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Justice Department relaxes surveillance rules for FBI

By Chris Mondics
Knight Ridder Newspapers

WASHINGTON (KRT) — Saying the nation needs to take more aggressive steps to foil terror plots, Attorney General John Ashcroft on Thursday relaxed decades-old rules governing surveillance of domestic religious and political groups.

Ashcroft said the changes were necessary to stop terrorists before they act. They are the latest in a series of new laws and strategies adopted since the Sept. 11 plane hijackings to strengthen the hand of the FBI and other law-enforcement agencies.

"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," Ashcroft said at a news conference called to announce the new policy. "Our philosophy today is not to wait and sift through the rubble following a terrorist attack. Rather, the FBI must intervene early and investigate aggressively."

The changes prompted questions from some, with civil-liberties groups arguing that the broad expansion of law-enforcement power was both unconstitutional and unnecessary.

"Under the new Ashcroft guidelines, the FBI can freely infiltrate mosques, churches and synagogues and other houses of worship, listen in on online chat rooms, and read message boards even if it has no evidence that a crime might be committed," the American Civil Liberties Union said in a statement.

Under the guidelines, FBI agents are permitted to attend any public gathering to gather information on terrorists' activities. They do not need, as was the case under the old rules, evidence that a specific crime had been committed, nor do they

need advance approval from senior officials in Washington.

For decades, the Justice Department had barred law-enforcement officials in most cases from conducting surveillance on churches, mosques and political rallies. The department enacted the rules in the 1970s after the disclosure that the FBI had placed the Rev. Dr. Martin Luther King Jr., antiwar protest groups and others under surveillance as they agitated for change in U.S. policy.

Now, FBI agents are authorized to visit public events where they suspect persons involved in terrorist activities might gather to further criminal plots.

The rules authorize field agents to launch such investigations on their own, once they get approval from their direct supervisors, and to conduct the probes for up to a year.

The rules also permit the FBI to launch broad Internet searches for evidence of criminal activity without first obtaining tips or other investigative leads suggesting that a specific criminal act had been committed.

A Justice Department memo circulated to law-enforcement officials Thursday suggested, for example, that FBI agents could search the Internet for sites related to anthrax or bomb-making in an effort to generate investigative leads.

Under the old rules, such Internet searches could be conducted only in cases where there was evidence of criminal activity.

Ashcroft stressed that the policy changes do not affect rules governing wiretaps and other forms of electronic surveillance. Agents will still be required to furnish specific evidence that a crime has been committed before getting approval for such surveillance.

Peter Rubin, a professor of consti-

tutional law at Georgetown Law Center, said some of the changes appear relatively benign, such as the decision to authorize broad searches of publicly available information on the Internet.

But he said the decision to broaden agents' authority to monitor activities in mosques and churches and political rallies could impinge on the rights of worshipers or political adherents to practice their beliefs or express their views.

"The devil is in the details," Rubin said.

The move follows intense criticism of the FBI for its failure to react to information obtained before Sept. 11. In the most damaging disclosure to date, the chief counsel of the Minneapolis FBI field office, Colleen Rowley, wrote to FBI Director Robert S. Mueller accusing officials at headquarters of deliberately undermining requests from field agents to move more aggressively to investigate Zacarias Moussaoui, the alleged 20th hijacker.

Moussaoui was arrested in Minnesota on Aug. 16 on immigration violations after an instructor at a flight school where Moussaoui was enrolled became suspicious and contacted the FBI.

FBI agents in the Minneapolis office had asked headquarters for permission to search the hard drive on Moussaoui's personal computer, but the request was denied by headquarters lawyers who asserted that they did not have enough evidence that Moussaoui had terrorist links, despite a report from French officials suggesting an al-Qaida connection.

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