Government Surveillance and Disruption of UFO Groups, Researchers, and Experiencers

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Premise. Assume that the CIA, components of DoD (including the Air Force Office of Special Investigations), the FBI, or their contractors watch civilian UFO organizations, researchers, and abductees; place informants in their groups; feed them false information; or act to discredit them. What limits does the law place on that conduct, what remedies exist, and how closely do the cases from COINTELPRO, Operation CHAOS, Army domestic surveillance, and infiltration of student, church, and protest groups fit?

Key points

- The documentary record starts in 1953: the CIA-sponsored Robertson Panel recommended that civilian UFO groups "should be watched" and that "the possible use of such groups for subversive purposes should be kept in mind." Agencies later kept files on contactee figures, and an AFOSI campaign of disinformation aimed at a researcher in New Mexico in the 1980s has been described by a participant.
- No reported case decides a claim of surveillance or disruption of a UFO group. UFO organizations appear in the case law only as FOIA requesters, and one of their suits produced the rule courts still apply to judge an agency's search (*Ground Saucer Watch v. CIA*, 1981).
- The COINTELPRO cases supply the governing principle: government action taken to disrupt lawful organizations or deter membership is unconstitutional, and the government may not do covertly what it could not do openly (*Hobson v. Wilson*, 1984). Concealment tolls limitations.
- Surveillance alone is rarely actionable in federal court (*Laird v. Tatum*), and an undercover informant who acts in good faith within the scope of the group's invitation violates neither the Fourth nor the First Amendment (*Panagacos v. Towery*, 9th Cir. 2017, on Army infiltration of an antiwar group).
- The best present tool for an individual is the Privacy Act's ban on agency records describing how a person exercises First Amendment rights, 5 U.S.C. §552a(e)(7); the Ninth Circuit ordered the FBI to expunge a threat assessment of an antiwar website and its editors (*Garris v. FBI*, 2019).

- California law gives more: undercover police in UCLA classes stated a claim under the First Amendment and the state constitutional right of privacy, and taxpayer standing avoided *Laird* (*White v. Davis*, 1975).
- Discrediting campaigns fall into a gap: the FTCA excludes libel, slander, misrepresentation, and deceit, and *Bivens* is closed. Remedies are records correction, inspector general complaints, congressional oversight, and §1985(3) where class-based animus can be shown.

1. Summary

Conduct	Rule	Remedy	Leading authority
Watching public meetings, talks, and posts	Not a search; chill alone gives no standing	Privacy Act (e)(7) expungement; FOIA	*Laird v. Tatum*; *Garris v. FBI*
Informant joins the group	Allowed if in good faith and within the invitation	Damages only with proof that deterring speech was a motivating purpose	*Panagacos v. Towery*; *Presbyterian Church*
Disruption: false information, provocation, splitting groups	Unconstitutional when aimed at disrupting lawful groups	§1985(3); state law; formerly *Bivens*	*Hobson v. Wilson*
Keeping files on members' First Amendment activity	Barred unless pertinent to an authorized law enforcement activity	Amendment and expungement; limited damages	5 U.S.C. §552a(e)(7)
Public statements to discredit a person	Government speech; FTCA excludes defamation	Records correction; IG; oversight	*Paul v. Davis*; Issue F4
Demands for membership lists	Exacting scrutiny	Injunction	*NAACP v. Alabama*; *AFP v. Bonta*
Military personnel collecting on civilians	Posse Comitatus; DoD intelligence oversight rules	IG and oversight; rarely a damages claim	*Panagacos*; DoDM 5240.01

2. The UFO record

- **Robertson Panel (January 1953).** The CIA's Office of Scientific Intelligence convened a panel of scientists to review UFO reports. Its report recommended a program to reduce public interest in the subject and, under the heading "Unofficial Investigating Groups," recorded that groups such as the Civilian Flying Saucer Investigators (Los Angeles) and the Aerial Phenomena Research Organization (Wisconsin) "should be watched because of their potentially great influence on mass thinking if widespread sightings should occur," adding that "[t]he apparent irresponsibility and the possible use of such groups for subversive purposes should be kept in mind." The report is reproduced in Michael Swords et al., *UFOs and Government: A Historical Inquiry* (2012), is held in the CIA's electronic reading room as document CIA-RDP81R00100030027-0, and is included in the PURSUE release CIA-UAP-002 (Issue F4 §2). AARO's own historical report describes the panel's proposal for a "debunking" effort through public media. All-domain Anomaly Resolution Office, *Report on the Historical Record of U.S. Government Involvement with Unidentified Anomalous Phenomena (UAP)*, vol. I, at 17, 27 (Feb. 2024). The same history describes later official concern with how to "monitor the activities of the civilian groups," including NICAP, whose board included former Director of Central Intelligence Roscoe Hillenkoetter.
- **FBI files.** The FBI kept files on 1950s contactee figures and gatherings. Clients and groups can request their own files and those of deceased figures (§6).
- **Paul Bennewitz.** In the early 1980s a businessman in Albuquerque who recorded signals near Kirtland Air Force Base became the subject of an AFOSI effort that fed him false material; a former AFOSI agent later described his role, and Bennewitz was hospitalized. Greg Bishop, *Project Beta* (2005). These accounts are allegations, but they describe the conduct this issue addresses: a government campaign directed at an individual researcher's credibility and state of mind.
- **Present working premise.** The site treats AARO as a deliberate source of disinformation in the concealment (Issue F4 §2A). The law that applies to AARO's treatment of witnesses is in Issue F4; this issue covers watching and disrupting private groups.

UFO organizations appear in reported cases as FOIA plaintiffs. *Ground Saucer Watch, Inc. v. CIA*, 692 F.2d 770, 771 (D.C. Cir. 1981), held that agency declarations describing a search are presumed to be made in good faith and cannot be rebutted by "purely speculative claims about the existence and discoverability of other documents," a rule still cited in FOIA cases. See also *Citizens Against UFO Secrecy v. NSA*, 672 F.2d 893 (D.C. Cir. 1981) (table), cert. denied, 455 U.S. 1002 (1982).

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3. The historical parallels and the law they produced

3.1 COINTELPRO

From 1956 to 1971 the FBI ran counterintelligence programs aimed at the Communist Party, the Socialist Workers Party, civil rights and Black nationalist groups, the New Left, and antiwar groups, with the stated purpose to "expose, disrupt, misdirect, discredit, or otherwise neutralize" them.

Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Church Committee), Final Report, Book II and Book III (1976).

Hobson v. Wilson, 737 F.2d 1 (D.C. Cir. 1984) (overruled in part on other grounds by *Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit*, 507 U.S. 163 (1993), which rejected heightened pleading for civil rights claims), reviewed jury verdicts for antiwar and civil rights activists against FBI agents and District of Columbia police.

- Government action taken with the intent to disrupt or destroy lawful organizations, or to deter membership in them, is unconstitutional, and the government may not do covertly what it could not do openly. *Id.* at 27-29.
- 42 U.S.C. §1985(3) reaches conspiracies by federal officers, and the FBI's targeting of Black groups and their supporters, including efforts to split them from antiwar groups, supplied class-based animus. *Id.* at 14-23.
- Limitations were tolled for wrongs concealed by the defendants. Reading a magazine article describing COINTELPRO did not put a person on notice that he was a target; three plaintiffs who had read such articles and knew they were under investigation were on notice. *Id.* at 33-41.
- Intelligence gathering by police through informants and observation, without evidence tying individual defendants to disruption, did not support liability, and the verdicts against the District of Columbia defendants were reversed. *Id.* at 51-57.

Kenyatta v. Moore, 623 F. Supp. 224 (S.D. Miss. 1985), likewise held that §1985(3) applies to federal officials. *Socialist Workers Party v. Attorney General*, 642 F. Supp. 1357 (S.D.N.Y. 1986), awarded damages under the FTCA for FBI break-ins and the use of informants against a lawful political party.

3.2 Operation CHAOS and campus programs

The CIA's Operation CHAOS (1967-1974) collected information on Americans in the antiwar and student movements, contrary to the agency's charter. Commission on CIA Activities Within the United States (Rockefeller Commission), Report (1975), ch. 11. Claims arising from CHAOS and NSA watch lists failed on the state secrets privilege. *Halkin v. Helms*, 690 F.2d 977 (D.C. Cir. 1982). The CIA had also secretly funded the National Student Association until *Ramparts* disclosed it in 1967.

White v. Davis, 13 Cal. 3d 757 (1975), is the strongest case on infiltration of an educational setting. Los Angeles police officers enrolled at UCLA as students, recorded class discussions and meetings, and kept dossiers. The California Supreme Court held that the complaint stated a prima facie violation of freedom of speech and assembly and of the right of privacy added to the state constitution in 1972, so that the government had to show a compelling interest and no less restrictive alternative. *Id.* at 760-61, 767-76. California's taxpayer-standing statute, Code Civ. Proc. §526a, allowed the suit despite *Laird*. *Id.* at 763-66.

3.3 Army surveillance

Laird v. Tatum, 408 U.S. 1 (1972), held that people subject to the Army's domestic intelligence program lacked standing to challenge it based only on a subjective chill. The Army's response to the

scandal was a set of rules on collecting information about civilians, now carried forward in DoD Manual 5240.01.

The Army returned to the practice in 2007. A civilian employee of the Army's Force Protection Division at Fort Lewis used a false identity to join Port Militarization Resistance, a nonviolent group protesting military shipments through Olympia and Tacoma, and passed what he learned to a supervisor, who shared it with local police. The activists' claims failed. *Panagacos v. Towery*, 2014 WL 3579648, at *7-8 (W.D. Wash. July 21, 2014), aff'd in relevant part, 692 F. App'x 330 (9th Cir. 2017) (mem.). The Ninth Circuit held that an "invited informer" is not a Fourth Amendment search; that an informant violates no First Amendment right when acting in good faith, not for the purpose of abridging First Amendment freedoms, and within the scope of the invitation to participate (*United States v. Mayer*, 503 F.3d 740, 750 (9th Cir. 2007)); that the plaintiffs had to show that deterring their speech was a substantial or motivating factor; and that any Fourth Amendment violation arising from a breach of the Posse Comitatus Act was not clearly established.

3.4 Churches, mosques, and protest groups

- *Presbyterian Church (U.S.A.) v. United States*, 870 F.2d 518 (9th Cir. 1989): churches had standing to challenge INS informants who recorded worship services, because the surveillance reduced attendance and participation. On remand the individual agents received qualified immunity, 752 F. Supp. 1505, 1512-14 (D. Ariz. 1990).
- *Hassan v. City of New York*, 804 F.3d 277 (3d Cir. 2015): Muslims surveilled by the NYPD in New Jersey had standing and stated equal protection claims.
- *FBI v. Fazaga*, 595 U.S. 344 (2022): an FBI informant in California mosques; the FISA procedures for reviewing surveillance do not displace the state secrets privilege.
- Consent decrees limit police political intelligence in New York (*Handschu v. Special Services Division*, the Handschu Guidelines), Chicago (*Alliance to End Repression v. City of Chicago*, 742 F.2d 1007 (7th Cir. 1984) (en banc)), and Memphis (*Kendrick*; enforced in *ACLU of Tennessee v. City of Memphis*).

3.5 Greenpeace

A security firm hired by corporations took Greenpeace's trash and documents from 1998 to 2000. Greenpeace's suit failed: documents placed in the trash were abandoned, which defeated conversion and trespass claims, *Greenpeace, Inc. v. Dow Chemical Co.*, 97 A.3d 1053 (D.C. 2014), and the RICO claims were dismissed, 808 F. Supp. 2d 262 (D.D.C. 2011). French intelligence agents sank Greenpeace's ship *Rainbow Warrior* in Auckland in 1985. In the United Kingdom, undercover police officers spent years inside environmental groups; the Investigatory Powers Tribunal held in *Wilson v. Commissioner of Police of the Metropolis* (2021) that one officer's deception of an activist into a relationship violated the European Convention on Human Rights, and a public inquiry continues. In the United States, documented government monitoring of Greenpeace consists of FBI files released through FOIA litigation over Joint Terrorism Task Force surveillance of advocacy groups (*ACLU v. FBI*, 429 F. Supp. 2d 179 (D.D.C. 2006)). This analysis found no public source for CIA infiltration of Greenpeace.

4. Present limits on the agencies

- **CIA.** The CIA has "no police, subpoena, or law enforcement powers or internal security functions." 50 U.S.C. §3036(d)(1). Executive Order 12333 limits collection on U.S. persons to procedures approved by the Attorney General (§§2.3, 2.4) and forbids anyone acting on behalf of an intelligence element to join or participate in an organization in the United States without disclosing the affiliation, except under approved procedures (§2.9). Such participation may not be used to influence the organization's activity or members, except in a lawful FBI investigation or where the organization consists mainly of non-U.S. persons reasonably believed to be acting for a foreign power (§2.9(a)-(b)).
- **DoD.** The Posse Comitatus Act, 18 U.S.C. §1385, and 10 U.S.C. §275 restrict military participation in civilian law enforcement. DoD Manual 5240.01 (2016) governs intelligence collection on U.S. persons and undisclosed participation in organizations; violations are reportable through intelligence oversight channels. AFOSI also has law enforcement and counterintelligence authority over matters connected to the Air Force.
- **FBI.** The Attorney General's Guidelines for Domestic FBI Operations (2008) and the Domestic Investigations and Operations Guide allow "assessments" without a factual predicate, but forbid investigative activity based solely on the exercise of First Amendment rights and regulate undisclosed participation in organizations.

These rules are internal and do not create private rights of action. They matter because a violation is evidence of bad faith under *Mayer* and *Hobson*, supports an inspector general or oversight complaint, and can defeat a claim that a record is "pertinent to an authorized law enforcement activity" under the Privacy Act.

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5. Remedies

5.1 Privacy Act §552a(e)(7)

An agency may "maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity." 5 U.S.C. §552a(e)(7). In *Garris v. FBI*, 937 F.3d 1284 (9th Cir. 2019), the FBI had written a 2004 threat assessment of Antiwar.com and its editors after the site posted an FBI watch list. The court held that both collection and continued maintenance must be justified, that the agency must show maintenance is pertinent to a specific authorized law enforcement activity, and that the 2004 memorandum must be expunged. *Id.* at 1294-1301. An agency declaration in a substantive Privacy Act case gets no FOIA-style presumption, and speculative statements in it are disregarded. *Id.* at 1291-93.

A UFO researcher or experiencer whose lectures, writings, conference attendance, or group membership appear in an FBI, DoD, or CIA record has a claim to amend or expunge once the record is obtained. Damages require proof of actual pecuniary loss. *Doe v. Chao*, 540 U.S. 614 (2004); *FAA v. Cooper*, 566 U.S. 284 (2012) (no recovery for mental or emotional distress). The CIA exempts many systems of records under §552a(j)(1). For constitutional expungement claims, the Ninth Circuit

requires a concrete injury beyond the record's existence, such as tangible harm, a material risk of it, or dissemination that harms reputation. *Phillips v. U.S. Customs & Border Protection*, 74 F.4th 986, 992-94 (9th Cir. 2023). Plead those effects (secondary screening, clearance or employment consequences, sharing with others) alongside the (e)(7) claim.

5.2 Constitutional and conspiracy claims

- **Standing.** Chill alone is not enough (*Laird*; *Clapper v. Amnesty International USA*, 568 U.S. 398 (2013)). Concrete effects are: members leaving, attendance falling (*Presbyterian Church*), reputational harm from an official label (*Meese v. Keene*, 481 U.S. 465, 473-77 (1987)), or a documented record.
- **Damages against federal officers.** *Hobson* was a *Bivens* case. After *Egbert v. Boule*, 596 U.S. 482 (2022), which refused a *Bivens* remedy for First Amendment retaliation, a new damages claim of that kind against federal agents is very unlikely.
- **Section 1985(3).** A conspiracy to deprive a class of equal protection remains actionable against federal officers (*Hobson*; *Kenyatta*), but requires class-based animus, and *Ziglar v. Abbasi*, 582 U.S. 120 (2017), held that officials of a single agency were entitled to qualified immunity because the application of §1985(3) to them was not clearly established. UFO researchers and experiencers are not a class recognized under the statute; religious groups formed around contact experiences would have a stronger argument.
- **State and local police.** 42 U.S.C. §1983 claims against police who infiltrate or disrupt a group, subject to qualified immunity and *Monell*. In California, *White v. Davis* and §526a provide a broader route.
- **Membership privacy.** Groups can resist compelled disclosure of member lists. *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595 (2021).

5.3 Discrediting campaigns

Public statements by officials that ridicule or discredit a person are government speech (Issue F4 §1). Injury to reputation alone is not a deprivation of liberty or property. *Paul v. Davis*, 424 U.S. 693 (1976). The FTCA excludes claims arising out of libel, slander, misrepresentation, deceit, and interference with contract rights, 28 U.S.C. §2680(h). A claim for intentional infliction of emotional distress that does not depend on the falsity of a statement, for example a campaign of deliberate harassment by agents who were law enforcement officers, has a better chance of avoiding the exclusion. The practical remedies are records correction under the Privacy Act, inspector general complaints, requests to the agency to correct its statements, and congressional referral.

5.4 Contractors and private investigators

Private investigators and contractors who trespass, intercept communications, or pose as members to obtain confidential material face state privacy torts (intrusion upon seclusion), trespass, and wiretap statutes (18 U.S.C. §2511; Cal. Penal Code §632), and the Computer Fraud and Abuse Act, 18 U.S.C. §1030, where systems are accessed without authorization. *Greenpeace v. Dow* shows the limit for discarded material.

6. Practical steps for groups and individuals

1. Request your own records under the Privacy Act and FOIA from the FBI, CIA, DIA, NSA, the Air Force (including AFOSI), and AARO (Form B1-1). Request the FBI files of deceased figures under FOIA.
2. If a record describes First Amendment activity, ask the agency in writing to amend or expunge it under §552a(d)(2) and (e)(7) (Form H3-1), then sue if refused.
3. For groups: keep membership lists private, do not publish attendance lists, and decide in advance how the group will respond to a member who appears to be an informant (document, do not confront).
4. Keep dated records of unusual events: contacts by officials, approaches by new members asking for lists or confidential plans, false documents received, and changes in attendance.
5. Use inspector general and intelligence oversight channels for suspected violations of EO 12333 §2.9 or DoDM 5240.01, and give the same information to the intelligence committees (Issue D1).
6. Insiders with knowledge of such programs can use the whistleblower channels in Issue C1.