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Guidelines Expand FBI's Surveillance Powers

Techniques May Be Used in U.S. Without Any Fact Linking Subject to Terrorism

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[Justice Department](#) officials released new guidelines yesterday that empower [FBI agents](#) to use intrusive techniques to gather intelligence within the United States, alarming civil liberties groups and Democratic lawmakers who worry that they invite privacy violations and other abuses.

The new road map allows investigators to recruit informants, employ physical surveillance and conduct interviews in which agents disguise their identities in an effort to assess national security threats. FBI agents

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could pursue each of those steps without any single fact indicating a person has ties to a terrorist organization.

[Attorney General Michael B. Mukasey](#)

said the guidelines are necessary to fulfill the FBI's core mission to predict threats and respond even before an attack takes place. The ground rules will help the bureau become "a more flexible and adept collector of intelligence," as independent commissions urged after the strikes of Sept. 11, 2001, Mukasey said in a statement yesterday.

The guidelines, which harmonize five different road maps dating back more than a generation, take effect Dec. 1. That is two months later than initially planned, and authorities said the delay was a concession to privacy advocates and Arab American groups who expressed concern that their members could be subject to racial or ethnic profiling.

Justice Department leaders rewrote a key section of the guidelines concerning agents' infiltration of groups and attendance at demonstrations. Under the new language, agents would be able to investigate the likelihood of violence stemming from a planned demonstration for as many as 30 days, with renewals subject to supervisory approval.

Congressional staff members said the revisions were superficial, and the [American Civil Liberties Union](#) immediately condemned the road map. Critics had asked Justice Department leaders to wait until a new president takes office, an approach that administration officials rejected.

Caroline Fredrickson, director of the ACLU's Washington legislative office, said: "Since, under these guidelines, a generalized 'threat' is enough to begin an investigation, the FBI will be given carte blanche to begin surveillance without factual evidence. . . . These guidelines will lead to political witch hunts and more unwarranted investigations of political enemies and peace groups."

Senate Judiciary Committee Chairman [Patrick J. Leahy](#) (D-Vt.) said the grant of new authority to FBI agents flies in the face of recent history, including overreaching and sloppy record-keeping by agents who demanded too much secret information from telephone companies and Internet service providers as part of national security investigations.

Bush administration officials assert that the overhaul is merely a common-sense change that would give FBI agents who pursue national security leads the same power as agents who investigate criminal offenses.

Civil liberties activists yesterday raised anew questions about the expanded role of the FBI in collecting an array of foreign intelligence within U.S. borders, absent evidence of a crime. For instance, the guidelines allow FBI agents to conduct interviews and monitor the movement of people who may possess useful information on subjects of general interest to American policymakers, such as a foreign government's oil exports.

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