

INTERNATIONAL  
**Herald Tribune**

## FBI given new rules for investigations

**The Associated Press**

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### **WASHINGTON:**

The Bush administration issued new rules Friday designed to allow the FBI to pursue potential national security threats with the same vigor and techniques used against common criminals. Civil libertarians said the guidelines will come at a cost to constitutional protections.

The rules, to take effect Dec. 1, are a road map to the FBI's transformation. The Federal Bureau of Investigation made its reputation many decades ago by successfully pursuing bank robbers. The Justice Department says it wants to ensure that the FBI can now meet the biggest threats of the 21st century: national security and terrorism.

The road map consolidates once-separate rules for assessing threats and investigating traditional crimes and terror. They tell FBI agents what they can and cannot do, including when to conduct surveillance, use informants and consider race or ethnicity in determining whether someone is a suspect.

While some changes were made from preliminary rules shown to lawmakers, public interest organizations and reporters, the alterations were not enough to silence critics who say the FBI will be able to begin investigating people with no indication they have committed a crime.

Anticipating the criticism, Attorney General Michael Mukasey and FBI Director Robert Mueller issued a joint statement saying: "We are confident these guidelines will assist the FBI in carrying out its critical national security and foreign intelligence missions while also protecting privacy and civil liberties."

Democratic Sen. Patrick Leahy, chairman of the Senate Judiciary Committee, was not reassured.

"I am concerned that the guidelines continue the pattern of this administration of expanding authority to gather and use Americans' private information without protections for privacy or checks to prevent abuse and misuse," Leahy said.

Three Democrats on the House Judiciary Committee asked the department to postpone the effective date until a new president takes office in January and has an opportunity to review the procedures.

"Questions still remain about why there seems to be a rush to change these procedures in the last days of this administration," Reps. John Conyers, Robert "Bobby" Scott and Jerrold Nadler said in a joint statement.

The three said it was unclear whether the guidelines will result in FBI agents "monitoring the religious and political activities of innocent people."

Michael German, policy counsel for the American Civil Liberties Union, said the Justice Department recently revised the rules to make it appear that limits have been imposed on what techniques the FBI can use to investigate demonstrations and civil disorders. He cited language elsewhere in the guidelines that appear to contradict the restrictions, saying there are no limits on the FBI's authority to investigate federal crimes or threats to national security during civil disorders or demonstrations.

Elisebeth Cook, chief of the Justice Department's Office of Legal Policy, said in an interview that several changes were made to accommodate critics' worries and protect civil rights and liberties.

"To say we're in a brave new world, and the FBI has new ability to investigate without evidence of wrongdoing is misunderstood," she said.

Dealing with concerns about racial profiling, Cook said race is used only as one factor in an investigation when it is relevant, such as describing a suspect. The guidelines cannot undercut any

constitutional protections, state laws, executive orders or federal policies, Cook said.

Among the changes between a preliminary draft and the final rules:

\_Investigations related to civil disorders now have a time limit of 30 days. The investigations are to determine only whether the president needs to use the military.

\_The guidelines "cut way back," Cook said, in the types of information that can be collected in cases of civil disorders. Only four techniques will be allowed: checking public records, FBI records, other government records and online sources.

Any other methods would have to be approved by the attorney general or one of several top deputies confirmed by the U.S. Senate.

\_Language was added to say the FBI "shall" protect speech and practice of religion rights, instead of "should."

*Correction:*

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