

FBI has 400,000 people on terrorism “watch list”

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Federal Bureau of Investigation Director Robert S. Mueller has told members of the Senate Judiciary Committee that the FBI’s current terrorism “watch list” contains 400,000 unique names, with an average of 1,600 new individuals added each day.

According to the FBI, five percent of the individuals on this list are US citizens, and nine percent of the list overlaps with the government’s “no fly” lists, which has frequently blocked people from airline travel for no legitimate reason.

The FBI’s daily operations are extensive. According to Mueller’s report, in addition to adding 1,600 names, the agency asks for the removal of 600 names each day and modifies the records of 4,800 others.

This information was delivered to the Senate committee in September, and first publicly reported on Secrecy News (www.fas.org/blog/secrecy) last week. An article then appeared in the *Washington Post* this weekend.

Mueller’s replies were supplied in response to concerns raised by Wisconsin Senator Russell Feingold over little-publicized shifts in the FBI’s rules for intelligence gathering. The threshold for opening new investigations was significantly lowered following the terrorist attacks of September 11, 2001, but in recent years additional modifications have set the stage for a dramatic escalation of domestic spy operations.

The details of the rule changes have not been openly discussed. Last year, in the final months of the Bush Administration, the Justice Department approved new FBI guidelines that expanded its ability to open domestic intelligence operations. The FBI implemented them with a detailed manual, the Domestic Investigations and Operations Guide, in December 2008.

Only after a Freedom of Information Act lawsuit filed

by critics of the new rules was a heavily redacted copy of the new Guide released in late September of this year.

The Guide lowers the threshold enabling the FBI to begin an investigation of a potential security threat, according to the *New York Times*, one of the few media sources to report on the changes. This change was explained and defended by the general counsel of the FBI, Valerie Caproni, who was quoted in the Times. “The FBI has been told that we need to determine who poses a threat to the national security—not simply to investigate persons who have come onto our radar screen.”

According to the new rules, information gathering needs no particular factual justification. The new FBI Guide says the basis “cannot be arbitrary or groundless speculation,” but the standard is “difficult to define.” This language obviously produces a huge loophole through which the authorities can justify massive spying and infiltration.

Another rule change essentially permits the FBI to use racial or religious profiling. Ethnicity or religion may now be used to trigger an investigation—as long as it is not the only factor. This is a distinction without a difference, needless to say, since any additional excuse can be introduced in order to essentially rationalize the targeting of ethnic or religious groups. The Guide specifically authorizes taking into account “specific and relevant ethnic behaviour” and to “identify locations of concentrated ethnic communities.”

One example was the action of the authorities after a Somali-American teenager from the US Midwest carried out a suicide bombing in Africa a year ago. The FBI began spying on Somali communities in such cities as Seattle, Washington and Columbus, Ohio. The president of Muslim Advocates, one of the groups that

initiated the FOIA lawsuit against the federal government, accused the government of harassing Muslim-Americans. “We have seen even in recent months the revelation of the FBI going into mosques,” said Farhana Khera, “not where they have a specific reason to believe there is criminal activity, but as ‘agent provocateurs’ who are trying to incite young individuals to join a purported terror plot. We think the FBI should be focused on following actual leads rather than putting entire communities under the microscope.”

The kind of fishing expeditions described by Muslim Advocates can only be described as aimed at the fabrication of supposed plots which can then be used to further isolate Muslim and other immigrant communities while also laying the basis for draconian measures taken against the entire working class. The FBI spokeswoman claimed that FBI infiltration, while permitted, cannot be used to sabotage the “legitimate social or political agenda” of the organization, or lead it “into criminal activity that otherwise probably would not have occurred.” However, in a number of cases since the September 11, 2001 attacks, this is exactly what has taken place.

Senator Feingold asked how many “assessments” had been undertaken under the loosened guidelines that were put in place in December 2008. According to the *Washington Post*, the FBI replied that “the answer was ‘sensitive’ and would be provided only in classified form.”

The latest shift on FBI guidelines illustrates the methods used by the capitalist state and the inherently fragile status of democratic rights under the present system. Even when the government has been forced to retreat on such matters as FBI spying, this has only been temporary. The attorney general guidelines for FBI investigations, for instance, began in 1976, in the aftermath of the Vietnam War and the Watergate scandal, when a Congressional investigation headed by then-Senator Frank Church of Idaho uncovered evidence of decades of spying operations.

Even under these conditions, the Ford administration which had replaced the disgraced Richard Nixon was able to stop restrictions being written into law by issuing its own internal guidelines. This is the origin of the current guidelines, which have been modified by subsequent administrations with little or no oversight. After the September 11 attacks, Attorney General John

Ashcroft greatly expanded the scope of domestic surveillance. In 2008, Attorney General Michael Mukasey continued this expansion.

As for Democratic Attorney General Eric Holder of the Obama Administration, he has no more intention of reversing the reactionary moves of his predecessors than does Obama himself on the Patriot Act and the whole panoply of attacks on democratic rights that have accelerated in the past decade. A spokesman for Holder said he was monitoring the new guidelines “to see how well they work.”

Holder is also presiding over the continued operation of the Guantánamo prison whose closing was promised by the end of 2009 by Obama when he took office. It was Holder who suggested some months ago that investigations would take place on the possible responsibilities of previous administration officials for torture and other war crimes. Needless to say, no such investigation has taken place or is remotely on the horizon.



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