

Bush administration seeks to relax curbs on FBI domestic spying

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Attorney General John Ashcroft is considering relaxing restrictions on the Federal Bureau of Investigation (FBI) that limit spying on political organizations, churches and other groups in the United States. If put into effect, the change in FBI rules would constitute a fundamental loosening of curbs on the agency's domestic intelligence operations, and would allow the government to spy on groups and individuals solely because of their political beliefs.

Ashcroft said the proposed change is part of the effort to shift the axis of Justice Department activity from the prosecution of crime to the prevention of terrorism. In the wake of the September 11 events, the Bush administration has issued a rash of executive orders that attack basic democratic rights and challenge civil liberties long protected by the US Constitution. These orders have included the authorization of secret military tribunals to try alleged terrorists; the roundup of more than a thousand mainly Middle Eastern men, some of them detained indefinitely and in secret; and the authorization of eavesdropping on attorney-client conversations of those in custody.

The new Justice Department proposal poses a particular threat to the civil liberties of any individual or political organization that opposes the domestic or foreign policy of the government. The loosening of restrictions would allow the FBI to spy on groups or individuals—including the use of “roving” wiretaps and e-mail surveillance—without providing a judge with proof of “probable cause.” Presently, meetings of political groups, services at mosques or churches and other private gatherings are off-limits to the FBI unless it can prove the likelihood that a crime is in progress.

Widespread domestic spying was carried out in the 1960s and '70s as part of the FBI's notorious COINTELPRO (counter-intelligence program)

operation. Under then-FBI Director J. Edgar Hoover, COINTELPRO targeted black nationalists, civil rights activists and opponents of the Vietnam War. Those under surveillance included boxer Muhammad Ali, actress Jane Fonda, Dr. Benjamin Spock, Dr. Martin Luther King and the Black Panther Party, among many others.

The FBI carried out a vicious campaign for almost 20 years against opponents of government policy, utilizing such methods as illegal wiretaps, blackmail and forgery, extortion and in some cases outright murder. FBI agents were also involved in incitement to violence in their work in racist organizations such as the Ku Klux Klan.

When the FBI's widespread surveillance methods began to be exposed in the 1970s, Congress was obliged to carry out an investigation into the agency's spying activities and methods. In the wake of this probe, the bureau adopted internal guidelines prohibiting agents from using charges of subversion or the threat of terrorism to justify the monitoring of Americans' political activities. Ashcroft now wants to rewrite the FBI code of conduct to allow the agency to resume spying on its domestic political opponents.

An examination of two COINTELPRO cases makes clear the ominous implications of Ashcroft's proposal, and the dangers posed to democratic rights by the revival of these methods.

One of the most infamous cases of FBI infiltration was in connection with the 1963 bombing of the 16th Street Baptist Church in Birmingham, Alabama, which left four young girls dead and injured another 22 adults and children. The racially motivated bombing was the twenty-first in eight years and the third in only 11 days, following federal orders to integrate the city's public schools.

As early as 1964, FBI agents in the KKK identified four men in the 16th Street Church bombing. However FBI Director Hoover, a fervent opponent of civil rights, blocked their prosecution. The case was eventually shut down in 1968 with no charges being filed against the KKK members.

The FBI maintained its network of agents inside the Birmingham KKK following the bombing, including one of its most notorious informants, Gary T. Rowe, who later admitted to involvement in violent assaults on blacks. These included the 1961 attack on Freedom Riders at the Birmingham bus station and the 1965 murder of Viola Liuzzo, a 39-year-old civil rights activist from Detroit. The Justice Department later acknowledged it had known about Rowe's connection to these racist attacks, but claimed it had no evidence linking him to the 16th Street Baptist Church bombing.

The FBI finally reopened the case in 1996, leading to the indictment in 2000 of two KKK members, Thomas Blanton and Bobby Cherry, on first-degree and reckless murder charges. Cherry was ruled mentally incompetent to stand trial, but Blanton was finally convicted last May of four counts of first-degree murder.

Another COINTELPRO case involved FBI infiltration of the Black Panther Party. Elmer "Geronimo" Pratt was arrested and charged with the kidnap-murder of Los Angeles schoolteacher Caroline Olsen. Olsen and her husband were attacked on a tennis court in Santa Monica, California in 1968 by two black men; she was abducted and killed. Her husband Kenneth identified Pratt as one of the assailants three years later from a photo provided by the Los Angeles Police Department (LAPD).

Geronimo Pratt was framed up as part of the FBI vendetta against the Black Panthers. The main witness against him was Julius Butler, who had functioned as an informant for both the FBI and LAPD inside the Panthers. Butler had been expelled from the group by Pratt because he advocated violence.

At trial, Butler testified that Pratt had confessed to the murder of Caroline Olsen. The FBI closed its file on Butler during the trial so that he could deny being an informer when questioned. He resumed his informing activities after the trial. Pratt was convicted of kidnapping and murder in 1972 and served 27 years in jail for a crime he did not commit before finally being

released in 1999. A Superior Court judge in California ruled that his conviction should be overturned due to misconduct by the Los Angeles district attorney's office.

These two cases give only a glimpse of the types of domestic counterintelligence methods the Bush administration now wants to revive. As with the majority of provisions enacted since September 11 in the name of the "war on terrorism"—most of them by executive fiat—they pose a threat to the civil liberties not only of alleged terrorists but the American population as a whole.

The proposed change in spying guidelines would mean political groups could be targeted for surveillance simply because the government designates them as "subversive" due to their political views. Such groups could include left-wing or socialist parties, workers organizations, civil rights advocates or anyone who speaks out against government policy.

Former FBI Director Louis Freeh gave an indication of what types of organizations could be targeted for accelerated domestic spying as a result of relaxed regulations on the FBI. In speech on May 10, 2001, Freeh said, "Domestic terrorist groups represent interests that span the full spectrum of political and economic viewpoints, as well as social issues and concerns."

The former FBI chief included in his list of groups that could be designated as terrorist by the government "Anarchists and extremist socialist groups—many of which, such as the Workers' World Party, Reclaim the Streets and Carnival Against Capitalism—have an international presence and, at times, also represent a potential threat in the United States."



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