



ACLU of Arkansas Seeks Records About FBI Collection Of Racial And Ethnic Data

FBI's Authority To Track And Map "Behaviors" And "Lifestyle Characteristics" Of American Communities Raises Alarm

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LITTLE ROCK – The American Civil Liberties Union of Arkansas today asked the FBI to turn over records related to the agency's collection and use of race and ethnicity data in local communities. According to a 2008 FBI operations guide, FBI agents have the authority to collect information about and map so-called "ethnic-oriented" businesses, behaviors, lifestyle characteristics, and cultural traditions in communities with concentrated ethnic populations.

While some racial and ethnic data collection by some agencies might be helpful in lessening discrimination, the FBI's attempt to collect and map demographic data using race-based criteria for targeting purposes invites unconstitutional racial profiling by law enforcement, says the ACLU.

The FBI's power to collect, use, and map racial and ethnic data in order to assist the FBI's "domain awareness" and "intelligence analysis" activities is described in the 2008 FBI Domestic Intelligence and Operations Guide (DIOG). The FBI released the DIOG in form in September 2009, but a more-descriptive version was not made public until January of this year, in response to a lawsuit filed by Muslim Advocates. Although the DIOG has been in effect for more than a year and a half, very little information is available to the public about how the FBI has implemented this authority.

"The public deserves to know about a race-based domestic intelligence program with such troubling implications for civil rights and civil liberties," said Melissa Goodman, staff attorney with the ACLU National Security Project.

"Creating a profile of a neighborhood for criminal law enforcement or domestic intelligence purposes based on race and ethnicity raises serious civil liberties concerns," said Rita Sklar, executive director of the ACLU of Arkansas. "Hopefully, coordinated efforts across the nation by ACLU affiliates will inform the public about the FBI's racial data gathering and mapping practices nationwide; we hope to contribute to that effort by finding out what is happening here in Arkansas. We have had a good working relationship with the FBI in Arkansas regarding investigations of discrimination against minority groups, and hope the FOIA request will not turn up unconstitutional practices."

ACLU affiliate offices across the nation today filed coordinated Freedom of Information Act requests to uncover records about the FBI's collection and use of racial and ethnicity data from their local FBI field offices. The requests were filed by the ACLU affiliates in Alabama, Arkansas, California (Northern, Southern and San Diego), Colorado, Connecticut, Washington, D.C., Delaware, Florida, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont and Virginia.

The DIOG provisions in question are available online at: www.muslimadvocates.org/DIOGs_Chapter4.pdf

The entire DIOG is at: www.muslimadvocates.org/latest/profiling_update/community_alert_seek_legal_adv.html

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