

# American Civil Liberties Union of Virginia

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530 East Main St., Suite 310, Richmond, Virginia, 23219

## ACLU of Virginia's Analysis of the Virginia Fusion Center's *2009 Virginia Terrorism Threat Assessment Report*

### Preface

by Kent Willis, Executive Director, ACLU of Virginia

The Virginia Fusion Center, like its 57 counterparts around the country, was created in recent years to improve the sharing of anti-terrorism intelligence among different local, state and federal law enforcement agencies. From the beginning, we at the ACLU were concerned that a lack of oversight and clear rules for collecting and storing data would make fusion centers into secret stockpilers of information on innocent citizens, leading to unprecedented invasions of privacy and a distorted sense of the threat of terrorism.

A report published by the Virginia Fusion Center in March 2009 does nothing to allay these fears. The report exaggerates the threat of terrorism in the state, while relying on peculiar notions of history, generalizations based on demographic patterns, and stereotypes of African-Americans, students, and religious minorities to draw its conclusions.

Richmond, for example, is a terrorist threat because it was the Capital of the Confederacy and now has large minority and student populations. The juxtaposition of a diverse military population and two historically black colleges makes Hampton Roads a "radicalization node."

The report frequently uses examples that do not back its conclusions. In most cases the examples are merely so vague as to be meaningless. The assessment of threats to the Federal Reserve Building in Richmond, for example, is based on reports of people photographing it and a group of protestors seeking to abolish the Federal Reserve System. In other examples, the report seems to undermine its own conclusions. A terrorist threat at Martinsville Speedway is determined to have occurred because an employee wanted to go home from work early.

The report even concludes at one point that the "election of an African-American President" will increase the potential for terrorist activity.

In more than 200 pages, the report names more than 50 "terrorist and extremist" organizations operating in Virginia, including anti-abortion, animal rights and religious groups. It claims there were more than 400 encounters with al-Qa'ida in Virginia in 2007.

As the report illustrates in alarming detail, fusion centers are becoming a breeding ground for overzealous police intelligence activities. Any law enforcement official

following the blueprint laid out in the report can only conclude that every racial minority, every student, every demonstrator, and every tourist taking a photograph is a potential terrorist.

And, students, racial minorities and members of a non-mainstream organization who read the report will now think twice before exercising their First Amendment rights of freedom of speech, association, and assembly.

The ACLU has long sought greater accountability from fusion centers, and there is no better example of why than this report.

### **Excerpts From 2009 Virginia Terrorism Threat Assessment**

*2009 Virginia Terrorism Threat Assessment*

Commonwealth of Virginia

Department of State Police

Virginia Fusion Center

March 2009

*Notes to Readers:*

- 1) “VSP” refers to Virginia State Police.
- 2) “VFC” refers to Virginia Fusion Center.
- 3) Footnotes have been removed. See full report for footnotes.
- 4) The quotes below, while complete, are taken from context. To view the full report, go to <http://cryptome.sabotage.org/>.

#### **VSP Division Map**

##### **Division 1**

##### **Terrorism/Extremist Group Presence**

##### **Page 9**

“Richmond’s history as the capital city of the Confederacy, combined with the city’s current demographic concentration of African-American residents, contributes to the continued presence of race-based extremist groups. This area is also the site of several community colleges and urban universities that attract a diverse range of domestic and international students and professors; two area universities are designated as Historically Black Colleges and Universities. While the majority of individuals associated with educational institutions do not engage in activities of interest to the VFC, it is important to note that University-based students groups are recognized as a radicalization node for almost every type of extremist group.”

**VSP Division Map**  
**Division 5**  
**Terrorism/Extremist Group Presence**  
**Page 17**

“[Hampton Roads] not only has a diverse population due to the strong military presence, but it is also the site of several universities. While most of these universities are considered urban, two are designated as a Historically Black Colleges and Universities, while Regent University is a private, evangelical Christian institution. While the majority of individuals associated with educational institutions do not engage in activities of interest to the VFC, it is important to note that University-based students groups are recognized as a radicalization node for almost every type of extremist group.”

**International Terrorism Threat**  
**Al-Qa’ida**  
**Domestic Activities**  
**Page 27**

“According to 2008 Terrorism Screening Center ground encounter data, al-Qa’ida was one of the three most frequently encountered groups in Virginia. In 2007, at least 414 encounters between suspected al-Qa’ida members and law enforcement or government officials were documented in the Commonwealth. Although the vast majority of encounters involved automatic database checks for air travel, a number of subjects were encountered by law enforcement officers.”

**Overview of Terrorism and Extremism Trends**  
**Recruitment & Radicalization**  
**Projections**  
**Page 133**

“Virginia is home to a wide range of individuals with ties to foreign nations embroiled in turmoil, U.S. born citizens drawn to the concept of self-defense found in militias, extremists on both ends of the political spectrum, and radicals with strong racial prejudices. Current events, such as the recent election of an African-American president, military action in Gaza, the potential for change in gun legislation, and economic difficulties will likely increase the potential for radicalization across all measures – frequency, volume, geographic distribution, and sophistication.”

**Critical Infrastructure/Key Resources**  
**Banking/Finance**  
**Domestic Incidents**  
**Virginia**  
**Page 144**

“The Federal Reserve Building is located in Richmond in the midst of other Virginia government buildings and significant historical sites. The Virginia Fusion Center has received several reports of interest concerning the Federal Reserve Building, including:

- An individual was observed photographing the Richmond Federal Reserve Building as well as Riverfront Plaza. When questioned, the individual claimed to be in Richmond attending a conference in the area.
- An individual was observed taking pictures of the Federal Reserve Building and the parking deck near the Federal Reserve Building.
- An individual walked onto Federal Reserve Property carrying two knapsacks and a cell phone. The individual approached an officer and inquired if the location was the Federal Reserve. The individual then claimed to be an employee of the bank and wanted to approach the bank.
- Suspicious documents recovered from a VA DOC inmate contained newspaper articles referencing the Federal Reserve.
- On April 1, 2008 and April 15, 2008, the Richmond Federal Reserve Building was a target location for protests regarding a movement to abolish the Federal Reserve and the IRS, and a revolution against American politics.”

**Critical Infrastructure/Key Resources**

**Commercial Facilities**

**Domestic Incidents**

**Virginia**

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[Example of terrorist threat to a commercial facility]

“Martinsville Speedway - A temporary employee called in a bomb threat during a Sprint Cup race in March 2008 because he was tired of picking up trash and wanted to go home.”

**Critical Infrastructure/Key Resources**

**Monuments and icons**

**Domestic Incidents**

**Virginia**

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[Example of a threat to a monument or icon]

“During the Jamestown 400th Anniversary on May 12, 2007 approximately 70 individuals from the New Black Panther Party, Black Lawyers for Justice, and the American Indian Movement held a demonstration at Historic Jamestowne (formerly known as Jamestown Island); the demonstration was billed as an antislavery rally (Jamestown was where the first Africans came to an English colony) but ended up being an anti-Caucasian hate speech.”