

THE FBI'S FILE ON ANTIWAR.COM

As I reported yesterday, the FBI conducted a threat assessment into Antiwar.com in April 2004 in conjunction (apparently) with a terrorist watch list posted on the site. I briefly reviewed what they found, but I wanted to look in more detail at what the report on them (see pages 62-71) shows.

As I explain below, what I believe happened is that an Agent in the Newark office investigating one or two people with ties to Pakistan for terrorism did an investigation into Antiwar.com because it posted watch lists with the investigation subject's name on them. That Agent recommended that the Electronic Communications Analysis Unit (a part of the Counterterrorism Division) continue monitoring Antiwar.com (someone is being paid to surf Antiwar.com!), and that the San Francisco office (which would have been local to Raimondo and Garris) do a Preliminary Investigation, presumably to figure out if they were posting such documents to help Islamic terrorists.

But in the course of explaining the Israeli Movers story that Raimondo had written on, that Agent referenced an investigation of the Movers that may not be an FBI investigation. Either in the course of the document circulating within the Newark office, or because it came up on a later search, someone noticed the reference to this investigation, and forwarded the document to those conducting the newly-reopened Israeli Movers investigation.

The April 2004 Threat Assessment

First, remember what this is: it's a search in April 2004 of the FBI's files and public databases on Justin Raimondo, Eric Garris, and Antiwar.com as those files existed in 2004. The report recommends that the San Francisco office conduct a preliminary investigation. Raimondo

and Garris were stopped by DHS in 2005 on their return from a trip to Malaysia; the contents of every piece of paper that Garris had on him were copied. So it seems safe to assume that the FBI continued to investigate them after this report.

In other words, a FOIA of what the FBI currently has on them would likely have more material in it, particularly if the FBI did do that preliminary investigation on them.

Also, the report is labeled as a Threat Assessment, which the FBI's Domestic Investigation and Operation's Guide describes requires the following predication:

Although "no particular factual predication" is required, the basis of an assessment cannot be arbitrary or groundless speculation, nor can an assessment be based solely on the exercise of First Amendment protected activities or on the race, ethnicity, national origin or religion of the subject. Although difficult to define, "no particular factual predication" is less than "information or allegation" as required for the initiation of a preliminary investigation.

The relevant reason to conduct a preliminary investigation would be (given the suggestion in the threat assessment that Antiwar.com might working on behalf of a foreign power) the Agent's conclusion that there was enough reason-information-indicating a threat to national security may be occurring.

"information or an allegation" indicating the existence of

[snip]

An activity constituting a federal crime or a threat to the national security has or may have occurred, is or may be occurring, or will or may occur and the investigation may obtain information relating to the activity or the involvement or role of an individual, group, or organization in such activity.

All that suggests that this document may have been the first step toward conducting a more detailed investigation of Antiwar.com.

The Antiwar.Com Material

The first thing noted in the report is results of a search of the FBI's Universal Index, which would show,

... people who are the subjects of an FBI investigation (main file) or are associated with the subject of an investigation.

Obviously, that search returned some results, all of which have been redacted under privacy exceptions to FOIA. One of either Garris or Raimondo has a significantly longer file than the other. (Note, the first reference of them by name, which is redacted, appears to list Garris first based on the redaction; unredacted mentions of them on pages 2 and 8 maintain that order. If that order was sustained throughout, it suggests the FBI has significantly more information on Garris than Raimondo.) Interestingly, Antiwar.com didn't return any results in the UNI.

The FBI then searched the Electronic Case Files and found either 12 or 13 documents (or 15 or 16, counting the FISA files individually). The report describes each one of these (save 4 FISA-generated documents that are just referenced by serial number). Here are descriptions of each of the documents:

The first document is completely redacted with no FOIA exemption noted.

The second document is also completely redacted, but has a b7A (Law enforcement proceeding) exemption. If the exemption is to be believed (they often aren't), the file has been withheld because the FBI though releasing it would hurt a trial or some similar reason.

The third document is named 65T-HQ-1427774 serial 26 and is dated April 14, 2004. Its

clearly a counterintelligence document, and has been exempted for national defense/foreign policy information. There's also a "referral/consult" notation on it, which may suggest the FBI needed to consult someone else—maybe another agency—about redaction (given that this was the period when CIFA was rampant, I'm wondering if it's a DOD generated report). The code in the document name also indicates this was a counterintelligence investigation.

The fourth and fifth documents appear from their serial numbers—315M-SL-188252 serial 152 and 315N-SL-188252 serial 176—to come from the same international terrorism (indicated by the 315) investigation. They are dated, respectively, November 17, 2003 and December 27, 2003, and the second appears to be a Letterhead Memo incorporating the first for communication outside of that FBI office. The description of the documents appear to indicate the Saint Louis office noting that Raimondo had the threat lists, reflecting particular concern about one or more people listed on the lists. Given that this document is described as pertaining to Pakistan and al Qaeda, I'm guessing these documents explain that an Islamic terrorist suspect might learn he was under investigation from the threat list. The exemptions here are national defense/foreign policy.

The sixth document, dated May 21, 2002, describes someone who wrote on US military assistance to Israel and cited Antiwar.com. In addition to law enforcement proceedings exemption, redactions cite privacy exemptions.

The seventh document, dated November 13, 2002, describes a peaceful protest at an Air Force base in the UK held four days before the report was filed. An article from Antiwar.com was passed out at the rally. The file serial number was redacted using law

enforcement proceedings exemption, which seems bizarre to me, unless the FBI is trying to hide the lame reasons they're using to investigate peaceful antiwar protests.

The eighth document, 100A-PG-67450-302 serial 970 and dated October 3, 2002 describes what appears to be the FBI infiltration of a National Alliance meeting at which one member advocated reading Antiwar.com for information on the Middle East conflict.

The ninth document, 174A-LA-234485 serial 55 and dated November 10, 2003, describes hard drives seized during an investigation (the code indicates it's an explosives investigation) that showed the hard drives' user visited Antiwar.com between July 25, 2002 and June 15, 2003. A description of the investigation is redacted using privacy exemptions.

All but the date of the tenth document, February 5, 2003, is redacted using privacy and law enforcement proceedings exemptions.

The entire eleventh document is redacted using a law enforcement proceedings exemption.

As noted, there are four FISA references. All share a serial number—315B-NK-102595-EL6—that is also one of four serial numbers given to the report itself. So it appears there are 4 FISA references to Antiwar.com that may have been picked up in an investigation of Pakistani terrorists.

I'm not going to look at the results for the various database searches. Note, however, that the exemption b7E used on many of these refers to information redacted to prevent people from circumventing investigation or law enforcement. Which is another way of them saying they don't want us to know all the public databases they can search to find information in a very low level FBI investigation.

The Israeli Movers Investigation

One more note on the content of this. Page 8 describes webpages that either discuss Antiwar.com documents or things Raimondo wrote. The fourth unredacted paragraph describes an article (later, a book) he wrote. The entire paragraph is bracketed and there are Xes in the margin, suggesting that the copy of the report in the file was handmarked by someone. What's most interesting, however, is the last sentence.

(S) On www.chroniclesmagazine.org, an article by Justin Raimondo, "Chronicles Intelligence Assessment—the Terror Enigma: Israel and the September 11 Connection," outlined the activities of the Mossad. It also included information obtained from a story in the Bergen Record dated 09/12/2002 regarding a group of Israelis detained by FBI, Newark, for possible involvement in the events of 9/11. [handwritten bracket] (An active investigation was conducted on the five Israeli Nationals. For a detailed report of this investigation, see [redacted]) [close handwritten bracket]

That is, the reason the recipient of this report found this paragraph interesting is because of that bracketed comment identifying "an active investigation." But the report's name remains redacted using the national defense/foreign policy exemption.

Now, the redaction is interesting not least because the FOIA request that resulted in this document release pertained to the Israelis, not to Antiwar.com. Yet the report redacts the instructions on where to find another report on precisely that topic.

It's possible that the redacted report is among the case files listed on the front page of this report; one of the case IDs is redacted, and given that the Israelis were first investigated in the context of 9/11, it might not be a stretch to think it'd be included. But there's also a circled handwritten note next to the case

ID numbers written in a pen that might be the same as the one used to bracket this entire paragraph. It appears to say:

See pag 8 for ~~real~~ link

Given that paragraph appears on page 8 and the only other redaction pertains to articles about Antiwar.com, it seems likely that the reference to this "active investigation" is the reason the report on Antiwar.com ended up in the Israeli Movers file in the first place. This suggests it's likely that the redacted report is not an FBI file (because otherwise they wouldn't need to stick an unrelated file into just to reference it).

Two more marks on the first page is worth noting here. In the lower left corner there's a word or phrase redacted, using a national defense/foreign policy exemption. If I had to guess (and it's just a wildarsed guess), I'd say it looks like the kind of mark people use to label a document to indicate where to file it. In addition, there's a national defense/foreign policy exempted mark just next to the file names.

The Circulation

Another detail of interest on the first page is the circulation list:

- Three recipients in the Counterterrorism office
- ECAU—basically the group that would continue monitoring Antiwar.com online—which is also in Counterterrorism
- One named Counterterrorism Agent
- Two named Agents in the NY Office
- One named Agent in

Philadelphia

- St. Louis' Pakistan Squad
- San Francisco's Pakistan Agent

In addition, the document is titled, "IT-Pakistan; IT UBL/Al Qaeda."

All that (plus the Case ID numbers all referencing international terrorism investigations) suggest the document was originally generated by someone investigating an alleged Pakistani terrorist, not the Israeli Movers. Thus, it appears that what I've referred to as documents four and five—describing the watch lists—were a key source of interest to the Agent writing the report, not the Israeli Movers (note, too, that those documents were generated in the Saint Louis office, which is likely why they received this report).

The Classifications

Finally, there's something interesting about the classification history of not just this document, but all the documents in this FOIA pack.

When this document was initially generated in April 2004, each paragraph and the document itself was marked with a classification mark. But it didn't get a classifying stamp right away. That's probably just FBI sloppiness.

But then, 16 months after the document was first generated, on August 3, 2005 (or August 2 for other parts of the packet), someone did go in and add a classification stamp (see the bottom left corner) to this and all the other documents in the file. The reason given for classification is intelligence activities. The person who added that stamp may be the person who marked individual classification marks (such as the Secret mark to the notation on the bottom right corner of the document) in fairly thick pen. Those marks are generally either marking public information as unclassified (those paragraphs

were wrongly classified in the first place), or marking that front page notation and that reference to the other Israeli Movers investigation secret. If so, that same person may have written the Xes and the bracket in the paragraph about the Israeli Movers on page 8.

Then, at some point, someone declassified the document. (See the stamp, at a 90 degree angle, which is crossed out, in the left hand margin.)

Then, in September 2010, someone went back in and classified the whole set of documents again (see the notation at the top left of the page). In addition to the intelligence activities cited in the 2005 classification, this one cites foreign government information (reason b) and foreign activities of the US (reason d). This suggests someone got squeamish in 2010 about what the investigation on the Israeli Movers might do to our relations with Israel.

And then, presumably in response to this FOIA, the entire packet was declassified again. I suspect the mechanical notations—both the redactions and the printed new classification marks—were done for this declassification.

Update: Made a bunch of syntactical fixes.