

Bush administration widens domestic spy agency powers

Naomi Spencer
25 August 2008

In recent weeks, Bush administration officials have introduced a number of provisions that substantially widen the powers of intelligence and law enforcement agencies to conduct spying and other operations within the US against American citizens.

Last week, several news outlets reported that the Justice Department had drafted new rules on intelligence gathering operations which it plans to ratify on October 1, the first day of the new fiscal year and one month before the November elections.

Although details of the draft have not been made publicly available, officials told the Associated Press (AP) that the changes give explicit permission to the Federal Bureau of Investigation (FBI) to spy on Americans even if there is no basis for suspicion of criminal activity or allegations of wrongdoing. According to an August 20 report by the AP, officials speaking on condition of anonymity said “the new policy would let agents open preliminary terrorism investigations after mining public records and intelligence to build a profile of traits that, taken together, were deemed suspicious.”

Among factors the officials said could be used as the basis for spying, according to the AP, were “travel to regions of the world known for terrorist activity and access to weapons or military training, along with the person’s race or ethnicity.”

The FBI would be authorized to conduct activities such as “long-term surveillance, interviewing neighbors and work-mates, recruiting informants and searching commercial databases for information on people.”

Four members of the Senate Judiciary Committee who were briefed on the new rules—Democrats Russ Feingold of Wisconsin, Dick Durbin of Illinois, Edward Kennedy of Massachusetts and Sheldon Whitehouse of Rhode Island—wrote in an August 18 letter to Attorney

General Michael Mukasey that the new rules opened the way for “intrusive surveillance” against innocent Americans based on “race, ethnicity, national origin, religion, or on protected First Amendment activities.”

An August 22 editorial by the *New York Times*, citing comments of Senate staffers familiar with the new rules, reported that the FBI would be authorized to carry out “pretext interviews, in which agents do not honestly represent themselves while questioning a subject’s neighbors and work colleagues.”

There can be little doubt that among those targeted will be the sizable and growing segment of the population actively opposed to the government’s policies. “Pretext interviews” and the use of “recruited informants”—who infiltrate targeted organizations—are deeply anti-democratic and unconstitutional tactics that the FBI, in the anti-communist Cold War era, widely employed against socialists and civil rights groups.

In their letter, the senators merely urged Mukasey not to ratify the guidelines until they have been publicly announced—an indication that they have no any serious intention of blocking the action. Only last month, the Democratic-controlled House of Representatives and Senate passed, by an overwhelming margin, legislation legitimizing the Bush administration’s ongoing domestic wiretapping and surveillance operations and granting immunity to telecommunications companies participating in the illegal programs. (See: “Obama joins Senate vote to legitimize Bush’s domestic spying operation”).

In an August 20 reply to the Senate Judiciary Committee, the Attorney General’s office gave an assurance that Mukasey would not sign the guidelines in advance of a September 17 appearance before the committee by FBI Director Robert Mueller.

However, the letter made clear that the Justice

Department considered the delay little more than a grace period. It stated, “Although we have not traditionally worked with Congress in developing Attorney General guidelines, and as you note in your letter, we are not obligated to do so, we appreciate the laudable and thoughtful suggestions we have already received...” In the meantime, the Attorney General’s office said the department would “continue to train FBI employees in preparation for the October 1, 2008 implementation date.”

In tandem with more aggressive FBI spying, the Justice Department last week introduced a proposal to further integrate state and local law enforcement agencies into the intelligence apparatus by allowing police forces to collect intelligence about American citizens. The proposal would allow police to share data with federal agencies and retain information for at least ten years.

As an August 16 *Washington Post* article reported, in the past few years numerous instances of police infiltration of peace and other protest groups have come to light. The article noted that “undercover New York police officers infiltrated protest groups before the 2004 Republican National Convention... California state agents eavesdropped on peace, animal rights and labor activists,” and “Denver police spied on Amnesty International and others before being discovered.”

Michael German, a former FBI agent turned whistleblower who is now a policy counsel for the American Civil Liberties Union (ACLU), told the *Post*, “If police officers no longer see themselves as engaged in protecting their communities from criminals and instead as domestic intelligence agents working on behalf of the CIA, they will be encouraged to collect more information... It turns police officers into spies on behalf of the federal government.”

On August 20, the *Post* reported that the federal government has been compiling information on land, sea, and air border-crossings by Americans via a previously undisclosed Border Crossing Information system run by the Department of Homeland Security. The data—including name, birth date, gender and photographic documentation—will be held for 15 years and can be used by intelligence agencies in investigations. The newspaper commented, “The same information is gathered about foreign travelers, but it is held for 75 years.”

This month, the Bush administration also announced the creation of a new unit within the Defense Department’s Defense Intelligence Agency, called the Defense Counterintelligence and Human Intelligence Center. Without giving details, Mike Pick, appointed to direct the program, told reporters at a Pentagon press conference that the office would carry out “strategic offensive counterintelligence operations” within the United States. Pentagon officials have insisted that the agency would target only “foreign intelligence officers” on US soil.

The announcement closely followed a July 30 executive order by President Bush ordering a restructuring of intelligence agencies to more tightly centralize spying and other so-called “counterintelligence operations” under the Office of the Director of National Intelligence. The purpose of the change is to consolidate and solidify the huge intelligence apparatus that has grown massively in the period since the September 11, 2001 attacks.



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