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'I Helped
Destroy
People'

Terry Albury, an idealistic agent who joined the F.B.I. just before 9/11, grew so disillusioned by the war on terror that he was willing to leak classified documents — and go to prison for doing it.

By Janet
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Early on the morning of Aug. 29, 2017,

Terry Albury awoke with a nagging sense of foreboding. It was not yet dawn in Shakopee, Minn., the Minneapolis suburb where Albury, an F.B.I. special agent, lived with his wife and two young children, and he lay in bed for a few minutes, running through the mental checklist of cases and meetings and phone calls, the things that generally made him feel as if his life was in order. He was a 16-year veteran of the F.B.I.: 38, tall and powerfully built, with buzzed black hair and a black goatee. Most of his career he had spent in counterterrorism, investigating sleeper cells and racking up commendations signed by the F.B.I. directors Robert Mueller and James Comey, which praised his “outstanding” work recruiting confidential sources and exposing terrorist financing networks. He was a careful investigator and a keen observer. “Something is going on behind the scenes that I’m not aware of,” he told his wife the night before. She told him to stop worrying. “You always think there’s something going on.” She was right. But this time he had reason to be apprehensive, even though he’d been careful. The memory card was buried in his closet, tucked into a shirt pocket under a pile of clothes. “Stop being so paranoid,” he told himself. Then he left for work.

Albury had spent the past six months assigned to the Minneapolis-St. Paul International Airport as a liaison officer. It had always amazed him how little most Americans knew about the legal netherworld of the international terminal, where federal agents from ICE or U.S. Customs and Border Protection could, at the behest of the F.B.I. or another intelligence agency, pull a person out of the customs line and interrogate him or her based solely on being from Pakistan, or Syria, or Somalia, or another country in which the U.S. government had an interest. His role was to supervise this form of intelligence gathering, a particularly unsavory aspect of counterterrorism, as he saw it, though it was better than being stuck at the sprawling,

five-story edifice that was the Minneapolis field office, where he had worked since 2012.

That morning, Albury had been summoned to the field office for an interview with a group of F.B.I. inspectors from Washington. It was fairly routine — headquarters was always dispatching inspection teams to make sure agents and their managers were doing their jobs — but Albury had been at the office so infrequently that the last time his supervisor saw him, he asked him what he was doing there. “I work here,” Albury said. The encounter left him with an uneasy feeling.

Traffic was light. With any luck, he figured, he would be back at the airport before lunchtime. He pulled his government-issued Dodge Charger up to the security gate and flashed his credentials at the guard, who waved him through. The underground parking garage was nearly empty. That’s odd, he thought.

A couple of agents stood by the entrance. Albury chatted with them for a few minutes. “I thought you were over at MSP,” one agent said, referring to the airport. Albury mentioned his meeting with the inspectors. The agents rolled their eyes. “Good luck, man,” one said.

Later, Albury would replay certain moments: that the agents, frequently standoffish, seemed unusually friendly; that at 8 in the morning, the fourth floor, where Albury worked, was entirely empty, and that even though a few people began to trickle in by around 8:15, there were far fewer than were usually at the office at that hour. About 15 minutes after he sat down at his desk, the Minneapolis field office’s in-house counsel, an agent he’d seen maybe twice in his life and never off the management floor, appeared in the squad bay, walked past his desk and, Albury thought, appeared to give him a sideways glance. That, he decided later, was the tell.

After checking his email and reviewing his files, he headed upstairs to meet the inspectors. Awaiting him was the same official who weeks earlier asked him what he was doing at

the office. He offered to take Albury downstairs to the interview. This also felt off.

The men rode the elevator to the first floor in silence. The interview room was down the hall. Fighting his growing sense of dread, Albury was halfway down the corridor when three F.B.I. SWAT team members appeared in front of him. “Hands on the wall!”

The agents patted Albury down, removing his Glock 23 service pistol from its holster and confiscating his spare magazines, handcuffs, badge and credentials. Then they led him into a small room. I guess this is it, he thought. Game time.

Two agents, a man and a woman, sat at a table. The woman spoke first. “Tell me about the silver camera,” she said.

More than seven months later, on April 17, 2018, Terry Albury appeared in a federal court in Minneapolis, where he pleaded guilty to charges of leaking classified information to the press. The allegations — that Albury downloaded, printed and photographed internal F.B.I. documents on his office computer, sending some of them electronically to a journalist and saving others on external devices found in his home — resulted from a 17-month-long internal investigation by the F.B.I., prompted by two Freedom of Information Act requests by a news organization (unnamed in the charging document) in March 2016. Nine months after these FOIA requests were made, a trove of internal F.B.I. documents shedding new light on the vast and largely unrestricted power of the post-9/11 F.B.I. was posted on the investigative-journalism site The Intercept. The cache included hundreds of pages of unredacted policy manuals, including the F.B.I.’s byzantine rule book, the Domestic Investigations and Operations Guide, exposing the hidden loopholes that allowed agents to violate the bureau’s own rules against racial and religious profiling and domestic spying as they pursued the domestic war on terror. The Justice Department, under the Trump administration’s Attorney General Jeff Sessions, charged Albury with two counts of “knowingly and willfully” retaining and transmitting “national defense information” to a journalist. In October 2018, he was sentenced to four years in prison.

Albury is the first F.B.I. special agent since Robert Hanssen to be convicted under the Espionage Act, the 1917 statute that has traditionally been used to punish spies: Hanssen was arrested in 2001 and sentenced to life in prison without the possibility of parole for selling secrets to the Russians. Increasingly, however, the Espionage Act has been used by the Justice Department as a cudgel against people who have leaked sensitive or classified information to the press. The Obama administration prosecuted more government officials for leaking secrets to the press than all previous administrations combined, bringing Espionage Act charges against eight people in eight years and referring 316 cases



for investigation. Among those charged were Chelsea Manning, who was tried and convicted in a military court-martial in 2013 for sending hundreds of thousands of classified military and diplomatic documents to WikiLeaks, and Edward Snowden, whose 2013 leak of classified N.S.A. documents to The Guardian and The Washington Post alerted the public to the scope of the N.S.A.'s mass-surveillance activities.

The Trump administration referred 334 cases for investigation and brought Espionage Act charges against at least five people in four years. The first was Reality Winner, a 25-year-old N.S.A. contractor who was arrested in June 2017 and accused of leaking a classified intelligence report on Russian interference in the 2016 U.S. election to The Intercept. The second national-security leak case of the Trump era was against Terry Albury, though unlike Winner's case, his received little fanfare. Instead, his lawyers quietly hammered out a plea deal with

Terry Albury receiving his Special Surveillance Group credentials in 2001. "I was very idealistic when I joined the F.B.I.," he says. "I really wanted to make the world a better place."

the Justice Department, avoiding the unwanted media attention that would come with a formal criminal complaint.

In recommending that Albury receive a 52-month sentence, government prosecutors cast him as a compulsive leaker, recklessly endangering national security by "stealing" the government secrets he was sworn, as an F.B.I. agent, to protect. But Albury says he felt a moral imperative to make his disclosures, motivated by his belief that the bureau had been so fundamentally transformed by Sept. 11 that its own agents were compelled to commit civil and human rights violations. "As a public servant, my oath is to serve the interest of society, not the F.B.I.," he says. "My logic was centered on the fact that the public I served had a right to know what the F.B.I. was doing in their name."

"These documents confirmed what American communities — primarily Muslims and communities of color — and rights groups had long known or thought to be true," says Hina Shamsi, director of the National Security Project at the American Civil Liberties Union. "For years we've been hearing from people who were surveilled or investigated or watchlisted with no apparent basis for the F.B.I. to suspect wrongdoing, but based primarily on their race or religion or political organizing and beliefs. And here's

someone who was trying to do the right things from inside government, and ended up either participating or being a witness or adjacent to a range of abuses that defined, and continue to define, the post-9/11 era. What are you supposed to do as a person of conscience when you see what your country is doing?"

This article is a product of close to three years of interviews with Terry Albury, whom I met for the first time in November 2018, shortly before he went to prison. Our initial, five-hour conversation took place in a hotel room in Berkeley, Calif.; subsequent interviews have been conducted through letters and email while Albury was in prison and more recently using Signal, an encrypted phone and messaging service. He has not previously spoken to the press about his case. In addition to his own account, this article is based on a review of hundreds of pages of government documents and reports by civil liberties and human rights organizations, as well as interviews with Albury's attorney and friends; experts in national security and constitutional law; and a number of former F.B.I. officials and colleagues, several of whom insisted on anonymity out of a reluctance to publicly criticize the F.B.I. (The F.B.I. declined to comment on Albury's case.)

"I was very idealistic when I joined the F.B.I.," Albury says. "I really wanted to make the world a better place, and I stayed as long as I did because I continued to believe that I could help make things better, as naïve as that sounds. But the war on terror is like this game, right? We've built this entire apparatus and convinced the world that there is a terrorist in every mosque, and that every newly arrived Muslim immigrant is secretly anti-American, and because we have promoted that false notion, we have to validate it. So we catch some kid who doesn't know his ear from his [expletive] for building a bomb fed to them by the F.B.I., or we take people from foreign countries where they have secret police and recruit them as informants and capitalize on their fear to ensure there is compliance. It's a very dangerous and toxic environment, and we have not come to terms with the fact that maybe we really screwed up here," he says. "Maybe what we're doing is wrong."

Albury joined the F.B.I. in 2001, one month before the attacks of Sept. 11. At 22, he had just graduated from Berea, a small liberal arts college in Kentucky, where he became fascinated with the idea of joining the bureau after completing a 10-week summer internship with the F.B.I.'s Crimes Against Children unit in Washington. He spent the summer shadowing agents as they worked cases against child sex traffickers and purveyors of child pornography, and he went back to college intent on joining the bureau immediately after graduation. That August, he was hired as an investigative specialist, an entry-level surveillance job he saw as a steppingstone to his



California, had little familiarity with Al Qaeda and Osama bin Laden, though Mueller's predecessor, Louis Freeh, pushed to make counterterrorism more of a priority after the 1993 World Trade Center bombing and the 1998 U.S. Embassy bombings in Kenya and Tanzania. Attorney General John Ashcroft made counterterrorism such a low priority that as late as August 2001, when the Justice Department drafted its key strategic goals and objectives for the next four years, combating "terrorist activities" was mentioned only once, as a lesser-priority objective under the general enforcement of criminal laws.

Now what commenced within the government was a sort of panic. The Bush administration had failed to heed myriad warnings that an attack was imminent; convinced that a second wave of Al Qaeda attacks was coming, the Justice Department initiated a relentless search for what Ashcroft, during an October 2001 speech he made at the U.S. Conference of Mayors, called the "terrorists among us." In Washington, the government's most senior officials, including the F.B.I. director, met each morning to go over the daily threat matrix, a spreadsheet detailing every rumor and possible threat to national security.

The former C.I.A. official Philip Mudd later wrote that while much of the material in the threat matrix was "trash," the people who read it saw it very differently. By the end of September 2001, Mueller told President Bush that Al Qaeda had 331 potential "sleeper" operatives inside the United States. By the following October, intelligence officials were estimating that anywhere from 2,000 to 5,000 Al Qaeda terrorists might be hiding within various Muslim communities across the United States. Virtually all of these supposed terrorists turned out to be nonentities — "ghost leads," as they were called.

The U.S. response to terrorism would eventually take on the contours of a major domestic surveillance operation. It was a radical shift from the F.B.I.'s historical investigative blueprint, and the impact was immediate. "What Mueller did, with the support of President Bush and Attorney General Ashcroft, was leverage the fear of another Al Qaeda attack to transform the bureau from a law-enforcement agency into a domestic intelligence agency," says Michael German, a former F.B.I. agent and author of "Disrupt, Discredit, and Divide," a 2019 critical analysis of the post-9/11 F.B.I. This new mandate exposed a vast number of people who were not

Left: Robert Mueller (center) and Albury (right) with the organized-crime squad in San Jose, Calif. Right: A citation signed by James Comey, awarded to Albury in 2016 for his investigation into a possible Al-Nusrah sleeper cell.

ultimate goal of becoming a special agent and going after pedophiles. "Terry wanted to save people," recalls his friend Felemon Belay.

Albury was an unusual candidate for the F.B.I. He grew up in Berkeley in the 1980s listening to the lefty programming on KPFA, the local public-radio station. He memorized the lyrics to Bob Marley's "Redemption Song," about emancipation from "mental slavery," a phrase he later said "hit me like a ton of bricks." His father, James, was an African American auto mechanic from Florida. His mother, Arlene, who worked as a bookkeeper, was a political refugee from Ethiopia. During the 1974 communist uprising that toppled Emperor Haile Selassie of Ethiopia, Albury's maternal grandfather, Gen. Dirasse Dubale, was executed. Albury's grandmother was arrested and imprisoned for eight years before receiving asylum in the United States. Albury learned the stories of his grandparents and their ordeal from his mother, who presented them as lessons in courage and self-sacrifice.

From his father, Albury learned a different family story. James's brother, Randolph, was a prominent member of the Oakland Black Panthers. Years later, his father told Albury that he himself had been questioned by the F.B.I. He didn't say why or talk about what happened during the meeting. He didn't speak much about

his life, which included a stint in the Air Force during the Vietnam War. It was an experience that left him bitter toward white people and the government. The military, he told his kids, used Black soldiers as cannon fodder. "You can't trust white people," he often told Terry.

That statement stuck in Albury's head for a long time. He thought it was racist. He also understood that James grew up in the late Jim Crow South. Terry, though certainly no stranger to the racist comments every Black American encounters, was a product of a different, more enlightened era. He was hired by the bureau within weeks of submitting his application and now was spending the summer at his mother's house, awaiting the start of his training class.

On that fateful morning in September, Albury awoke, turned on the TV and watched footage of an airplane flying into the south tower of the World Trade Center. At that moment, all the plans he had laid for himself changed: Rather than pursuing pedophiles and sex traffickers, he would go after terrorists. "My overwhelming desire was to help ensure another plane didn't fly into a building," he says.

The F.B.I.'s director, Robert Mueller, was sworn in just a week before the Sept. 11 attacks. By his own admission, Mueller, previously the United States attorney for the Northern District of

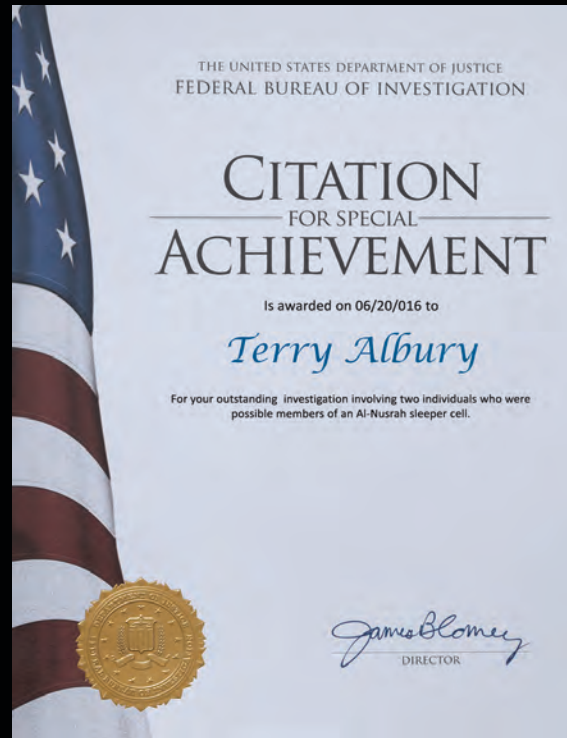
suspected of breaking the law to some of the same intrusive techniques the bureau had long used against people it suspected were criminals. “All of this was done without a clear public discussion of what this development might mean for American freedom and democracy or whether it would actually result in greater security,” he says. “As it turned out, spying on innocent people doesn’t help catch guilty people, so it was a flawed approach.”

Albury knew none of this when he arrived at a nondescript F.B.I. facility in Northern Virginia in October 2001 to begin his training as a “foot soldier in the war on terror,” as he and his classmates were told. It was only a few weeks after the attacks, but by the end of that month, Congress would pass the Patriot Act, which gave the F.B.I. unprecedented power to follow and gain the records of financial and communications data of anyone, including American citizens, it believed to be connected to terrorism. A few months after that, Ashcroft rewrote the F.B.I.’s investigative guidelines, permitting agents to venture into public spaces and spy on Americans in a manner they had not been able to do since the 1970s.

As a college student, Albury devoured everything he could about the F.B.I., studying its storied conquests — investigating Al Capone and Russian spies, busting organized crime rings — as well as its darker history of crushing political dissent, which the F.B.I. director J. Edgar Hoover regarded as tantamount to treason. Hoover’s longtime obsession with communism led the bureau to engage in a broad range of legally questionable or blatantly illegal tactics in the name of national security: infiltrating left-wing political organizations, secretly wiretapping the conversations of the Rev. Dr. Martin Luther King Jr. and other Black civil rights leaders, planting informants inside the campus antiwar movement, digging up dirt on Hoover’s political enemies by illegally breaking into their offices and amassing thick intelligence files on anyone Hoover believed to be a threat to the status quo.

The most serious abuses took place under the F.B.I.’s Internal Security Counterintelligence Program, known as COINTELPRO, which began in 1956 and ended in 1971, after some 800 pages of secret F.B.I. files were stolen from a small F.B.I. office in Media, Pa., by an activist group calling itself the Citizens’ Commission to Investigate the F.B.I., and leaked to the press. By 1976, the full extent of the COINTELPRO campaigns was exposed after Senator Frank Church, a Democrat from Idaho, led a bipartisan investigation into a pattern of misconduct within both the F.B.I. and the C.I.A.

In the wake of the Church Committee, new guidelines limited the F.B.I.’s ability to investigate anyone without an indication of criminal activity. But Sept. 11 changed this calculus. Terrorism was the new communism. “The indoctrination was immediate,” Albury recalls. “It was, ‘We’re at war,



we need to respond, we need to use every tool at our disposal.” President Bush, in his speeches following Sept. 11, went out of his way to describe Islam as a religion of peace, portraying the perpetrators of the attacks as outliers. But as Albury went through training, “it was made very clear from Day 1 that the enemy was not just a tiny group of disaffected Muslims,” he says. “Islam itself was the enemy.”

“Don’t tell anyone you’re with the F.B.I.,” the agents said. “Just be a regular Joe Citizen.” Albury had been working as an investigative specialist for about a year in the San Francisco division when he was approached by two senior agents and encouraged to take an Arabic language class at U.C. Berkeley and to start hanging around at the Zaytuna Institute, a nearby Islamic community education center. It was an off-book assignment, as Albury was neither a special agent nor a trained undercover operative, but he was smart and a quick study. He was also Black, which he came to understand would be an asset in this new threat environment. “Everyone was under terrific pressure to understand what was going on,” says Kathleen M. Puckett, who spent 23 years in the F.B.I. as a special agent in counterintelligence and counterterrorism. “There was this hysteria,” she recalls. “Were we going to get hit again?”

Albury spent a year at Berkeley and Zaytuna, chatting up students and instructors. “One guy was an aspiring State Department employee — a white kid from Berkeley who wanted to learn Arabic,” he recalled. Others were student activists or do-gooder types looking for a more nuanced perspective on Muslims or the Middle East than the “us versus them” rhetoric emanating from some corners of the Bush administration. No one he met talked about jihad or tried to convert him to Islam. Still, he took careful notes, passing them to the agents, who never told him what they did with the names and numbers he provided.

He spent hours driving around in his black Dodge Durango, jotting down the comings and goings of various Muslims who for one reason or another had fallen into the post-Sept. 11 dragnet. One target was Omar Ahmad, a Palestinian-born engineer and a founder of the Council on American-Islamic Relations (CAIR), the largest Muslim civil liberties and advocacy organization in America. Ahmad had been on the F.B.I.’s radar since the 1990s, suspected of ties to the Muslim Brotherhood, which Albury was taught was akin to a Mafia organization with shadowy links to terrorism. Now Ahmad was put under round-the-clock surveillance by the San Francisco division, which searched through his garbage, placed GPS devices in his car, listened to his phone calls,

searched his electronic communications and sent undercover informants into his personal, professional and religious circles.

Albury's job was to spy on Ahmad outside his mosque in Santa Clara, taking notes on whom ever Ahmad stopped to speak with before and after prayers. Because Ahmad was assumed to be connected to terrorism, everyone with whom he came in contact was seen as a potential co-conspirator, and the people those individuals came in contact with were as well. The CAIR founder might have a brief chat with an imam, who also had a conversation with a professor of Islamic history. The professor would talk to the owner of an Islamic grocery store. The store owner might later go and smoke shisha with three other men, and all these people would now be under a sort of unofficial surveillance by investigative specialists like Albury, who would write up daily reports to the investigating case agents. In 2010, the Justice Department closed its investigation of Ahmad. No charges were ever filed.

Albury remained an investigative specialist for four years. He learned to speak rudimentary Arabic and also developed an interest in Middle Eastern culture and history that would prove useful later in his career. He even got used to the casual Islamophobia that was rife in his office and that he later recognized as endemic to the post-Sept. 11 F.B.I. Objecting out loud to it could label him as a terrorist sympathizer — or a liberal, which for many in law enforcement, he knew, amounted to the same. Albury had pinned his hopes on becoming a special agent, a member of the trusted brotherhood, and if that meant keeping his opinions to himself, he would do it.

So Albury nodded along when colleagues joked about wiping the Middle East off the map or referred to Muslims as “ragheads,” and in the spring of 2005, having passed a grueling series of interviews and background checks, he was admitted to the F.B.I. Academy in Quantico, Va. Five months later, he was issued a badge and a gun and returned to the Bay Area, this time as a special agent on the San Jose Joint Terrorism Task Force.

At 26, Albury was one of the youngest agents on the joint task force. He was 6 foot 3, and “he looked like he was 12,” says Russ MacTough, a former F.B.I. agent who was one of Albury's closest friends on the task force. Albury took a cerebral interest in terrorism, amassing stacks of books on Western colonialism and America's long history of supporting Middle East coups, trying to understand the political and sociological roots of jihadism, why someone might want to fly a plane into a building. “Terry was very smart and maybe a little cocky, which is fine,” says his former supervisor Randy Cook. “Self-confidence is a very good quality to have as an agent.”

The San Jose office was in the midst of a major material support for terrorism investigation focused on a Bay Area engineer, Rahmat Abdhir, whose brother, Zulkifli, was a bomb maker on the

FBI's Most Wanted Terrorists list. Albury joined the case, and in 2007, after traveling to Japan and the Philippines, he helped the F.B.I. win indictments against both men. This, as he saw it, was how a terrorism investigation was supposed to go: He had worked a case all the way to the grand jury, and he was even commended by Mueller for his efforts. The J.T.T.F. had helped stop a bomb maker from making more bombs intended to kill innocent people. It was exactly what he joined the F.B.I. to do.

“That case was an exception,” says Cook, who served as a supervisory special agent on the San Jose joint task force from 2002 to 2007. Very few terrorism investigations, he says, actually concluded. More often they went on indefinitely, with agents unable to gather the evidence needed to prosecute, despite working leads for years. “I'd say most of our investigations were based on very thin leads from questionable sources,” says one former agent on the San Jose joint task force. “But what was the alternative? The government was convinced that there were sleeper cells all over the country, and we had to find them.”

Years after the Sept. 11 attacks, agents in every one of the F.B.I.'s 56 field offices and its many satellite agencies like San Jose continued to follow Mueller's 2001 edict to “leave no stone unturned” in chasing down possible leads. In 2006 alone, the F.B.I. received 219,000 tips from the public that

Below: Albury and other members of the Minneapolis terrorism task force with James Comey in 2016. Right: With his lawyer Joshua Dratel, exiting the courthouse in St. Paul on Oct. 18, 2018, after being sentenced to four years in prison.

resulted in more than 2,800 counterterrorism threat reports and suspicious-incident reports. The F.B.I.'s post-Sept. 11 mission (which was inscribed on a banner that hung for a while in the lobby of F.B.I. headquarters) was to “Prevent, Disrupt, Defeat” terrorist operations before they occur. It was a slogan that required a certain ideological buy-in, Albury would later realize; preventing terrorism was a fundamental shift from investigating terrorism. “A cornerstone of F.B.I. training is: Everyone is a potential source,” Albury says. “Every encounter was exploitable either domestically, via the F.B.I., or internationally, through the C.I.A. or another intelligence partner.”

Albury didn't let himself think too much about the more uncomfortable aspects of the Patriot Act and what it allowed the F.B.I. to do. He had a wealth of resources at his disposal: top-secret databases, informants, electronic surveillance



tools. It was easy, as a member of the J.T.T.F., to send a national-security letter to an internet or phone company or another commercial entity and obtain information about a customer. It had also become routine to obtain a FISA warrant for more elaborate operations like wiretaps. Tremendous pressure was put on agents to bolster their squad's numbers on open or active investigations and informants, which boosted the office's statistics, resulting in more funding for agents, analysts, surveillance teams and other aspects of the J.T.T.F., which in turn would open more investigations.

In 2007, a new squad supervisor directed a major intelligence initiative against a purported Hezbollah sleeper cell in Silicon Valley. The information came from a Lebanese Christian informant who Albury learned had an open disdain for Muslims. Based on these claims, Albury said, at least eight investigations were opened on various targets, including an unassuming engineer Albury kept tabs on for more than a year. Surveillance teams monitored his phone calls, read through his emails and followed him to and from work. "So here I am, at 3 a.m., gathering this guy's garbage to put in the back of my car, and I know I'm not going to find, like, a receipt from Hezbollah or some other smoking gun," Albury says. "I used to take at face value that these people must be guilty of something if we were looking at them," he continued. "But as an agent, you realize that's not it. Most of these people hadn't done anything."

But the bureau believed sources could tell them where the terrorists were, even though, with the exception of Abdhir, Albury found no actual terrorists. "You just burn out," says one former agent who says he tried to get off the J.T.T.F. and transfer to another squad, only to be told his skills were best suited for counterterrorism. "It's shocking when you want to be rescuing people and kicking in doors and executing search warrants and saving the day, and then you get on a national-security squad, and you don't do any of that. It's all cloak and dagger, and bullshit cases, and that is a dis-affecting experience. So you get agents who kind of check out and sit at their desk and don't do a goddamn thing. And then you get agents like me and Terry, who try really, really hard and hit that point where they just can't anymore."

By 2009, many of Albury's original squad-mates had transferred off the joint task force or left the F.B.I. entirely. At the end of that year, Albury decided to take a four-month assignment as a counterterrorism investigator in Iraq. "Ideologically I was still very much committed to the mission and the F.B.I.'s role in protecting the country," he says. "In some distorted sense of duty, I believed by going to Iraq, I could finally realize my goal of actually countering terrorism."

The bureau had sent agents to Iraq as counterterrorism investigators and interrogators since the initial invasion in 2003, to gather intelligence on possible threats to the United States or its bases overseas. Another, no less important role



was providing constitutional cover to the U.S. occupation, making sure that prisoners were read their Miranda rights and otherwise treated in accordance with the Geneva Conventions. Now, with the war winding down and many of those prisoners still languishing in military or C.I.A.-run detention facilities, the F.B.I.'s main assignment was to obtain whatever additional information it could from the detainees before handing the reins over to the Iraqis. "It hit me very quickly that no one really had a clear idea of what our mission was, or what we were trying to accomplish, other than to leave Iraq as soon as possible," Albury says.

Most of the prisoners Albury interviewed had been in U.S. detention for years without formal charges, and given the circumstances under which they were captured, they would most likely never see the inside of a courtroom, though they would also not be released. Many had been turned in by informants who were paid by the military to direct them to supposed "bad actors." The experience was demoralizing and left him feeling complicit. When he returned to San Jose in April 2010, he told his supervisor he wanted off counterterrorism: "I can't do it anymore."

He was transferred to a violent-crime squad, where he spent the next 18 months serving warrants, going on stakeouts and investigating a Vietnamese gang. This, he later said, was the

most gratifying work of his career. But Albury was now married with a baby daughter, and the Bay Area was expensive. His wife had spent part of her childhood in Minnesota and still had family there. It seemed like a place where they could put down roots. He had never been there, except for a lay-over at the Minneapolis airport, but that was what appealed to him about the place. A fresh start.

At the end of 2011, Albury put in for a transfer. "Don't do it," one colleague said; Minnesota was cold, and the people were colder. Albury pushed back: "That's your left-coast elitism talking." Another colleague told him about a Vietnamese American agent who had found the racial hostility in the Minneapolis field office so intolerable that he left. One afternoon, an agent took Albury aside and implored him to reconsider: "It's not the right place for you."

"You know what I think we should do with the Somalis?" a secretary with the Minneapolis Joint Terrorism Task Force said to a group of agents in the office in fall 2012. Albury had been on the job for a few weeks. "I think we should blow up the Somali towers."

She was referring to the Riverside Plaza housing project, the heart of Minneapolis's East African immigrant community. Albury managed a smile, assuming she was *(Continued on Page 44)*

joking to shock the new guy. But she was serious. “You don’t get the problem,” she told Albury. “These people are dirty, smelly, disgusting, worthless pieces of [expletive].”

Despite his stellar record as a criminal investigator, Albury wound up back on the J.T.T.F. Minneapolis didn’t need any more criminal investigators. It needed agents to develop sources within Minneapolis’s Muslim community, a large number of whom were Somali immigrants, or “skinnies,” as some of his colleagues called them. In all his years as an F.B.I. agent, Albury had never heard the sort of unabashed hatred for any group of people as he did for the Somalis, whom agents denigrated for their poverty, or their food, or the habit some Somali immigrant women had of tucking their cellphones inside their hijabs while shopping at Walmart or driving a car.

Albury had spent his entire career absorbing racism and shrugging it off, which was how you dealt with being a token, he thought. In Minneapolis, he was often the only African American in the office; one translator frequently told him about her discomfort doing interviews with certain agents who threw around prejudicial remarks as if they had forgotten she was there. With him, agents were more careful — usually.

“There was this one special agent in the Salt Lake City field office who sent out this bureau-wide email trying to get people to sign onto a class-action suit against Obama and the Justice Department for discriminating against white guys,” Albury says. “He was upset that the D.O.J. had endorsed all of these diversity events, and he wanted a White History day or month, or something.” Special agents in the Minneapolis office “openly discussed the email and how it was about time that someone had the courage to say what he said.” A few agents, acknowledging it was probably a losing cause, suggested they might sign onto the suit anyway, to send a message. “There were days I literally counted down the hours until my shift was over,” Albury says. “But meanwhile I kept up this [expletive] facade.”

His first assignment in Minneapolis was mosque outreach: Take a list of all the Islamic centers in a 10-mile radius, sit down with the leaders and play the role of your friendly neighborhood F.B.I. agent while building profiles on anyone who might make a good confidential source. He had also done this in San Jose, and he had a standard pitch. “We’ve been hearing some things about your mosque. . . .” That always put them on the defensive. Sometimes he’d throw a few Arabic phrases into his conversation, mentioning the good work the F.B.I. was doing to help “counter violent extremism” and expressing concern about the continued harassment of Muslims in the Twin Cities. His job was to protect them, the “honest, decent Muslims,”

which was why he needed their help. “We’re here to work with you, not against you, so if you hear anything that worries you. . . .”

The targets saw right through it. “I’m not here for your bullshit,” one imam told him, ordering Albury out of the mosque.

The war on terror was evolving to focus more and more on so-called homegrown, including those Americans who left the United States to wage jihad overseas. Minneapolis-St. Paul was a key front. Between 2007 and 2009, more than 22 young men from the Minneapolis area left to join the Somali militant group Al Shabaab. By the time Albury arrived in Minneapolis in 2012, a number of those men had been killed in Somalia, and the bureau was nearing the end of several lengthy investigations of men who had either joined the fight or recruited others. But a number of investigations dragged on indefinitely.

One day, Albury was handed a thick file pertaining to the leader of a prominent mosque in Minneapolis-St. Paul. The imam had been on the F.B.I.’s radar for years, suspected of radicalizing youth in his community. Albury found nothing in his file to suggest the man was sympathetic to terrorism. Still, he recruited an informant to insinuate himself into the cleric’s world. The informant spent a year praying at the mosque, slowly making his way into the imam’s inner circle. He recorded every conversation.

“Had he been very outspoken against U.S. foreign policy?” Albury says about the imam. “Yes, but that was his constitutional right. He was also very upset when members of his congregation told him that F.B.I. agents had knocked on their door and harassed them, and he sermonized about that, and this was also perfectly legal to do.” But never once had the imam said anything to tie him to Al Shabaab — in fact, as the years went on, he became an outspoken opponent of Islamic terrorism, even urging his congregation to call the F.B.I. if they suspected their children were being recruited. Yet the investigation remained open.

Another endless case, this one a material-support investigation into the brother of one of the early travelers from Minnesota to join Al Shabaab, was proving equally tough to close. The case was based on the claims of an informant, code-named Cottonball, who claimed that a local young man was moving money and other resources to his big brother, a well-known Al Shabaab fighter known as Adaki, in Somalia. The informant had been providing the F.B.I. with intelligence for more than a year, making wildly contradictory claims that his handlers either didn’t care much about or hadn’t even noticed.

“Why are we still wasting our time on this case?” Albury asked his boss. “Every week he says something different. It’s all BS.”

The supervisor, Albury recalls, told him to trust the source.

Most of his Minneapolis colleagues assumed the people they were investigating were guilty,

whether the source was trustworthy or not. Too many members of the J.T.T.F. seemed to be driven by personal animus, describing Islam as a religion of violence, a message that was still being promulgated in F.B.I. and other law-enforcement training materials as late as 2011. His first partner, who worked primarily on cases involving Palestinians, used to argue to keep open cases that even his bosses wanted to close. That was what happened when you worked in counterterrorism too long, Albury thought. “You lose perspective. You invest years in it and begin to believe it’s your duty to find evidence, no matter how small, confirming your suspicions.”

He’d had no luck persuading his bosses in San Jose to close cases he felt were dubious. Now, in Minneapolis, he tried harder. He scoured the F.B.I. guidelines to find the rules against investigating someone based on false predication, presenting his supervisors with copious examples of claims that didn’t add up. “I wrote my case-closing referrals like they were Ph.D. dissertations,” he says. “I’d cite every possible fact and policy to ensure that no one could offer resistance.” By the end of 2014, Albury managed to close both the investigation into the imam and the Cottonball case, the second of these with a scathing rebuke of the informant, whose claims were never substantiated. His supervisor, Albury recalls, seemed pleased. “That’s the best closing referral I’ve ever read,” he said.

Closing cases became Albury’s mission. He was a cleaner, an agent who could take a case with inherent flaws and find a way to fix them or shut it down. This generally resulted in even more cases landing on his desk — “I think a lot of my bosses knew these cases were bullshit,” he says — but he didn’t care. If he could give one person in the Muslim community some peace, he decided, that was something.

But it also wasn’t enough. Adaki’s little brother, for example, was screwed for life. There was nothing connecting the kid to terrorism. Albury knew this after spending months completing a process known as “baseline collection”: scouring his social media, checking his phone records, running his name through the D.M.V. database as well as myriad other secret and top-secret government databases. But now his name was in the system. That meant any number of government agencies — the F.B.I., the C.I.A., the D.E.A., ICE — could have access to his file.

Albury had recruited too many informants found in precisely this manner not to understand that what he’d done by simply looking at Adaki’s brother was to open him up to future harassment or, at best, put an asterisk next to his name that would be with him forever. Now, any time he applied for a passport, or a job that required a background check, or a driver’s license, or simply had his name run through any sort of government database, for the rest of his life, it would show up that he’d been looked at by the F.B.I., which would inevitably be viewed as suspicious.

That was what was so insidious about the process, Albury thought. And it wasn't just this kid — there were thousands of Minneapolis Muslims in the system just like him and untold millions elsewhere in the country.

In December 2008, Attorney General Michael Mukasey, in one of his final acts in the Bush Justice Department, pushed through a series of changes to the F.B.I.'s investigative guidelines that permitted agents to open low-level investigations known as “assessments,” without any formal claim of wrongdoing or even a credible tip. All that was needed was an agent's assertion that there was a “clearly defined objective” in looking at a subject to initiate the baseline collection process. Over the next two years, according to a 2011 report by The New York Times, the F.B.I. opened nearly 43,000 counterterrorism-related assessments, though fewer than 2,000 led to further investigation.

Albury had been doing assessments for years before they were officially enshrined in the F.B.I.'s rule book. It was standard procedure, which officials often described as “leaving no stone unturned,” though determining a party's guilt, or even guilt by association, was never the sole objective. Assessments were the opening salvo to the informant-recruitment process. It was a delicate art of manipulation, persuading a person to work for the federal government against his or her own community, but with access to the person's criminal history, or immigration status, it was much easier. There were different techniques agents were allowed to use. They could assist a person who lacked legal status to be given it, a tactic known as the “immigration-relief dangle.” Conversely, agents could also work with immigration officials to deport those people if and when they'd exhausted their usefulness as confidential sources. Fear was a prominent driver. “You love America and want to protect this country, right?” Albury would ask his targets, many of whom were recent immigrants, or permanent residents, or maybe they were in the United States on a visa or had no documentation at all, and so what were they going to do, say no? He was standing before them with a gun on his hip.

Most of the time, people would say yes. Those who refused might get put under even more pressure. In 2013, a Muslim man filed a lawsuit, *Tanzin v. Holder*, challenging the F.B.I.'s abuse of the no-fly list to coerce Muslims into spying on their communities, an intimidation tactic Albury says was not uncommon during his time in both San Jose and Minneapolis. Another approach was to threaten uncooperative sources with spreading disinformation unless they agreed to cooperate. “The script was, ‘Everyone in your community already thinks you're a source, so you might as well work with us,’” Albury says. “Another was, ‘Everyone tells us you're a good guy,’” which was

used to both butter up someone who wanted to be perceived as a good American and plant a seed of doubt as to what it might be like to be viewed as not a “good guy” by the F.B.I. By his own estimate, Albury recruited at least 15 informants over his career, one of whom later became a C.I.A. asset. “I don't think anyone fully appreciates how demoralizing it is to be sitting across the table from a peace-loving man or woman from a foreign country, insinuating all kinds of baseless BS, attempting to coerce them to spy on their equally peaceful community,” he says, “but it was also my job.”

At various times, the F.B.I. cast its net across entire communities of Muslims, using a specific type of assessment known as a Type 5. During one such initiative, focused on rooting out ISIS supporters, Albury knocked on the door of a woman, a young Syrian refugee, who looked so terrified that she was visibly shaking. You should be scared, Albury thought, guiltily. Open that door, I will ruin your life.

He hated this part of the job. She looked at him as if he were the secret police. That was in fact his goal, the response he'd been trained to elicit. “What the F.B.I. was directing us to do was to go into these communities and instill fear and then generate this paranoia within these people so that they know that they're under suspicion perpetually,” he says. There was no real justification for this suspicion, he thought, other than suspicion as a state of being. “Say you'd get an alert from the C.I.A. or some other intelligence source that an ISIS recruiter had been trying to recruit teenagers and young men from a specific Syrian refugee camp during a specific time period,” Albury says. “This happened all the time. That would give the F.B.I. license to look at every male Syrian refugee between certain ages who had been at that camp and then come into the United States after the time the recruiter was supposed to have been there. And so the F.B.I. would look at all of those kids, and they could keep looking at those kids, and their friends, and maybe all the kids in a 30-block radius because they could say they had ‘credible intelligence’ to suggest that some of these people had terrorist sympathies.”

It was in this manner, among others, that large numbers of people in Minneapolis's Somali, Syrian and other immigrant communities, and those in other cities, were put under long-term monitoring without their knowledge, their names inscribed in F.B.I. files for use in later investigations or disseminated to other intelligence agencies. “It becomes a vicious circle,” Albury says, “because the longer that you look at a kid, the bigger the file gets, even if they've done nothing. And then six months later, somebody calls the F.B.I. and says, ‘I've seen some suspicious activity in this neighborhood,’ and an agent can see that we have thick files on all of these kids. But the question is, OK, so you have thick files on these kids, but the files have shown that these

kids are guilty of nothing. So what does that actually achieve? It achieves ‘intelligence,’” he says. “And that is a nebulous, wonderful-sounding word that everyone likes to throw around, but based on my experience, the entire purpose of these assessments was to create a database of American Muslims.”

Albury had reached an emotional low point common to many people who joined the F.B.I., or the U.S. military, early in the war on terror, convinced they would be engaged in the righteous defense of the nation. It took him years to reconcile himself to the idea that the F.B.I. was not particularly adept at its new intelligence-gathering mission, and he had never felt comfortable with the bureau's relationship with the C.I.A. But “Minneapolis broke me,” he says. “It became too hard to ignore the human cost of what we were actually doing.”

Compounding this disillusionment was the increasingly visible disproportionate phenomenon of police brutality against African Americans. The August 2014 police shooting of Michael Brown in Ferguson, Mo., devastated Albury. So did all the other high-profile police killings of Black men and boys that year: Dontre Hamilton, Eric Garner, Laquan McDonald, Tamir Rice. Many of his colleagues made clear that they saw the victims as guilty, or at least suspicious, leaving the cops no choice but to use force. After Garner died in a police chokehold, some members of the J.T.T.F. argued that Garner had caused his own death. “You agree, right?” Albury recalls being asked. “He should've just complied, right?”

Albury was 36, earning \$120,000 a year and seven years away from his 20-year mark, when he could retire from the F.B.I. with full benefits and a pension. He had just had a second child, a boy. It was easy to compartmentalize a career in law enforcement; some would say it was in his best interest. Albury never could. He saw himself in the communities he served as an F.B.I. agent. Increasingly, he understood the fear they exhibited, too, as the same fear that was felt by his own community at the hands of the police and the F.B.I. When Black Lives Matter protests erupted in Minneapolis, some cops on the J.T.T.F. openly fantasized about running the protesters over with their cars. “This was before Charlottesville,” Albury notes, referring to the white-nationalist rally in 2017.

Every day was a slog through his own guilty conscience. He had joined the F.B.I. truly believing in its mission, and even after he realized that the bureau was imperfect, like every other institution, a part of him still clung to a belief that he was serving the greater good. But he felt increasingly betrayed by the F.B.I. and the rest of the “terrorism industrial complex,” as he'd come to see the national-security establishment and the amorphous war on terror, a war based largely, if not entirely, on fear. Fear had

led different groups of Americans to distrust and even hate one another. And it had also given the bureau tremendous power. The government had used the shock of Sept. 11 to invert the rule of law, and now the law kept becoming more and more inverted.

In reality, there was no evidence of rogue Al Qaeda sleeper cells hiding in suburbia, as was acknowledged in a 2005 internal F.B.I. report. The United States had not faced imminent attack, as Mueller warned repeatedly during the early years after Sept. 11. Paradoxically, genuine terrorist incidents like the Fort Hood massacre or the Boston Marathon bombing were committed by individuals who had been on the F.B.I.'s radar and had fallen off. There was no existential threat from Islam, as Albury was taught as a surveillance trainee, just an endless list of people who were being targeted because they were Muslim. It had taken him a decade to reach this conclusion, and now that he had, he was firmly on the path toward what he called "my awakening."

Greetings, Albury wrote one evening in December 2015. *I'm an F.B.I. counterterrorism agent who has spent over a decade in this fight.* He was sitting in a Panera Bread cafe near his home in Shakopee, composing an email to The Intercept, which was known for its staunch encouragement of whistle-blowers. It was a decision he made after weeks of deliberation and an attempt at contacting the A.C.L.U. of Minnesota to share his concerns, which resulted in a vague response from someone who didn't seem interested. He had read The Intercept religiously since its founding in 2014 and admired its independence. So he had followed the instructions on the site's "How to Leak to The Intercept" page and had taken his laptop to a coffee shop where he logged into the Wi-Fi, downloaded the Tor web browser and typed in the key for The Intercept's SecureDrop server. Then he left his note. Later he would be able to recall it almost word for word:

I have serious and legitimate concerns about the F.B.I.'s tactics in the Muslim community as it pertains to entrapment, baseless investigations and intimidation of prospective informants. I am also deeply concerned with its institutional policies that turn a blind eye to the daily denial of the most basic freedoms we all hold dear.

Albury mentioned a few memorable examples of cases he had worked in San Jose, Iraq and Minneapolis, to establish his credibility. *I am hoping you will help shine some much needed light and accountability,* he wrote. Then he pressed "send." He had just done what for any other F.B.I. agent would be unthinkable.

Less than 48 hours later, Albury received a reply from one of the site's national-security reporters. "I need you to verify your identity," she wrote.

Albury had never told a single person about his work in any detail. He made a copy of his pay stub, blacked out his name and sent it to The Intercept through the server.

Over the next two months, Albury wrote the reporter a series of secure emails detailing everything he knew about the F.B.I.'s counterterrorism policies and the near-unlimited power of the federal government to dig into anyone's life. He kept it ambiguous, explaining the specious tips, the baseless investigations, the inability to close cases that should never have been opened at all, let alone some of the other things the F.B.I. was involved in, like partnerships with the C.I.A. He was careful never to discuss specifics, avoiding any personal reflections.

On the morning of Feb. 19, 2016, Albury logged on to the F.B.I.'s classified server and began to take screenshots of a series of F.B.I. documents. He was particularly interested in a counter-radicalization program known as Shared Responsibility Committees, or S.R.C.s. The idea was to bring together local and federal law enforcement with various members of the community — imams, teachers, psychologists, coaches, social workers — to come up with intervention strategies to help "off-ramp" young people they feared might be radicalizing. Albury had read about the program in several articles that raised the issue of whether S.R.C.s were simply a way to grow the F.B.I.'s informant network under the guise of countering violent extremism.

Minneapolis had been one of three pilot cities for the Obama administration's Countering Violent Extremism initiative, a program intended to dissuade young people from joining groups like ISIS and Al Shabaab. A river of cash had been made available to nonprofit organizations and law-enforcement agencies like the Hennepin County Sheriff's Office, which reportedly received roughly \$350,000 in C.V.E. funding to run community-engagement workshops, though a number of local and national advocacy groups saw the program as a thinly veiled effort at intelligence gathering.

"There was this ambiguity to S.R.C.s that lent itself to a great deal of abuse," Albury says. Members of the committees were asked to sign confidentiality agreements, which swore them to secrecy even from other members of the committee. The F.B.I. was entitled to pursue prosecution, or share information with other agencies in the government or foreign governments. "It comes down to the F.B.I. knew what they were doing, and everyone else was kept in the dark," Albury says. "Swearing everyone to secrecy is part of how these programs work operationally."

In April 2016, The Intercept published an article about the F.B.I.'s plan for "secretive anti-radicalization committees." This was followed two months later by an article detailing the use of national-security letters to allow F.B.I. agents to acquire journalists' phone records without

their, or their news organization's, knowledge. After that came an article about an aspirational plan for F.B.I. agents to scour Facebook and infiltrate Yemeni student groups and mosques in the hope of identifying "radicalizing" youth, who could then be pressured into becoming confidential informants.

Albury had no real plan for his disclosures. "It was sort of like, you're so outraged and upset, and you have all this indignation, you just want to let it out, you want to speak, you want to give it a voice," he says. "And now you have an opportunity. After remaining silent for so long, I started speaking."

He disclosed only the material that pertained to issues that had already been mentioned in the press or were being litigated by advocacy groups. He bought a small digital camera from Sam's Club, which he would use to photograph well over 1,000 pages of policy documents divided into several categories: recruitment of human sources, counterterrorism policy and the "keys to the kingdom," as the F.B.I. viewed it, domestic investigations and operations.

"I didn't see myself as someone like Snowden, or Manning, who brought these huge programs to light the public wasn't aware of," he says. "I saw my role as providing context. You had all these organizations that were suing the federal government over abuse of authority or racial or religious profiling, based solely on anecdotal information. I was there to say, OK, here you go, this is proof — now go forward and take action and help your people."

By the spring of 2016, Albury was working more often at the Minneapolis-St. Paul airport. It was a perk of having spent nearly two decades as an agent: a cushy job away from bureaucrats and suckups of the field office. He spent most of the day sitting behind a desk in Room G-1141-07, the basement office of U.S. Customs and Border Protection, scanning a secret phone and email analysis database to see what pinged. His job was largely to help C.B.P. administer a program known as Placement, Access and Willingness, or PAWS, a nationwide assessment program that screened foreign travelers from specific countries for their intelligence value, particularly their nexus to individuals believed to have sympathies to known or suspected terrorists.

It was essentially a ruse, he thought: Anyone could become a suspected terrorist given the right data collection. But this was how the F.B.I. recruited informants at nearly every international airport in the country. Human rights groups had complained for years about Muslim clients being interrogated by border agents who pulled them out of line, subjected them to rigorous questioning, at times took them into separate interrogation rooms where an agent like Albury would play the good cop while border agents searched through their luggage and computers and cellphones. Later, they might receive a visit

from an F.B.I. agent who was interested in their recent trip abroad. Albury had taken aside one middle-aged Somali woman he saw pushing her 80-year-old grandmother in a wheelchair. They had just gotten off a flight from Nairobi. He stood by as the C.B.P. agent put them through the standard drill. What were you doing in Kenya? What do you know about the radicalization of young men in your neighborhood? Have you heard kids talking about ISIS?

They answered the questions, exhausted. At one point the woman flashed him the searching look he'd seen from other East African targets, one Black face to another: What are you doing? Help me!

I wish I could, lady, he thought, but I'm on the other team.

It haunted him, interrogating elderly African women for their supposed terrorist contacts. White French émigrés, no problem, they went right through the customs line. East Africans, or anyone with the terrible luck of coming from the wrong country of origin, not so much. It was straight-up racial profiling wrapped in a policy that made it OK.

In January 2017, *The Intercept* published a series titled "The F.B.I.'s Secret Rules," with accompanying documents. The reporting exposed the F.B.I.'s close relationship with U.S. Customs and Border Protection, its investigative policies around assessments and techniques agents used to identify and recruit informants, and explained that F.B.I. agents could monitor reporters' phone records and spy on students, activists and religious leaders. It also included a blockbuster revelation that the F.B.I., without the public's knowledge, had been quietly investigating white-supremacist infiltration of law enforcement for years. The stories made barely a ripple in a news cycle that was then taken up with the Trump administration's so-called Muslim ban and the F.B.I.'s investigation into Russian meddling in the 2016 election.

Albury continued to photograph and print documents to forward. It was easier to do at the airport, where no one seemed to pay close attention to what he was doing. But above his head, F.B.I. surveillance cameras recorded everything. It took the bureau nearly a year and a half to put the pieces together, thanks to a March 2016 FOIA request for documents including one marked "secret" that had been accessed by only 16 people in the previous five years. Albury had been unaware that the electronic version of one key document carried a small highlight mark that, while not present on the original, was preserved when the electronic version was copied and pasted. "I had no tradecraft," he says. "Maybe if I had, I'd have kept this going a lot longer, but I'm not a professional spy."

Tell us about the camera.

Albury sat across from the agents brought from Washington to interrogate him — the fake

"inspectors" who were actually F.B.I. investigators specializing in cybercrime. He was caught. A wave of something like relief washed over him. It was over — the secrecy, the paranoia, the guilt. His career was over, too. Who cares, he thought. "I take the fifth," he said, standing up. "And I am going to talk to my attorney."

The agents seemed surprised. They hadn't been expecting that Albury, who'd gone through the same indoctrination at Quantico, the same warnings to "never embarrass the bureau," would balk at their questions. The agents closed their notebooks. The interrogation was over before it had even begun.

Albury spent the next hour trying to leave the field office. The SWAT agents tried to block him. "Am I under arrest?" He had not been read his Miranda rights. No, but you're being detained, one of the agents explained.

"Let me explain the rules," Albury said. "By law, you can only detain a person for the purposes of identifying them. You know who I am. Therefore, you cannot detain me."

Albury was allowed to leave. He caught a cab to Shakopee, where he found 10 F.B.I. agents and four local police officers guarding the perimeter to his house. Inside, 20 agents searched through his closets and desk drawers, carrying away computers, hard drives, thumb drives, his camera and other devices, as well as Albury's passport. His wife stood at the door in shock. Among the confiscated items, agents found a memory card with a reporter's phone number written on a Post-it note, as well as a second memory card with more documents.

Albury received his formal termination letter a few weeks after the raid on his house, dryly worded in what Albury called "standard bureausee" to reflect that he'd violated F.B.I. policy. He was never arrested. "The thing I was dreading most was having to deal with an entourage of media people shoving a camera in my face or trying to film my kids," he said. "But it's also very strange, because they did the search, right? They knew I had other material I hadn't disclosed. Every morning I'd get up at 5 o'clock and sit in front of my house, waiting for the F.B.I. to arrive with guns blazing. I probably did that for two months. No one came."

The former F.B.I. special agent David Gomez told me he was surprised that Albury received a four-year sentence. (The judge had limited discretion within sentencing guidelines.) "My sentiment is the F.B.I. went after him not only for releasing the documents but to send a message. There is no greater sin in the F.B.I. than to embarrass the bureau. That's a credo that goes all the way back to Hoover, and it's taken very seriously. You can do a lot of things in the F.B.I., but if you do something that casts the bureau in a negative light, it's going to be hard for you."

The F.B.I. has 13,500 special agents, nearly 70 percent of them white and male. Black agents

make up just 4.4 percent of the total, even less than when Albury joined the F.B.I. in 2001. In a series of speeches he made in 2015 and 2016, the F.B.I.'s director, James Comey, denounced implicit bias in law enforcement and also described the F.B.I.'s own lack of diversity as a "crisis." Since then, F.B.I. spokespeople have gone out of their way to stress the bureau's efforts to hire more agents of color, but the numbers have barely budged.

"There are people inside the bureau who don't think people of color have enough gratitude for the opportunity given to them," says Gomez, who was part of a large anti-discrimination suit filed by Hispanic F.B.I. agents in 1988. "It's not *everyone* in the F.B.I., but there are those people who resent the outreach to nonwhite candidates anyway; when something like Albury happens, they resent it even more."

During his plea negotiations, Albury's lawyers mentioned the "well-documented systemic biases within the F.B.I." as a mitigating factor, and also raised the issue of Albury's race to explain both his sensitivity to internal racism and his feeling that taking a more traditional path, like filing a whistle-blower complaint, would be ineffectual. Judge Wilhelmina Wright, who is also Black, rejected that argument.

"You had other options," Wright told Albury after sentencing him to 48 months in prison. She noted Albury's exemplary record, chiding him for squandering his potential with what she termed a "misguided understanding of honor." She also scolded him for bringing up race at all. "I'm not blind to the racism that exists in our society," Wright said. "But those conditions, they didn't require you to commit a crime, and in my view they are not a valid excuse for doing so."

Albury, despite the arguments of his lawyers, agrees with her. "I didn't disclose those documents because of some racial grievance with the F.B.I.," Albury says. "I did it because it got to a point where the reality of what I was a part of hit me in a way that just shattered my existence. There is this mythology surrounding the war on terrorism, and the F.B.I., that has given agents the power to ruin the lives of completely innocent people based solely on what part of the world they came from, or what religion they practice, or the color of their skin. And I did that," he adds. "I helped destroy people. For 17 years."

The Federal Correctional Institution in Englewood, Colo., is a prison for people who need protection. Some 40 percent are nonviolent sex offenders, including Jared Fogel, the onetime Subway spokesman, serving 15 years for sex acts with minors and distribution of child pornography. There are mob informants, white-collar criminals, dirty cops. The Enron fraudster Jeffrey Skilling spent time at

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F.B.I.

(Continued from Page 47)

Englewood before his release. So did former Gov. Rod Blagojevich of Illinois, who was convicted of corruption-related charges.

Albury arrived in November 2018 and was treated, to his surprise, like a celebrity. The anti-government militia and sovereign-citizen types, who had a particular hatred for the feds, wanted to shake his hand and do him favors. That quite a few of the sovereigns were white supremacists didn't seem to deter them. "They saw me as one of them, which was bizarre," he says, "but it was easier to take than some of the law-enforcement guys who thought we should be friends." Michael Slager, the South Carolina police officer who killed an unarmed Black man named Walter Scott in 2015, was particularly friendly to Albury. Former law-enforcement officers needed to stick together, Slager suggested. Albury walked away. I am nothing like you, he thought.

He spent his days reading books by Nelson Mandela, Howard Zinn, Aleksandr Solzhenitsyn and the Berrigan brothers, Catholic priests who went to prison for their antiwar activism in the '60s. He read Bruce E. Levine's "Resisting Illegitimate Authority," as well as Mohamedou Ould Slahi's "Guantánamo Diary," the chilling account of Slahi's imprisonment at Guantánamo Bay under the supervision of military, C.I.A. and F.B.I. interrogators. In a strange way, Albury felt freer in prison than he had at any time since he joined the F.B.I. "A lot of people are ashamed, being in prison," he says. "I was never ashamed. I felt this immense sense of relief that at least that chapter of my life was over, and I could be who I actually am."

He dedicated himself to being a thorn in the side of the Bureau of Prisons, which subjected him, he says, to "special administrative measures" that called for regular monitoring of his phone calls and emails, as well as his letters, which always arrived opened, if they reached him at all. Albury peppered his correspondence with attacks on prison staff, whom he called "petty, insecure tyrants," fully aware that they were reading along. In April 2020, as the coronavirus began to spread in Englewood, Albury filed a grievance with the Bureau of Prisons protesting the overcrowded conditions, and was sent to the Special Housing Unit, or solitary confinement. When he was released back to general population 10 days later, a one-page report had been expunged from his record. There was nothing to prove he had spent more than a week locked in the Special Housing Unit, accused of "inciting a riot," Albury wrote in a letter that May.

A few weeks later, Albury cut off all contact. He'd had some unsettling experiences after being released from the Special Housing Unit, he wrote in a final missive. He didn't elaborate. He was

scheduled to be released in November, and until then, "it's prudent I keep my head down and stay off the radar," he wrote.

Albury left prison on Nov. 18, 2020, and returned to his family and the house they had moved into in Berkeley, with an ankle monitor. Two days later, he reached out to me on Signal. "I am officially back in the 'free world,'" he said. He sounded defiant. His experience at Englewood had hardened his belief that he was a prisoner of conscience, but he refused to call himself a whistle-blower. "I didn't 'blow the whistle,'" he told me over the phone. "I tried to expose a whole system."

It was "really crushing," he says, that his disclosures didn't cause more of a sensation. "I assumed the stuff would come out and there would be some radical change, like the Church Committee hearings. I guess was naïve." Could Albury's revelations have had more of an impact if they had been released before the Trump era? "I think part of what happened here was timing," says Mike German, now a fellow at the Brennan Center for Justice at the New York University School of Law. Following Trump's election, even many on the progressive left became champions of the F.B.I. because of the Russia investigation and Trump's attacks on the independence of the bureau. "What that meant was that the people who would have been criticizing the types of programs that were exposed in those documents instead found themselves as strong defenders of the F.B.I. as an institution," German says.

In the absence of this scrutiny, F.B.I. counterterrorism operations against Muslims have remained constant, though they have received far less public attention. Over the past year, the F.B.I.'s director, Christopher Wray, has repeatedly stated that "racially motivated extremist violence" is at the top of the bureau's national-security priority list, along with foreign terrorism. The F.B.I. has used the same investigative approach with suspected domestic extremists — a category that includes white supremacists and antigovernment militias as well as Black Lives Matter activists and "antifa" — as it has with those suspected of supporting international terrorism. "None of the F.B.I.'s authorities, guidelines or policies regarding terrorism investigations have been modified" since 2008, German says. "So it shouldn't be surprising that it continues to use the same tactics as it pivots to new targets."

But the disclosures published by The Intercept have already proved useful in at least one significant court case. On Dec. 10, 2020, a few weeks after Albury was released from prison, the Supreme Court handed down an important ruling in *Tanzin v. Tanvir*, originally *Tanzin v. Holder*, the lawsuit filed on behalf of the Muslim man, later joined by two others, who were all placed on the no-fly list during the Obama administration by F.B.I. agents seeking to turn them into

informants. A few days before the plaintiffs' first major appearance in court, the Department of Homeland Security informed the men that they were no longer on the no-fly list, rendering their suit against the government, as an entity, moot. A second part of the suit, a damages claim against the individual F.B.I. agents who put the men on the list, continued.

"We proceeded with our damages claims against the individual F.B.I. agents seeking to remedy the harms they experienced as a result of these abuses," says Diala Shamas, a staff attorney with the Center for Constitutional Rights, a group that represented the plaintiffs. Their central claim, that the agents violated the men's religious liberty and could therefore be sued, in an individual capacity, for monetary damages, was struck down by the U.S. District Court for the Southern District of New York, but the U.S. Court of Appeals for the Second Circuit reversed that ruling. The government then took the case to the Supreme Court, which upheld the appeals court's decision in a unanimous ruling written by Justice Clarence Thomas. Not only did the law allow a person whose religious liberty was burdened to "obtain appropriate relief against a government," including government officials in their individual capacities, Thomas wrote, "this exact remedy has coexisted with our constitutional system since the dawn of the Republic."

Though not a victory on the merits of the claim itself — the justices merely confirmed that the plaintiffs had a right to sue the individual agents — *Tanzin v. Tanvir* was nonetheless a watershed for government accountability. "Conservatives on the court have traditionally been very averse to modes of accountability, damages in particular, especially against law enforcement, and especially in the context of national security," Shamas says. "The mere fact that law enforcement is not completely immune to damages in this area sends a powerful message."

In advising clients facing F.B.I.-informant recruitment like the ones in the Supreme Court case, Shamas and her colleagues reviewed the F.B.I. documents published by The Intercept. "They went right to the core of what we're seeing and helped us break through," she says. "F.B.I. agents will say one thing, but the D.I.O.G., unredacted" — the Domestic Investigations and Operations Guide — "shows us the truth. Frankly, F.B.I. agents can lie to attorneys and their clients. We remind people of this when we do seminars to teach people about their rights." It's a tough accusation, but Albury believes it's a fair one.

"Of course they lie — I lied to people all the time as an agent," he says. That the Supreme Court even agreed to consider the no-fly-list case is, in his mind, vindication, Albury says. "And that Thomas, of all people, wrote the majority decision — that blew my mind." He paused, and then said quietly, "It made me feel like I actually accomplished something." ♦