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DATE: Thursday, November 13, 2025, from 5:30 PM to 6:30 PM [Zoom]

RE: Know Your Rights: Interacting with the FBI (Introductory Research)

Introduction:

1. The ACLU of Hawai'i sits on land that has been stewarded for generations by Native Hawaiians.

- a. "Native Hawaiians are a distinct, Indigenous people whose ancestors were the original inhabitants of what is now considered the State of Hawai'i."¹
- b. While we work within the federal and state legislature and courts to protect civil liberties and demand greater freedom for all Hawaii's residents...
- c. We also acknowledge that "Native Hawaiians have never relinquished their sovereignty or settled their claims with the United States."²
- d. The ACLU of Hawai'i supports and honors the unique rights and voices of Native Hawaiians.

2. Freedom is often marked by civil liberties that people do and do not have.

- a. An interesting layer to the dynamic of civil liberties is that to have a free society, we must also have a safe society.
- b. Today, with complicity of the Federal Bureau of Investigation, we are seeing federal law enforcement agencies conduct raids where "people work, shop, eat, and live."³

¹ ACLU, *Policy 313*, Oct. 5, 2024

² *Id.*

³ Human Rights Watch, *US: ICE Abuses in Los Angeles Set Stage for Other Cities*, <https://www.hrw.org/news/2025/11/04/us-ice-abuses-in-los-angeles-set-stage-for-other-cities>, Nov. 4, 2025 ("The raids Human Rights Watch documented from June to September occurred without warning, as agents arrived in unmarked vehicles, jumped out, and swarmed people they targeted.")

- c. We have seen numerous unlawful detentions based solely on a “person’s perceived race, ethnicity, or national origin”⁴ in violation of the 4th, 5th, and 14th Amendments.⁵
- d. Our communities will never be safe so long as federal agents continue to terrorize them⁶ and rip families apart.⁷ They will never be safe while federal agents “us[e] excessive force, [smash] car windows, and pull people from their cars.”⁸
- e. So as long as our communities feel unsafe from racially-motivated attacks by law enforcement, they will remain unfree.⁹
- f. That is why ACLU of Hawai‘i is hosting this panel today – to protect your freedom, dignity, and humanity by empowering you to Know Your Rights.

3. Modern FBI: The FBI’s stated mission is to “protect the American people and uphold the Constitution of the United States.”¹⁰

- a. The FBI’s foundation rests on three principles: (1) fidelity, (2) bravery, and (3) integrity.¹¹

⁴ *Id.* (“Human Rights Watch analysis of ICE arrest data, excluding arrests by CBP or other agencies, confirms that from May 28 through July 28, ICE Enforcement and Removal Operations officers dramatically increased arrests, primarily of people without violent or even any US criminal history... Data suggests ICE agents detain people based on their perceived race, ethnicity, or national origin.”)

⁵ U.S. Const. amend. IV, V, and XIV

⁶ *Id.* (“Witnesses described and videos confirm agents usually carried military-style weaponry, sometimes dressed in civilian clothes or military outfits and often wearing masks hiding their identities and projecting a dangerous, lawless aura.”)

⁷ *Id.* (“Arrested people and their relatives said they and their loved ones experienced abusive treatment while being transported and in detention. They said those arrests were shackled for extended periods, denied food and water, forced to sleep on floors, and refused contact with family and lawyers. Family members reported substantial harm of those arrested, including emotional and physical pain caused by separation from their loved ones, financial crises, and difficulty paying for childcare, elder care, and care for family members with disabilities.”) (“Family members reported substantial harm of those arrested, including emotional and physical pain caused by separation from their loved ones, financial crises, and difficulty paying for childcare, elder care, and care for family members with disabilities.”)

⁸ *Id.*

⁹ *Id.* (“Immigrants interviewed almost uniformly confirmed the raids made them fear appearing in public, leading to them missing graduation ceremonies, medical appointments, and work.”)

¹⁰ FBI, United States Government, *About the FBI, Mission and Priorities*, <https://www.fbi.gov/about/mission>

¹¹ *Id.*

- b. Today, the FBI's website lists (1) crushing violent crime, (2) defending the homeland, (3) rebuilding public trust, and (4) fierce organizational accountability as its priorities.¹²

4. The Federal Bureau of Investigation ("FBI") was founded on July 26, 1908, when Attorney General Charles J. Bonaparte "appointed an unnamed force of special agents to be the investigative force of the Department of Justice."¹³ The FBI as we know it today evolved from this small group of special agents.¹⁴

- a. Initially, investigations focused mainly on white-collar, civil rights cases,¹⁵ and national security issues.¹⁶
- b. However, during WWI, Congress passed the Espionage Act and the Sabotage Act, which placed the FBI in the "counter-spy business."¹⁷
- c. The FBI was also tasked with "rounding up army deserters and policing millions of 'enemy aliens' – Germans in the U.S. who were not American citizens – as well as of enforcing a variety of other war-related crimes."¹⁸
- d. During rare moments of anti-racist nobility in the Civil Rights Movement, the FBI was tasked with "battling" the KKK¹⁹ and handled cases involving police brutality or other civil rights crimes by state and local authorities.²⁰
- e. Simultaneously, the FBI's involvement in national security investigations was increasing. The FBI "took the lead in investigating the high-profile assassinations of national leaders like President Kennedy, Martin Luther

¹² *Id.*

¹³ FBI, United States Government, *About the FBI, Frequently Asked Questions*, <https://www.fbi.gov/about/faqs/when-was-the-fbi-founded>

¹⁴ *Id.*

¹⁵ FBI, United States Government, *About the FBI, The Nation Calls, 1908-1923*, <https://www.fbi.gov/history/brief-history> (Crimes investigated included, antitrust, land fraud, banking fraud, naturalization and copyright violations, and peonage.)

¹⁶ *Id.*

¹⁷ FBI, United States Government, *About the FBI, The Nation Calls, 1908-1923*, <https://www.fbi.gov/history/brief-history>; Fortra, *2,500 of FBI's Counterintelligence Cases Linked to China*, <https://www.digitalguardian.com/blog/2500-fbis-counterintelligence-cases-linked-china>, Jul. 14, 2020 (In 2020, Christopher Wray, former Director of the FBI, stated that the FBI had roughly 5,000 active counterintelligence cases.)

¹⁸ *Id.*

¹⁹ *Id.* ("The Bureau had begun battling the KKK prior to the 1920s...")

²⁰ FBI, United States Government, *About the FBI, The Nation Calls, 1954-1971*, <https://www.fbi.gov/history/brief-history/and-justice-for-all>

King, and Senator Robert Kennedy. It also investigated the Kent State shootings and other related incidents and attacks.”²¹

5. Local Impact: Prior to WWII, the FBI had already identified “German, Italian, and Japanese aliens who were suspected of being potential ‘enemy agents,’ keeping them under surveillance.”²²

- a. As racist suspicions against Japanese Americans grew, the FBI began monitoring plantation labor organizers in Hawai‘i and by 1932, “the entire Japanese American community was under active surveillance.”²³
- b. Immediately after the attack on Pearl Harbor, however, the FBI began conducting raids against Japanese immigrants living in Hawai‘i.²⁴
- c. Japanese immigrants were arrested and detained for weeks at a time, before later being transferred to internment camps.²⁵
- d. Japanese Americans in Hawai‘i were subjected to monitoring by multiple investigative agencies, including the FBI.²⁶
- e. Ultimately, however, after over a decade of investigations and surveillance, “no fifth column...no double agents, no terror cells or subversive plots” were ever found.²⁷

6. While the FBI’s history undoubtedly includes many civil rights victories, the FBI’s history has also been troublesome, resulting in harms committed against the American people.

- a. During the period following WWII, the FBI played a key role in the “rapid, major deterioration in the civil liberties climate” through its “deliberate attempts to ignite a domestic Red Scare.”²⁸

²¹ *Id.* (Though, “no specific guidelines for FBI agents covering national security investigations had been developed by either Congress or the Justice Department (and none would be until 1976).”)

²² National Archives, *Japanese-American Incarceration During World War II*, <https://www.archives.gov/education/lessons/japanese-relocation#background>

²³ *Id.*

²⁴ Densho, *Of Spies and G-Men: How the U.S. Government Turned Japanese Americans into Enemies of the State*, <https://densho.org/catalyst/of-spies-and-gmen/>, Sep. 29, 2017

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Robert Justin Goldstein, National Archives, *Prelude to McCarthyism: The Making of a Blacklist*, <https://www.archives.gov/publications/prologue/2006/fall/agloso.html>, 2006

- i. Under the leadership of J. Edgar Hoover, the FBI established programs which utilized wiretaps and surveillance to uncover American communists,²⁹ which ultimately led to the executions of Julius and Ethel Rosenberg, “the first American civilians to be executed for conspiracy to commit espionage and the first to suffer that penalty during peacetime.”³⁰
- ii. Out of fear that he would align himself with the Communist Party, the FBI also engaged in an “intense campaign to discredit Martin Luther King Jr.” through the use of wiretaps and blackmail.³¹
- b. Since 2001, the FBI has experienced a striking expansion of power.³²
 - i. This expansion of power was largely influenced by the attacks on 9/11 as suspicions against minorities, particularly Muslim Americans, grew.³³
 - ii. Just 11 months after the attacks, 762 noncitizens (a majority of which were from Muslim majority countries³⁴), many of whom were arrested indiscriminately and haphazardly,³⁵ had been detained in connection with the terrorism investigations conducted by the FBI.³⁶
 - iii. Additionally, the FBI worked closely with the Department of Homeland Security to create and implement programs that would prevent the information-sharing failures that led to Sept. 11.”³⁷
- c. With this large expansion of power, the FBI has:

²⁹ Gallup, *J. Edgar Hoover, the FBI and American Communists*, <https://news.gallup.com/vault/210107/gallup-vault-edgar-hoover-fbi-american-communists.aspx#:~:text=Hoover%20was%20a%20passionate%20anti,leader%20was%20an%20American%20communist>, May 10, 2017

³⁰ Britannica, *Julius Rosenberg and Ethel Rosenberg*, <https://www.britannica.com/biography/Julius-Rosenberg-and-Ethel-Rosenberg>, last updated Oct. 30, 2025

³¹ Sam Briger, NPR, *Documentary Exposes How the FBI Tried to Destroy MLK with Wiretaps, Blackmail*, <https://www.npr.org/2021/01/18/956741992/documentary-exposes-how-the-fbi-tried-to-destroy-mlk-with-wiretaps-blackmail>, Jan. 18, 2021

³² *Id.*

³³ See U.S. Department of Justice, *The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks*, Apr. 2003, pg. 21

³⁴ *Id.*

³⁵ *Id.*

³⁶ ACLU, *The September 11 Detainees*, <http://aclu.org/documents/september-11-detainees>, June.18, 2003

³⁷ Vignesh Ramachandran, *Post-9/11 Surveillance Has Left a Generation of Muslim Americans in a Shadow of Distrust and Fear*, <https://www.pbs.org/newshour/nation/post-9-11-surveillance-has-left-a-generation-of-muslim-americans-in-a-shadow-of-distrust-and-fear>, Sep. 16, 2021

- i. Gathered information about millions of law-abiding Americans.³⁸
 - ii. Tracked communications and associations.³⁹
 - iii. Mapped American communities based on race, ethnicity, religion, and national origin.⁴⁰
 - iv. Exploited community outreach programs to monitor the First Amendment activities of religious groups.⁴¹
 - v. Harassed non-violent political activists with surveillance, unwarranted investigations, and aggressive nationwide raids that resulted in no criminal charges.⁴²
- d. In 2013, the ACLU published “Unleashed and Unaccountable: The FBI’s Unchecked Abuse of Authority,” which not only documented this expansion of power, but also “establishe[d] a foundation for reform with recommendations to ensure FBI respect for civil liberties.”⁴³

7. Today, we are continuing to see these harms inflicted on our communities.

- a. Over the last 6 months, I have received multiple calls from community members who have been visited by the FBI, mainly in their home.
- b. FBI visits are leading to community panic, fear, and silencing.
- c. **Free Speech:** Some local residents have been approached to discuss their opinions on Palestine or work with professors who have engaged in topics that have intersected with Palestine.

³⁸ ACLU, *Unleashed and Unaccountable: The FBI’s Unchecked Abuse of Authority*, <https://www.aclu.org/documents/unleashed-and-unaccountable-fbis-unchecked-abuse-authority>, Sep. 17, 2013

³⁹ *Id.*

⁴⁰ ACLU, *Mapping the FBI, Uncovering Abusive Surveillance and Racial Profiling*, <https://www.aclu.org/mapping-the-fbi>, 2011 (In 2011, the ACLU uncovered that the FBI had been collecting racial and ethnic information, using that information to “map” American communities based on “crude stereotypes about which groups commit different types of crimes.”); ACLU, *Unleashed and Unaccountable: The FBI’s Unchecked Abuse of Authority*, <https://www.aclu.org/documents/unleashed-and-unaccountable-fbis-unchecked-abuse-authority>, Sep. 17, 2013

⁴¹ *Id.*

⁴² *Id.*

⁴³ ACLU, *Mapping the FBI, Uncovering Abusive Surveillance and Racial Profiling*, <https://www.aclu.org/mapping-the-fbi>, 2011; ACLU, *Unleashed and Unaccountable: The FBI’s Unchecked Abuse of Authority*, <https://www.aclu.org/documents/unleashed-and-unaccountable-fbis-unchecked-abuse-authority>, Sep. 17, 2013

- d. **National Identity:** Other local residents have been asked about their financial interests and lawful remittances paid to family in Iran. While others have had their accounts frozen pending investigation.
- e. **Religious Identity:** Furthermore, while religious practices have not specifically been questioned or targeted, the majority of folks being questioned or investigated are Muslim.
 - i. This results in Muslims feeling just as unsafe and as targeted as they did in a post-9/11 era.
- f. **Immigrant Rights Committee:** Our community partners on the ground have shared with us that they have seen greater involvement of the FBI in immigration enforcement activities.⁴⁴
 - i. FBI agents have assisted ICE operations by securing perimeters for ICE raids.⁴⁵ Other federal agencies are also helping “reluctantly.”⁴⁶

8. For these reasons, it is difficult for our communities to see the FBI as a trusted partner in today’s political climate.

- a. Accordingly, we are hosting this event to empower you with knowledge.
- b. Knowledge of your rights and how to exercise them is imperative to ensuring that your civil liberties and civil rights as individuals, and also as a community, remain intact.
- c. We also hope that this knowledge will mitigate the fear that flows from increased interactions with the FBI.
- d. Today’s panelists will be speaking on (a) your constitutional rights when dealing with the FBI; (b) what to know about FBI investigations and target letters; (c) how to respond if the FBI wants to search you or your home; (d) what to do if the FBI comes to question you; (e) how the community can safely respond when a person has been arrested and/or detained by the FBI.⁴⁷

⁴⁴ ACLU of Hawai‘i, *Immigrant Rights Committee Meeting Notes*, Nov. 3, 2025

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ ACLU of Hawai‘i, *Know Your Rights: Interacting with the FBI*