Bush administration lifts restriction on domestic spying by FBI

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US Attorney General John Ashcroft Thursday granted the Federal Bureau of Investigation sweeping powers to carry out domestic spying against political organizations, religious groups and private citizens in the United States. The new guidelines, issued in the name of the Bush administration's "war on terrorism," will allow FBI agents to monitor political gatherings, Internet sites, electronic chat rooms and bulletin boards, libraries and churches without providing any evidence of criminal wrongdoing.

The Department of Justice's action, which requires no congressional approval, overturns restrictions imposed on the FBI in 1976 following the exposure of its massive surveillance program against anti-war, left-wing and civil rights activists, including Martin Luther King Jr. Under such programs as Cointelpro and Cominfil, J. Edgar Hoover's FBI spied on, intimidated and harassed hundreds of thousands of US citizens and thousands of domestic groups. The Central Intelligence Agency ran its own domestic spying program—OperationChaos—whichcompiledpersonality files on over 7,000 US citizens and files on over 1,000 domestic groups.

The new measures will allow the government to spy on groups and individuals solely because of their political beliefs. The change means that political groups, including socialist parties, workers' organizations, civil rights groups or anyone who speaks out against government policy can be targeted for surveillance simply because the government designates them as "subversive."

Ashcroft first floated plans to lift restrictions on domestic spying late last year. His decision to take the action now is bound up with the Bush administration's efforts to deflect attention from revelations that it was warned about potential hijackings prior to September 11. The new measures were taken the day after FBI Director Robert Mueller acknowledged that the bureau's field agents had gathered evidence that might have prevented the September 11 terrorist attacks. The White House is using claims that civil liberties restrictions prevented the FBI from "connecting the dots" as the pretext for a further assault on constitutionally protected democratic rights.

At a press conference Thursday afternoon Ashcroft said FBI agents in the field "are frustrated because many of our internal restrictions have hampered" their efforts to move quickly on investigations. Referring to the regulations on domestic spying, Ashcroft said, "These restrictions are a competitive advantage for terrorists."

The attorney general's remarks ignore the fact that it was not civil liberties considerations, but rather the still unexplained intervention of top FBI officials, that stopped lower-level agents from investigating Zaccarias Moussaoui or taking other actions that might have prevented the hijackings.

Ashcroft denied that the new measures would undermine civil liberties protections and claimed the new powers would be used only "for the purpose of detecting and preventing terrorism." He said, "The abuses that have been alleged about the FBI decades ago would not be allowed."

Dismissing the question of democratic rights, FBI Director Mueller said lifting the domestic spying restriction was an "important step to help remove unnecessary bureaucratic obstacles to the effective investigation of terrorist cases."

The American Civil Liberties Union denounced the new measures as a threat to constitutionally guaranteed civil liberties and an attempt to silence dissent. "These new guidelines say to the American people that you no

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longer have to be doing something wrong in order to get that FBI knock at your door," said Laura Murphy, director of the national office of the ACLU. "You can be doing perfectly legal activity like worshiping or talking in a chat room; they can spy on you anyway."

Murphy added, "The government is rewarding failure. It seems when the FBI fails, the response by the Bush administration is to give the bureau new powers, as opposed to seriously looking at why the intelligence and law enforcement failures occurred."

Margaret Ratner of the Center for Constitutional Rights said, "Apparently Attorney General Ashcroft wants to get the FBI back in the business of spying on religious and political organizations. That alone would be unconstitutional, but history suggests the FBI won't stop at passive information gathering. We fear a return to the days of Cointelpro."

Under the FBI's old guidelines, agents needed to show probable cause or information from an informer that crimes were being committed to begin investigations. Undercover agents could not be sent to investigate groups that gather at places like mosques or churches unless investigators could first find probable cause or evidence that led them to believe someone in the group had broken the law.

The new guidelines simply state that FBI agents may enter public places and forums to observe, develop leads and investigate. Agents will be free to search web sites, online chat rooms and public databases. Under the old guidelines, surfing the Internet for the sole purpose of gathering information about organizations and individuals was prohibited.

"The new guidelines will trash a central protection against government fishing expeditions by ending the requirement that law enforcement agencies have at least a scintilla of evidence—or even a hunch—of a crime before engaging in certain investigative activities," an ACLU press statement declared.

According the *New York Times*, the bureau will also use commercial "data-mining services" from companies that collect, organize and analyze marketing and demographic information from the Internet to help develop leads on potential crimes, such as threats to the security of computer networks.

These measures are part of several being implemented to complete the transformation of the FBI from an organization focused on criminal investigations and law enforcement into a domestic spy agency. These include plans to transfer more than 600 agents presently assigned to investigating narcotics, bank robberies, kidnappings and other crimes to counterterrorism units. That would put more than 2,500 of the FBI's 11,500 agents on such duties, compared with about 1,100 before September 11. Thirteen offices will be set up to specialize in gathering and analyzing intelligence. The bureau also plans to hire 900 agents by September, placing a premium on those with expertise in computers, foreign languages, internal security, engineering and science.

Particularly significant is a plan to integrate the operations of the FBI with the Central Intelligence Agency. CIA officers will be sent to work in FBI field offices and at the FBI's new Office of Intelligence, which will be headed by a veteran CIA officer. In the past, at least publicly, the CIA, which had few legal restraints on its spying, provocation and assassination operations overseas, was prohibited from spying on US citizens. Now the FBI and CIA are combining operations in what amounts to a massive domestic political police force.

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