Bush administration cites September 11 "failures" to attack democratic rights

FBI gets blank check for domestic spying

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7 June 2002

Last week Attorney General John Ashcroft granted sweeping powers to the Federal Bureau of Investigation to spy on political organizations, religious groups and private citizens in the US. When he announced the measures, Ashcroft declared that previous restrictions on domestic spying had contributed to the FBI's failure, despite warnings from agents in the field, to prevent the September 11 terror attacks.

"As we have heard recently, FBI men and women in the field are frustrated because many of our own internal restrictions have hampered our ability to fight terrorism," the attorney general told a May 30 press conference in Washington. Since September 11, the attorney general added, "we in the leadership of the FBI and the Department of Justice began a concerted effort to free the field agents—the brave men and women on the front lines—from the bureaucratic, organizational and operational restrictions and structures that hindered them from doing their jobs effectively."

What has emerged since September 11 is a large body of evidence that the FBI *had* intelligence—ample intelligence—that a plot was under way to carry out a major terrorist attack in the US, that it involved Islamic fundamentalists associated with Al Qaeda, and that the modus operandi would involve the hijacking of US commercial aircraft.

Among other things, field agents in Phoenix alerted FBI headquarters about Middle Eastern students with Islamic fundamentalist sympathies training to fly planes and urged a nationwide screening of flight schools for possible terrorists; Minneapolis FBI agents reported the detention of Zaccarias Moussaoui—who one agent described as someone who might fly a jumbo jet into the World Trade Center—and urgently requested authorization to search his personal computer; the US government received advance warning from Egypt and other governments about an impending attack. And yet, for still unexplained reasons, the FBI, the CIA and the White House ignored these and other warnings.

Nothing that has emerged remotely suggests that the FBI was hindered from gathering information on potential terrorist attackers by the restrictions on domestic spying of political and religious organizations and US citizens that were imposed in the mid-1970s. Ashcroft does not even attempt to make the case that FBI "lapses" were caused by or even related to such restrictions. Instead, he makes a sweeping assertion and relies on a compliant media to grant it legitimacy. What Ashcroft is obliged to explain to the American people—which he refuses to do—is why the FBI and his own office ignored the clear implications of the intelligence information they had gathered.

All the evidence points not to some mysterious failure to "connect the dots" or an overweening concern for civil liberties on the part of an organization notorious for its contempt for constitutional safeguards, but rather a politically motivated decision not to expose suspected terrorists and to allow them, instead, to proceed with their plans.

There are two possible reasons for this. Either it was decided that a hijacking would serve the interests of the Bush administration by providing a *casus belli* for war in Central Asia and a pretext for sweeping attacks on democratic rights in the US, or Moussauoi and other alleged Al Qaeda operatives enjoyed official protection because they were involved in international covert operations under the direction of US intelligence agencies. In either case, the deaths of more than 3,000 civilians on September 11 has its roots in the reactionary and secret operations of the American intelligence apparatus.

Now the White House is using the revelations about the unexplained failure of the FBI and CIA to stop the attacks as a pretext to strengthen the repressive powers of the state and persecute American citizens solely on the basis of their political beliefs and activity, effectively overriding the constitutional protections spelled out in the Bill of Rights.

The Justice Department is overturning restrictions that were imposed in 1976 following the Watergate crisis and the exposure of the massive domestic spying operations conducted by J. Edgar Hoover's FBI, the CIA, army intelligence and other government agencies in the 1960s and 1970s. A series of "Attorney General Guidelines" was established at that time to limit the scope of "acceptable" surveillance and infiltration of political and religious organizations, which stated that the advocacy of unpopular ideas or political dissent alone could not serve as the basis for an investigation. FBI agents were obliged to show that their targets were engaged in or planning criminal activity before an investigation could be pursued.

Of course, only the most naïve observers would accept the official story that since these restrictions were announced the FBI has scrupulously observed them. As clearly emerged in a series of well-publicized cases in the 1980s involving FBI surveillance and harassment of supporters of the Palestinian struggle and opponents of US policy in Central America, these guidelines did not put an end to FBI abuse. Nevertheless, Ashcroft has now given the FBI a blank check to conduct domestic spying without presenting the slightest evidence of actual or potential criminal wrongdoing.

The factual record also refutes the pretense that these measures were necessitated by the discovery of the FBI's so-called failures. The plans to lift restrictions on domestic spying began well before the latest revelations. Shortly after September 11 the attorney general authorized the FBI to waive the guidelines "in extraordinary cases to prevent and investigate terrorism," and by December 2001 Ashcroft had made it known he intended to scrap the restrictions entirely. Moreover this measure is entirely in line with the general thrust of Bush administration and Justice Department policy since September 11, including the secret detention of thousands of Middle Eastern immigrants, the sanctioning of military tribunals, and the vast expansion of government wire-tapping,

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electronic eavesdropping, and search-and-seizure powers authorized by the "USA Patriot Act," the anti-terrorist law passed with bipartisan support last October.

The new guidelines will allow FBI agents to monitor political gatherings, Internet sites and chat groups, libraries and churches. The FBI will use commercially available "data mining" technology and other means to monitor credit card data, book purchases, tax records, academic scores, insurance records, mortgage payments and other personal information. The government will be allowed to track every visit an individual makes to a web site, every comment to a chat room and every book or movie he or she purchases from Amazon.com and other web sites. Undercover agents will be free to attend political meetings and take note of who was present and what was said.

Ashcroft made the ridiculous assertion that these measures were benign because they only gave FBI agents the rights that the American public enjoyed: to visit public places, attend events and view web sites freely. But, of course, FBI agents are not simply members of the public. They are operatives of a political police force, whose job is to gather information for use against anyone who is deemed to be "subversive" or an "enemy of the state."

The framers of the Constitution warned against the unchecked power of the government and drafted the Bill of Rights to protect citizens from government efforts to crush political dissent. As late as the 1950s, Supreme Court Justice Robert Jackson warned that without clear limits a federal investigative agency would "have enough on enough people" so that "even if it does not elect to prosecute them" the government would still "find no opposition to its policies."

The rights to free speech and assembly mean nothing if individuals who exercise them face a knock on the door by the FBI and reprisals, including prosecution, public scandal and the loss of employment.

It is important that the American public be reminded of the type and scope of FBI activities against which the 1976 guidelines were drafted. Just what was going on in the 1960s and 1970s? What can the American people anticipate in the coming weeks and months as a result of the lifting of the guidelines?

As the Watergate revelations made clear, the massive domestic spying by the FBI and other intelligence agencies were part of a growing resort to conspiratorial and illegal methods of rule that were directed by the highest levels of the state, including the Nixon White House. The guidelines imposed on the FBI were part of an attempt to restore credibility to the political system in the eyes of the American people in the wake of a massive political and social crisis that culminated in the first-ever resignation of a president. The restrictions were imposed in the aftermath of a period dominated by massive anti-war protests, urban riots and militant labor struggles. American democracy was badly discredited and its essential hypocrisy exposed—both by the brutal and repressive measures employed to put down domestic dissent and the barbaric policies carried out in its name in Southeast Asia. It had become obvious to all but the most backward elements in the ruling elite that measures were needed to restore a measure of public confidence and rein in those state forces whose police-state methods threatened to provoke even more massive upheavals.

After Nixon's resignation, the Church Committee, named after its chairman, Senator Frank Church of Idaho, conducted a wide-ranging investigation of US intelligence agencies. In its final report, issued in April 1976, the committee concluded: "Domestic intelligence activity has threatened and undermined the Constitutional rights of Americans to free speech, association and privacy. It has done so primarily because the Constitutional system for checking abuse of power has not been applied."

The committee said the abuses by the intelligence apparatus mirrored the growth of excessive executive power and excessive secrecy, and that in the name of "national security" intelligence officers and their senior officials blatantly disregarded the law and the civil liberties of their targets.

The Church Committee revealed the enormous scope of the operations against anti-war demonstrators, civil rights activists and left-wing political parties. This included the FBI's Counterintelligence Program (Cointelpro), which had the stated goal "to expose, disrupt, misdirect, discredit, or otherwise neutralize" left-wing opponents of government policy. FBI headquarters alone developed over 500,000 domestic intelligence files on US citizens.

In addition the committee found:

* At least 26,000 individuals were at one point catalogued on an FBI list of persons to be rounded up in the event of a "national emergency."

* Nearly a quarter of a million first class letters were opened and photographed in the US by the CIA between 1953 and 1973, producing a CIA computerized index of nearly 1.5 million names. Separate files were created on approximately 7,200 Americans and over 100 domestic groups in the course of the CIA's Operation CHAOS (1967-1973), aimed at crushing the student anti-war movement.

* Millions of private telegrams sent from, to, or through the US were obtained by the National Security Agency from 1947 to 1975 under a secret arrangement with three US telegraph companies.

* An estimated 100,000 Americans were the subjects of United States Army intelligence files created between the mid-1960s and 1971.

* Intelligence files on more than 11,000 individuals and groups were created by the Internal Revenue Service between 1969 and 1973 and tax investigations were started on the basis of political rather than tax criteria.

The Senate committee also found that these agencies sent anonymous letters attacking the political beliefs of targets in order to induce their employers to fire them. Similar letters were sent to spouses in an effort to destroy marriages. The committee also documented criminal break-ins, the theft of membership lists and misinformation campaigns aimed at provoking violent attacks against targeted individuals.

One of the most infamous operations uncovered by the Church Committee was the FBI's campaign to "neutralize" civil rights leader Martin Luther King Jr. This included an extensive surveillance program to obtain information about the "private activities of King and his advisers" to use in order to "completely discredit" them. The FBI mailed King a tape recording made from microphones hidden in hotel rooms. As one agent testified, this was an attempt to destroy King's marriage. The tape was accompanied by a note suggesting that the recording would be released to the public unless King committed suicide.

The FBI's Cointelpro operations against the Black Panthers involved the killing of several leaders, including Fred Hampton, by the Chicago police, as well as the frame-up and imprisonment of scores of others.

Referring to this period, Ashcroft made a passive reference to "abuses" that have been "alleged about the FBI decades ago." The attorney general assured one and all that he and the president would never allow the FBI to use its new powers to crush political dissent or civil liberties. Like his boss in the White House, Ashcroft's answer to concerns over the gutting of democratic rights is, "Trust me."

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