

FBI CONDUCTS THREAT ASSESSMENT ON ANTIWAR.COM JOURNALISTS FOR LINKING TO PUBLICLY AVAILABLE DOCUMENT

Antiwar.com has a troubling story detailing how what appears to be either an FBI counterintelligence investigation of suspected Israeli spies or an attempt to track down everyone who had posted terrorist watch lists online led to the FBI to investigate the site and Justin Raimondo and Eric Garris.

The story is troubling for several reasons:

1. The report on Antiwar.com reveals the FBI's Electronic Communications Unit (the same one involved in using exigent letters to get community of interest phone numbers) was already monitoring Antiwar.com when the FBI did a threat analysis of them in 2004.
2. Based on the fact that they had posted two watch lists, that a number of people under investigation read the site, and other redacted reasons, the FBI recommended a preliminary investigation into whether (basically) they were spying.
3. The report cited electronic

communications collected under FISA. While that may be no more than 4 FISA references in another case out of the Newark Office (which appears to be a prior investigation tied to the Israelis), that's not clear that that's the only FISA-collected information here.

4. Whether or not the FBI already had used FISA on Antiwar.com, the low bar for PATRIOT powers (connection to a counterterrorist or counterintelligence investigation; the Israeli investigation would qualify) means the government could have used PATRIOT powers to investigate them.

So here's my analysis.

Someone emailed Antiwar.com this set of FOIAed FBI documents. The documents appear to show that the FBI did some research on Antiwar.com in 2004 and recommended a Preliminary Investigation of them to see if they were spies. Their research appears to include 4 pieces of electronic communication collected under FISA, though it appears those were collected in another case.

The Contents of the FBI File

What follows assumes that the documents are authentic (Antiwar.com did not FOIA this themselves and they just received it out of the blue). It's possible they're an elaborate forgery, but they certainly appear to be valid FBI documents.

Roughly speaking, here's what's included in the

document packet as a whole.

- 1-2: The faxed copy of a 302 (interview report) dated September 16, 2002 related to the Israelis
- 3-4: A transfer document
- 5-26: A document, dated October 4, 2002, documented the return and translation of evidence taken from the Israelis as well as xeroxes of the evidence
- 27-29: An interview report dated October 2, 2002, first requested September 10, 2002
- 30-32: An October 29, 2002 report on photos confiscated from an Israeli when he was detained on October 30, 2001
- 33-34: An April 23, 2003 report on an earlier arrest of four Israelis on August 14, 2001
- 35: Mostly blank cover sheet
- 36-37: An FBI handwriting analysis of documents taken from the Israelis
- 38-51: A report, dated July 10, 2003, summarizing and closing the case on the Israelis
- 52-58: A report, dated July 10, 2003, summarizing the results of the case on the Israelis
- 59-61: Paperwork from

February and April 2004 reopening and transferring the investigation of the Israelis

- 62-71: A 10-page report, dated April 30, 2004, on Raimondo, Garris, and Antiwar.com
- 72-84: Web printouts of antiwar.com related information
- 85-89: Paperwork related to the closure of the investigation into the 5 Israelis and the destruction of evidence collected from them
- 90-94: FOIA notations

Only the two bolded sections pertain to Antiwar.com. The rest (plus—it appears from the title of the Scribd file, <http://www.scribd.com/doc/62394765/1138796-001-303A-NK-105536-Section-6-944900>, which appears to come from the Newark case number—at least five other sections) describes the FBI's investigation of the five Israelis alleged to have filmed the destruction of the World Trade Center (read pages 38-51 for the most complete description of the FBI investigation). The short version of the conclusion in that investigation is that the Israelis did have ties to the Israeli government, but did not appear to have foreknowledge of the attack.

The Antiwar.com Threat Assessment appears to have been forwarded to the counterterrorism people working on the Israeli case; it's likely the FOIA asked for everything relating to the Israeli investigation.

The Genesis of the Antiwar.com Threat Assessment

Which brings us to the report on Antiwar.com itself.

It appears that, in March 2004, the FBI may have done a search of everyone who had a 9/11 "watch list" available online.

An electronic communication from the Counterterrorism, NTCS/TWWU to all field offices, dated 03/24/2004, advised that the post-9/11 "watch list," "Project Lookout," was posted on the Internet and may contain the names of individuals of active investigative interest. Different versions of these lists may be found on the Internet. This assessment was conducted on the findings discovered on www.antiwar.com.

The file doesn't actually say whether that's why the FBI started investigating Antiwar.com. Rather, it says,

While conducting research on the Internet, an untitled spreadsheet, dated 10/03/2001, was discovered on the website antiwar.com.

Given the recently reopened investigation into the Israelis at that time, the FBI may have found it in research on them and used the watch list directive to conduct further investigation. Or it may have just been the watch list directive.

The FBI's Research into Antiwar.com

As Raimondo notes, he posted links to that document—sourced clearly to Cryptome—in this post on the Israelis.

Ostensibly to figure out how and why he was posting a terrorist watch list, the FBI:

- Did searches on its Universal Index on both Garris and Raimondo (there was significant material on one of them)
- Did a scan of the Electronic

Case File, apparently finding:

- One completely redacted file
- A counterintelligence report forwarded from the Counterintelligence office to the Office
- Several documents (from a different FBI office) that appear to be based on posts of Raimondo (these have serial numbers reading "315M/N-SL-188252), though the second is a Letterhead Memo
- A document citing Antiwar.com as a source of information on US military aid to Israel
- A report on a peaceful protest in the UK including a reference to an article handed out at the protest citing antiwar.com
- A report on a Neo-Nazi conference at which a member recommended reading Antiwar.com for information on the Middle East conflict
- The contents of a seized hard drive

showing its owner visited Antiwar.com between July 2002 and June 2003.

- Recorded six more completely redacted entries
- Looked up details on DMV, Dun and Bradstreet, Lexis Nexis, business, and phone searches
- Looked up several other database searches the description of which are redacted
- Cited four FISA-derived references from a case file in Newark, but with no description of contents
- Referred to a bunch of other articles on Antiwar.com, both access via Lexis Nexis and via web searches.

The FBI's Verdict: Further Investigation

All of which the FBI used to come to the following conclusion:

The rights of individuals to post information and to express personal views on the Internet should be honored and protected; however, some material that is circulated on the Internet can compromise current active FBI investigations. The discovery of two detailed Excel spreadsheets posted on www.antiwar.com may not be significant by itself since distribution of the information on such lists are wide spread. Many agencies outside of law enforcement have been utilizing this information to screen their employees. Still it is unclear whether www.antiwar.com may

only be posting research material compiled from multiple sources or if there is material posted that is singular in nature and not suitable for public release. There are several unanswered questions regarding antiwar.com. It describes itself as a non-profit group that survives on generous donations from its readers. Who are these contributors and what are the funds used for? [two lines redacted] on www.antiwar.com. If this is so, then what is his true name? Two facts have been established by this assessment. Many individuals worldwide do view this website including individuals who are currently under investigation and [one line redacted].

With the recommendations (for DC's corrupt ECAU office):

It is recommended that ECAU further monitor the postings on the website www.antiwar.com.

And in San Francisco:

It is recommended that a [Preliminary Investigation] be opened to determine if [redacted] are engaging in, or have engaged in, activities which constitute a threat to National Security on behalf of a foreign power.

Now, it's bad enough the FBI doesn't consider Antiwar.com a journalistic site at all. It's also pretty appalling that they used pretty unnecessary questions to justify further investigation.

And remember, the bar for the FBI to use First Amendment "protected" reasons to investigate someone have been lowered since 2004.

Apparently, for the FBI, advocating for peace and making a publicly available PDF available constitutes sufficient threat to conduct a counterintelligence investigation.