fail to act in protecting the public.

**“Known Wolves” Terrorists**  
**Not Stopped by FBI Intelligence Tactics**



**Does Abandoning “Law Enforcement”  
Make America Safer?**

The FBI is NOT the “CIA.” With law enforcement authority, as part of the DOJ, the FBI has law enforcement responsibilities in keeping the American public safe as its top priority. If the FBI no longer believes it should be held responsible for law enforcement, then it needs to surrender its law enforcement badges and guns – not just remove the term “law enforcement” in its mission statement.

But an FBI “intelligence-driven” culture seeks an ever increasing network of “informants” and figures for “intelligence,” whether or not such intelligence sources share a commitment to equality under the law and public safety or not. Intelligence operations seek to gather more information on topics that they consider

relevant to their campaigns, based on understood “narratives.” Law enforcement operations consider enforcing the law to preserve public safety as a paramount importance. **The increasing use of intelligence tactics at the FBI has led to ignoring clear public safety threats, which would be part of law enforcement concerns.**

### (i) Taliban Activist Working with FBI

While American men and women, loved ones, parents, and children of the American taxpaying public have courageously volunteered to serve in the U.S. Armed Forces, risking their lives and bodies to fight the Taliban terrorist group, since October 2001. There have been **2,264 Americans killed** in Afghanistan thus far – **87% of the number of the American citizens killed in 9/11 terrorist attacks.** However, back at home in the “free” U.S.A., their FBI has been working for years with an activist **promoting the Taliban terrorist group.**

**While 2,200+ Americans Killed in Afghanistan, FBI Working with Taliban Terror Promoter in U.S.**

**FBI Working with Promoter of Terror Group - Taliban is Specially Designated Global Terrorist**

This was **uncovered in court on March 25, 2018**, when it was revealed that Taliban terror group promoter, Seddique Mateen, had been working as a “confidential human source” (CHS) for the FBI from January 2005 through June 2016 (ending after the Orlando Pulse terror attack). Seddique Mateen had been regularly and publicly advocating for the Afghanistan Taliban, including at U.S. Government facilities, and hosted a television show, Durand Jirga Show, on the behalf of the Taliban – all while this Taliban terror group has been a **Specially Designated Global Terrorist (SDGT) organization**, in accordance with Executive Order 13224, 31 CFR 594.310, and whose property is blocked in accordance with 31 CFR 594.201. But to the FBI, Seddique Mateen was considered a reliable FBI CHS informant, all the while **he was actively promoting a terror group** that was killing Americans in Afghanistan. This “FBI informant” was also **reportedly raising funds to promote a terrorist attack on Pakistan, while he was supporting the FBI.** Public safety of Americans actively being killed by the Taliban was the last concern of FBI in intelligence operations with Seddique Mateen.

### (ii) FBI Sought Recruitment of Orlando ISIS Terrorist as Trusted Source – killed 49 – planned to Attack Disney World

The FBI “intelligence-driven” approach to fighting terrorism results in both rejecting law enforcement values with an “ends justify the means” approach to developing a network of “confidential human source” (CHS) informants. In Orlando, Florida, the American people discovered in March 2018, that this approach included **planning to pursue ISIS terrorist Omar Mateen as an FBI informant**, before Omar Mateen launched a terrorist attack on the Pulse nightclub in Orlando, killing 49 and injuring 53.

## FBI Sought to Use ISIS Terrorist as FBI Informant



### Noor Salman trial: Pulse gunman Omar Mateen considered as potential FBI informant



### “Planned FBI Informant” Killed 49 - Planned to Commit Mass Terror Attack in Disney World

The potential FBI informant was also [planning a terrorist attack on Disney World in Orlando](#), which would have resulted in catastrophic deaths of American children and adults. As was stated in court in March 2018, “The target of the attack was Disney.” Despite [reported warnings](#) about Omar Mateen, reported public comments sympathetic to terrorists, and reports of him listening to recordings of Anwar al-Awlaki, the FBI found no “connections” to organized terror (while his father was actively promoting the Taliban). Since Mateen got married and a job, the FBI felt that Mateen was now trustworthy, but even [Disney warned them about Mateen](#). When asked after the Orlando mass murder terror attack if there was something different the FBI could have done, former [FBI Director Comey replied](#) “I don’t think so.” This was of course, in 2016, well before the secret was revealed that the **FBI planned to use this terrorist as an FBI CHS informant. Public safety of Americans was the least concern of FBI intelligence operations, as it sought a new “informant” for intelligence campaigns, ignoring warnings and reports of terror threat from those who knew him and even by Disney.**

#### (iii) FBI Ignores Confession of Violent Individual Warning of Attack – Until He Attacks Ft. Lauderdale Airport for ISIS

With law enforcement and equality under the laws values, a potential criminal threat or threat to public safety does not have to fit a certain “profile,” “model,” or “narrative.” Sadly, we see law breaking behavior of individuals from every age, gender, and identity group. Those who have had to see numbers of criminal arrest records know this truth. If we believe in equality under the law, we must also accept the truth that those who will break the law may come from any and every background. Those who spend many years in law enforcement will tell you that there is no “short-cut” and no “substitute” for the FACTS, especially in a democratic republic committed to equality under the law. Law enforcement values on equality cannot accept “not invented here” preconceptions about threats, when they ignore facts. With a constant demand for “action,” misplaced confidence in expedited alternatives from law

enforcement perspectives can result in ignoring key facts that are essential in a law enforcement and public safety mission. Abandoning law enforcement in the FBI's public mission statement or values can have a direct impact on public safety, even on the perceived goal of "preventing" terror.

A law enforcement-based, "just the facts," approach may seem antiquated and naive to intelligence masters, who can be guided by advanced and nuanced "threat analyses," identifying most probable areas of threats. In an "intelligence-driven" FBI, such law enforcement values and focus on "equal law/equal threats" is diminished to "likely" or "model" terror criminals. With an "intelligence-driven" outlook, extremist threats to the law and public safety can be dismissed by those focused on a specific profile or narrative, rather than the actual facts. To those supporting such an "intelligence-driven" philosophy, they believe they can grasp the "big picture" of "threat profiles" better.

**Confirmation bias can damage the perception of new facts or information on threats to the law and public safety. The tighter the grip on intelligence-based dependencies and paid informants, the more that can slip through the FBI's fingers in terms of individual threats to public safety and law enforcement.** An intelligence operation can create its own blind spots, where facts and information that does not conform to a "narrative" are disregarded as "outliers," and thousands of informants end up giving you information to confirm your own biases, because that is what you are asking them to provide. An "intelligence-driven" set of values actually creates a set of blinders on facts and threats, when they don't mesh with preconceived standard on threats, especially terror criminal threats.

### **Tighter the Grip of Intelligence-Driven Thinking**



**The More Law Enforcement Facts  
Are Ignored or Lost  
Due to Confirmation Bias**

This is not simply theory. America has seen this problem repeatedly in diverse areas, including the modern priority of the "intelligence-driven" FBI in terror prevention.

[Esteban Santiago-Ruiz](#), a Puerto-Rican born American citizen, didn't fit many of the "profiles" of a terror threat. After serving in the Iraq war, this troubled young man remained haunted by seeing a bomb explode near two of his friends during the war, and he was discharged in August 2016 for "unsatisfactory performance. Puerto Rico police had investigated his behavior over reports of odd behavior and at one point had confiscated his guns, which were returned in 2014. Santiago-Ruiz also had been arrested for [domestic violence](#), including attempting to strangle his former wife.

But on November 7, 2016, Esteban Santiago-Ruiz visited the FBI. Santiago-Ruiz told the FBI that he felt compelled to watch ISIS terrorist videos, that he was hearing voices in his head telling him to commit acts of violence, and he felt that he was becoming brainwashed into [becoming a terrorist](#). However, Santiago-Ruiz was not a "model" of a terror threat, he was urged to get mental health treatment, and for a short time the local police held his weapon and then returned it to him on December 8, 2016, AFTER "coordination with the FBI." He was [considered not to be a "danger"](#) to the community.

Despite coming directly to the FBI and telling them that he was compelled to watch ISIS videos and driven to commit acts of violence, the [FBI Special Agent in Charge Marlin Ritzman reported that, in the FBI's investigation](#) “we found no ties to terrorism.” FBI Special Agent Ritzman stated that the FBI conducted inter-agency checks and reviewed databases. But despite Santiago-Ruiz’s actually coming to the FBI and warning him that he was being driven to commit violence and watch ISIS terror videos, the “intelligence-driven” model required FBI investigators to ignore his own statements, and rely on investigatory “ties to terrorism” and information in databases. FBI SA Ritzman, who held various FBI positions, and was formerly an assistant legal attaché in Islamabad, Pakistan, was [appointed](#) as FBI SA by former FBI Director James Comey.

With as many as 14,000 FBI agents, the FBI did not view Esteban Santiago-Ruiz as worthy of a follow-up investigation, even when he directly came to the FBI and warned them that he was being compelled to **commit acts of terrorist violence**. These facts simply were not consistent with FBI’s intelligence and database information as a terrorist threat. There was no flag on him as a threat to airline travel or caution to alert other authorities about his self-report to the FBI that he was driven to terrorism.

Less than two months after he warned the FBI, and less than a month after his gun was returned to him after coordination with the FBI, Esteban Santiago-Ruiz acted on the warnings of violence that he had made. On January 6, 2017, Esteban Santiago-Ruiz packed a Walther 9mm handgun and two magazines of ammunition into baggage, got DHS TSA approval to carry the gun in the checked luggage, after he made them aware of it. Santiago-Ruiz boarded a flight to Fort Lauderdale, Florida, retrieved his baggage, loaded the handgun in a bathroom, and stepped out and started shooting and killing passengers at the Fort Lauderdale–Hollywood International Airport. He methodically and calmly shot and murdered individuals in the airport in his planned attack. Santiago-Ruiz had time to go carefully go through his first magazine of bullets in shooting the public, and had time to reload his gun with the second magazine of bullets to kill and wound innocent victims in the airport. He killed 5 and wounded 6, with another 30 or 40 injured during the panic of the attack.

**FBI Ignored In-Person Warning  
by Violent Individual on Goal for **ISIS Attacks**  
He Wasn't in "Databases" or "Linked" to Terror Groups**



**Innocent People **Paid the PRICE** with Their Lives  
Was ANYTHING Even Learned?**



At Esteban Santiago-Ruiz’s bond hearing on January 17, 2017, FBI Special Agent Michael Ferlazzo [testified](#) in court that Santiago-Ruiz said that he committed the attack on behalf of the ISIS terror movement, and claimed to be talking online to others seeking to commit attacks. Santiago-Ruiz was determined to be diagnosed with schizophrenia, but after taking medication, was viewed to be considered

competent to stand trial. On May 23, 2018, Esteban Santiago-Ruiz [pleaded guilty](#) to five counts of committing acts of violence at an international airport causing death and six counts of committing acts of violence at an international airport causing serious bodily injury. He pleaded guilty in return for a life sentence instead of a death penalty sentence. Robert F. Lasky, Special Agent in Charge, FBI Miami field office [stated](#) that Santiago-Ruiz was “now being held accountable.”

What about the accountability of those who [abandon a law enforcement mission](#), values, and standards?

FBI Special Agent in Charge (SAC) Marlin Ritzman, who was first aware of Santiago-Ruiz’s direct warnings of violence, is still a SAC with the FBI. He is one of 56 SAC leading FBI Field Offices around the country.

#### (iv) FBI Watched DC Subway Police Officer for 6 Years Making Terroristic Threats and Going Overseas for Terror Training – While Hundreds of Thousands Endangered

In Washington DC metropolitan area, the Washington Metropolitan Area Transit Authority (WMATA) “Metro” subway system has 91 subway stations and 1,126 railcars, stretching across 117 miles. On an average day, the Metro subway has had between 600,000 and 830,000 passengers, depending on any construction or upgrades. In the DC metropolitan area, outside of the White House, the Pentagon, and the Capitol Building, it is probably the highest profile security threat in the nation’s capital, and unquestionable a threat to the Metro would have the highest threat to human life and safety. It is a massive choke point for the nation’s capital public and certainly for the DC Capitol Region’s homeland security. With multiple shifts required, there are an average of 2-3 Metro Transit Police Department (MTPD) for each station to provide protection for these hundreds of thousands of passengers in the DC Capitol Region area, in this high profile, highly fluid, massive target to extremist terrorists.

One of these MTPD police officers at a station on the border to Maryland and the District of Columbia was a **terrorist supporter**. Not only was he an active terrorist supporter, but he also went overseas to get terrorist training, he was active with a terrorist behind a plot to bomb the Capitol Building, he regularly practiced with his AK-47 automatic weapon, and he was an active supporter of ISIS.

**For 6 years, FBI counterterrorism intelligence agents knew and did nothing.**

**Washington DC Subway: “See Something, Say Something” - Unless You Are FBI Or Metro Police Supporting ISIS Terror Group...**

**Metro officer sentenced to 15 years in prison for aiding ISIS**  
AP By The Associated Press February 21, 2018 11:33 am

**1ST U.S. POLICE OFFICER FACING TERROR CHARGE**

- 13-year veteran DC Transit Police Officer
- Charged with aiding ISIS
- Was on law enforcement’s radar since 2010

**TERROR IN U.S.**  
**FIRST U.S. POLICE OFFICER CHARGED WITH SUPPORTING ISIS** CNN  
THE LEAD

if you **SEE** something **SAY** something

Given the high threat risk area, WMATA passengers are routinely warned if you “**See Something, Say Something**,” which appears to matter unless you happen to be an FBI Special Agent who is actually employed to prevent such criminal terror threats. For approximately 2,000+ days, MTPD police officer

and terrorist supporter Nicholas Young was allowed to pose such a threat to hundreds of thousands of DC area subway passengers, while our FBI simply watched, took notes, and conducted some interviews.

To those who have seen crowded WMATA subway platforms, the concept of allowing a terrorist-supporting member of the MTPD police, able to wander in the crowd as an official police officer, who was training at home with an AK-47, while talking with terrorists in DC area and the rest of the world – is basically one of the worst case scenarios for subway passenger safety. But to FBI counterterrorism intelligence agents, it was a routine, no concern investigation, even when terror supporter Nicholas Young called for kidnapping, beheading, explosions, weapons training with terrorists, etc.; **our FBI basically shrugged regarding the DC area public safety.**

Most local DC area readers wouldn't get all of these facts from the local media (certainly not the Washington Post), unless you actually got a copy of the [criminal complaint and the testimony of FBI Special Agent David Martinez](#), filed with the court in United States of America vs. Nicholas Young (Case Number 1:16mj355, later Case No. 1:16-cr-265), and carefully read through its 20 pages. After Nicholas Young's arrest, Joshua Stueve, spokesman for the U.S. Attorney's Office for the Eastern District of Virginia, [told the local news media](#) that ISIS supporter Nicholas Young never posed a "direct threat" to the Metro subway, and felt that Young was being monitored. Those who would nod their heads at such an outrageous comment clearly have never been on a crowded Metro subway at rush hour. In February 2018, [Nicholas Young was sentenced to 15 years](#) in prison, [convicted](#) of attempting to provide material support to a foreign terrorist organization and obstructing justice.

But without reading [the criminal complaint](#), key parts of this story are totally lost. Over its 6 year investigation, the FBI had numerous reasons and opportunities to arrest terror supporter Nicholas Young and ensure the public safety. The point of the enhanced FBI intelligence powers under [ITRPA Title II](#) are specifically to "**prevent**" terrorism. But when law enforcement values and culture are overtaken by an "intelligence-driven" vision in the FBI, the idea of continuing to allow Nicholas Young to stay in place, with KNOWN automatic weapons, with KNOWN terrorist links, with POLICE authority, in one most CROWDED areas of Washington DC, was simply "**the ends justify the means.**"

Totally disregarding the [known actual terror associations and the actual documented threats of violence](#) by Nicholas Young, the FBI intelligence tactics were to use an FBI CHS informant to concoct a fake "ISIS recruitment" by leveraging his support for the ISIS terror movement's cause. In the course of this intelligence campaign, the FBI sought to see what other intelligence they could gain from Young about others that might fall into the fake "ISIS recruitment" effort. When efforts to actually gain any more intelligence or recruit others into this "sting" of an actual violent extremist, the FBI CHS setup Young to purchase financial "gift cards" worth about \$200 for ISIS to use to make telephone calls. This was what, after six years of investigation and endangering the public, the FBI finally arrested Nicholas Young over – the financial "gift cards" that he purchased on what he believed was in support of ISIS, but as actually an FBI sting operation.

But the news media decided that **the rest of the story of Nicholas Young** wasn't as interesting to report. From a law enforcement and public safety values perspective, however, the FBI investigation before the "ISIS sting" is the real story. As documented in the criminal complaint, Nicholas Young had been under investigation since 2010. Young had an AK-47 out of his window looking to shoot law enforcement in 2011. In 2011, Young threatened to behead anyone who "betrayed" him and was looking to blow up automobiles. In 2011, Young sought to attack the FBI and smuggle guns into a courtroom. In 2011, Young sought to kidnap and torture an FBI special agent. In 2011, Young traveled with terrorists to Libya with arms, body armor, to overthrow the government there. In 2011, Young had been meeting with a terrorist Amine El Khalifi, and warned him how to avoid the police; Amine El Khalifi planned a January 2012 suicide bomb attack on the U.S. Capitol building, and was arrested. In 2012, Young sought to get revenge on those who warned the authorities about the U.S. Capitol suicide bomb plot. Throughout 2014, it is documented that Young repeatedly made plans to seek to join the ISIS terrorist movement, not just as a supporter, but to join their terror activities overseas. In 2015, Young praised terrorist attacks in France by ISIS. Not long after his messages of support for ISIS terror attacks, it is documented that Young took his AK-47 to join other MPD police officers to "train" and improve his shooting with his automatic weapon. In November 2015, Young praised the Paris terrorist attacks by ISIS and how the

West deserved such death and violence. The FBI intelligence operations only want to talk about the “gift cards” that they actually arrested Nicholas Young over in their ISIS “sting operation.” But during all of this time period, during all of Nicholas Young’s violent and dangerous behavior, and his plots to support terror acts and organizations... while employed as a MTPD police officer – with the safety of hundreds of thousands of WMATA subway passengers every single DAY – the **FBI did nothing**.

Remember, [this is the SAME FBI that swiftly arrested a cognitively handicapped Peyton Pruitt in Alabama](#), virtually at an IQ level of mental retardation, who couldn’t even tie his shoes — over some online messages. But in the case of Nicholas Young, when FBI’s intelligence-driven operations believed that they could get more information out of a suspect, no matter how **much of a risk he posed to public safety**, the “ends justify the means.” **That is NOT law enforcement.**

Members of the [U.S. House of Representatives actually asked questions](#) as to how the DC area Metro riders were protected during the 6 years of this investigation. But like so many other effort of the American elected representatives to get answers on the FBI, this report ended up in yet another dead end in seeking **accountability**. The fact that this is not the biggest scandal in Washington DC shows how unaware our public remains of the dangers of pursuing “intelligence” over law enforcement. (Since August 2016, [R.E.A.L. has continued to report on this case.](#))

This case demonstrates the level of danger that hundreds of thousands of Americans can be placed in, when [our FBI abandons law enforcement values](#) for intelligence “ends justify the means” standards. Hundreds of thousands – every SINGLE DAY – told “Say Something, See Something,” but when the FBI knew about a terror threat to that same public, the **FBI said nothing**. The honest truth is the DC area “dodged a bullet” with this disastrous case. The casualties could have been staggering beyond imagination. It is a cautionary tale of the danger of those respecting law enforcement from failing to stand up to those who are willing to abandon law enforcement for an “intelligence-driven” agenda.

**The American [people must DEMAND](#) that the [FBI restore law enforcement to its public mission](#), and that its priority remains law enforcement and the protection of the public’s safety.**

#### **14. Former FBI Agents on Culture Change in “Intelligence-Driven” Focus.**

Former FBI agents now publicly recognize that the culture change in the FBI to an “intelligence-driven” focus is blurring the line that “separates the legal from the extralegal.” As [former FBI Agent Thomas Baker \(with 33 years of FBI experience\) wrote in the Wall Street Journal on March 19, 2018](#), changes in the FBI were the result of “a cultural change that occurred in the wake of the 9/11 attacks.” “For reasons that seemed justified at the time, the bureau set out to become an ‘**intelligence driven**’ organization. That had unintended consequences. **The FBI’s culture had been rooted in law enforcement.** A law-enforcement agency deals in facts, to which agents may have to swear in court. That is why ‘lack of candor’ has always been a firing offense. An intelligence agency deals in estimates and best guesses. Guesses are not allowed in court. **Intelligence agencies often bend a rule, or shade the truth**, to please their political masters. In the FBI, as a result, there now is politicization, polarization, and *no sense of the bright line that separates the legal from the extralegal.*”

#### **E. Call for Change to Restore Law Enforcement to FBI’s Mission**

Those who love America, who love our Justice system, and especially those who are good friends and allies to the FBI, must recognize when things have gone deeply wrong in the FBI’s institution. From retired FBI agents or employees, R.E.A.L. has read and heard deep concerns about the effort to re-imagine the FBI as predominantly a domestic intelligence agency with law enforcement badges.

#### **To the FBI**

Responsible for Equality And Liberty asks the agents and employees of the FBI, how many of you were informed that the [FBI decided to remove “law enforcement” from its public mission statement](#)? Is that the organization you joined? If they didn’t feel the need to tell YOU, why didn’t they trust you enough to tell you? And if you aren’t trusted enough to be informed on such fundamental issues, what do you think that says about the trust towards the American people? The vow to defend the Constitution of the United States of America with over a century of other FBI personnel began with an expectation of

protecting the U.S. Constitution and U.S. law with a law enforcement mission. Of all the (perhaps naive) hope in an audience on this topic, R.E.A.L. hopes first and foremost that members of the FBI read and think about the consequences of abandoning “law enforcement” in the stated FBI mission, as the canary in the mine for the FBI, to wake up to a growing threat of the FBI abandoning law enforcement values, standards, and a commitment, to become “intelligence-driven” instead. You can take a stand to make a difference in the future of your nation and your democracy. **Choose the side of law enforcement and justice for all. We can defeat our worst enemies, as long as we do not chose to become our own enemies to our nation’s democracy.**

**To FBI Agents and Personnel**  
**Responsible for Equality And Liberty asks the agents and employees of the FBI, how many of you were informed that the FBI decided to remove "law enforcement" from its public mission statement?**  
**Is THAT the organization you joined?**  
**Didn't you take a vow to the U.S. Constitution?**

**Responsible for Equality And Liberty (R.E.A.L.)**  
[www.realcourage.org](http://www.realcourage.org)



### To the American People

We must appeal to the law, we must appeal to reason, and most importantly, we must appeal to the conscience of those in the FBI, the DOJ, and the American people, *in a call for change*.

— **Law.** America cannot protect and defend the Constitution of the United States with representative organizations that have no clear boundaries, limitations, and oversight under the law. The FBI cannot grant itself whatever powers it deems necessary, when “the ends justify the means.” But we have seen too many such reckless decisions, without oversight, without consultation, and without concern for the law it shares with the American people. The FBI is not an “independent” organization, without responsibilities to the executive branch, without the need to respond to the legislative branch, and without a responsibility to answer first and foremost to the American people that it represents. That is THE LAW. The FBI has responsibilities to all of these, under the law, with powers and functions that are DEFINED by the law, not by individual FBI leaders. The decision, under FBI Acting Director Andrew McCabe, to remove “law enforcement” from the FBI mission statement is simply indicative of an institutional problem, which true friends of the FBI committed to the Justice Community, must recognize and address.

This issue is much larger than a decision about the identity of the FBI. This is a decision about who and what America is. Will Americans continue to seek to become “one nation...with liberty and justice for all... [where] all men are created equal”? Or not?

We must decide if are a nation of law or a national of personalities. If America chooses to surrender in being a nation of law, then ultimately it surrenders on its goals as a democracy. But if America chooses to remain a nation of law, then there must be a review and update of key laws involving the powers of the FBI and other U.S. government organizations. We cannot have representatives without guidelines, and we cannot give authority without boundaries. Yet in today’s law, the powers of the FBI are in diverse areas, and the core fundamental aspect of the governing law on FBI powers, 18 U.S. Code § 3052, makes no reference to intelligence powers. The scattering of FBI powers and authority in numerous other laws, IRTPA Title II, Executive Orders, and even Attorney General Guidelines represents chaos. It must be a priority in a democratic republic to clearly and unequivocally define the roles, powers, and authorities of a law enforcement organization, under our shared law.

At the same time, the FBI has removed “law enforcement” from its publicly stated mission statement, while this is core part of the DOJ’s mission. A nation of laws must have consistency in laws and coherency in the powers of legal authority given to government representatives. We either believe in “equality under the law” inherent in “law enforcement” or we do not. The “ends justify the means” are not the values of a nation of law, no matter how insistent our intelligence and national security forces may believe this. America’s national security begins and ENDS with equality under the LAW.

— **Reason.** It is not rational for an organization, dependent on law enforcement authority, to remove “law enforcement” from its mission statement. We see an FBI which gains its operational authority, based on its role as “law enforcement” organization, including its guns, badges, and its nationwide investigative authorities, but no longer deigns to keep “law enforcement” in its mission statement. Furthermore, those who seek “national security” cannot abandon the foundational structure for a democratic republic in equality under the law, protected by law enforcement. The idea is entirely non-rational. It is like a carpenter who seeks to first construct and install a roof on a house, without a building’s foundation and walls. No matter how many times the carpenter seeks to install the roof in mid-air, without walls and a foundation, it will constantly crash to the ground. Gravity is an inescapable law on Earth. For democratic republics, equality under the law is an inescapable law for national security. To those with brief attention spans who seek “excitement” and “drama,” law and law enforcement are often a poor choice. Much of law is decided in the law library, not the courtroom. Much of law enforcement is decided in careful, deliberate interviews and patient investigation, not in police chase scenes. Every problem is not solved in 42 minutes, unlike the average television drama.

Also unlike the glamorization of such professions by the media, law and law enforcement does not always give you the satisfaction of closure and fairness. With equality under the law, some things will not seem “fair.” With equality in law enforcement, people we suspect of being “guilty” will also go free, because under the law, our citizens are innocent before proven guilty, and we must have evidence of guilt, not just our “feelings.” So the impatient will find law and law enforcement a less than interesting approach to social problem solving.

But the idea that we can solve threats to our nation by abusing investigatory powers and spying on our citizen is **not rational**. Endless commitments to “national security intelligence” alone will not keep our nation safe. What keeps our nation safe is **Americans respecting Americans**. The American people are not the enemy. The American people are our shared national defense force. They see problems, and they need to trust that we have **law enforcement organizations** that they can go to, not police state intelligence forces, who will seek fair, equal investigation under the law. The idea that we can prioritize “national security” over “law enforcement” is built on the non-rational idea that we cannot trust the American people to work together with us. If we cannot trust the American people, then nothing we do will secure “national security.” **The trust, respect, and dignity found in equality under the law is the foundation for both law enforcement and national security.**

— **Conscience.** For many years, Responsible for Equality And Liberty has waged campaign after campaign for human rights equality and liberty for groups and causes in nations around the world. We work for human rights because our compassion, our respect, and our conscience for one another demands that we act. We volunteer for the most difficult challenges in human rights because we will not surrender to a world that is based on values to “keep fear alive,” but **we live for a world with the mercy and dignity for one another to “keep hope alive”** – no matter how difficult and even how daunting our circumstances may seem. Our conscience is our mercy and compassion for one another – simply because we are fellow human beings.

**Based on our shared law, reason, and conscience, it is imperative to urge the FBI to restore Law Enforcement in its mission, not only in its printed public mission, but also in a culture that is restore to respecting law as its priority.**

Responsible for Equality And Liberty frequently calls for public support for global human rights issues.

**Today, Responsible for Equality And Liberty is calling for your support for an American human rights issue.**

Because if we turn our back on the law enforcement mission of the FBI in the United States of America, we will be abandoning the premiere organization for justice against America's greatest threats to human rights.

We must not only be concerned about the priorities in intelligence threats of terrorism, foreign intelligence, and cyber-terror hackers – but also be concerned about the fundamental threats to democracy's foundational concept on EQUALITY under the Law, which **must be a priority** in the United States of America and for the USA's FBI.

Equality under the law and law enforcement is not an "outdated" concept of the past. America and its democratic system depend on unequivocal commitment to law enforcement from the U.S. Federal Government to protect such equality under the law.

**We call for the immediate restoration of law enforcement to the mission of the FBI.**

If the FBI will no longer publicly commit to a mission of such law enforcement, either the U.S. Federal Government must change the leadership and institutional challenges at the FBI, or another agency must be found to protect this vital threat to justice and security in America. Today, this is a call to the CONSCIENCE of Americans and all those who respect the law.

America needs your voice and your support for law enforcement, and equality under the law, today. You are urged to please [sign this petition](#) and take a stand on law enforcement as a priority in the FBI.

**Today, the call is made for all to be Responsible for AMERICAN Equality and Liberty.**



**May God Guide and Bless the United States of America.**



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[NOTE 1: Responsible for Equality And Liberty (R.E.A.L.) is a long-time friend to law enforcement, and R.E.A.L.'s founder spent many years working in the FBI, working for change and defending equality under the law in law enforcement. R.E.A.L. is a friend to the FBI; however, our friends must also work to keep us honest and guide us on our moral and ethical compass. To have the courage of our convictions, we must also face when we have made mistakes and errors in judgment, and continue to work to defend the public's trust and the democratic values that we all cherish.

R.E.A.L.'s founder has been an active defender of the FBI for over 35 years, many years actually working for the FBI, and has been a conference speaker on issues involving the human rights challenge of terrorism to FBI and other law enforcement agencies. Since 2009, R.E.A.L. has published over 140 articles involving the FBI (with about five expressing any concern or about 3 percent); this does not include the hundreds, quite possibly thousands, of social media efforts advocacy in support of the FBI. There will be those, who don't want to hear about the factual challenges in this article, who may want to falsely portray R.E.A.L. as "anti-FBI." The documented facts are that nothing could be further from the truth. R.E.A.L. supports the FBI most importantly in its mission as a law enforcement agency, as it has done very publicly for many, many years. The efforts to move the FBI away from law enforcement are a serious institutional challenge to the FBI and to American democracy. R.E.A.L.'s conscience in human rights, democracy, and its respect for the FBI and law enforcement cannot permit it to be silent on such challenges.]

[NOTE 2: Responsible for Equality And Liberty (R.E.A.L.) is aware of debates regarding the FBI's activities impacting political figures. This is of no relevance to R.E.A.L.'s report, and no interest to R.E.A.L. regarding a human rights-based commitment to effective law enforcement and equality under the law. R.E.A.L. has been noting and gathering information on such law enforcement issues since 2014, way in advance of the 2016 election or subsequent political debate. R.E.A.L. is, and will remain, a non-partisan organization.]