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Proposed new FBI rules draw civil liberties worries

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By James Vicini

WASHINGTON (Reuters) - The U.S. Justice Department unveiled proposed new rules on Friday for FBI investigations, changes a civil liberties group criticized for giving agents powers to investigate Americans without proper suspicion.

In its first major change in years, the Justice Department proposed a consolidated set of guidelines for domestic FBI operations, seeking to apply the same rules for criminal and terrorism cases, and for collecting foreign intelligence.

The guidelines were first adopted in the 1970s following disclosures that the FBI under J. Edgar Hoover had run a widespread domestic surveillance program that spied on civil rights activists and political opponents.

Officials said the new guidelines, which total 45 pages, were still being revised after consultations with Congress and civil liberties groups. The new rules are expected to take effect on October 1.

Justice Department and FBI officials told a news briefing the changes would allow agents in some terrorism cases to use informants, do physical surveillance and conduct interviews without identifying themselves or their true purpose.

They said such techniques currently could be used in ordinary criminal cases, but not for those involving national security, before an investigation has begun.

The American Civil Liberties Union expressed concern the rewritten rules had been drafted in a way to allow the FBI to begin surveillance without factual evidence to back it up.

It said that under the new guidelines, a person's race or ethnic background could be used as a factor in opening an investigation, a move the ACLU believes will institute racial profiling as a matter of policy.

ACLU Washington legislative director Caroline Fredrickson said, "Agents will be given unparalleled leeway to investigate Americans without proper suspicion, and that will inevitably result in constitutional violations."

Anthony Romero, the ACLU's executive director, said, "Issuing guidelines that permit racial profiling the day after the 9/11 anniversary and in the midst of a historic presidential campaign is typical Bush administration stagecraft designed to exploit legitimate security concerns for partisan political purposes."

Department officials said the guidelines would not allow an investigation based solely on a person's race or religion. "We are not changing our basic approach when race, religion or ethnicity may be taken into consideration," said one official who declined to be identified.

"The Department of Justice has long been concerned about the use of race or ethnicity in investigations. But it is simply not responsible to say that race may never be taken into account when conducting an investigation," spokesman Brian Roehrkasse said in a statement after the briefing.

(Editing by Peter Cooney)

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