

October 19, 2008**EDITORIAL**

Another Invitation to Abuse

We still don't know all of the ways that the Bush administration has violated Americans' civil liberties and undercut the balance of powers in the name of fighting terrorism. Even now, in President Bush's waning months in the White House, that overreach continues.

Attorney General Michael Mukasey recently issued new guidelines for the F.B.I. that permit agents to use a range of intrusive techniques to gather information on Americans — even when there is no clear basis for suspecting wrongdoing.

Under the new rules, agents may engage in lengthy physical surveillance, covertly infiltrate lawful groups, or conduct pretext interviews in which agents lie about their identities while questioning a subject's neighbors, friends or work colleagues based merely on a generalized "threat." The new rules also allow the bureau to use these techniques on people identified in part by their race or religion and without requiring even minimal evidence of criminal activity.

These changes are a chilling invitation for the government to spy on law-abiding Americans based on their ethnic background or political activity.

Mr. Mukasey has promised that investigations conducted under the new rules will be consistent with the Constitution. Clearly, the Bush administration cannot be trusted to find the right balance between law enforcement and civil liberties. Even before this administration the F.B.I. had its own long history of abusing its powers to spy on civil rights groups and antiwar activists.

Critics also warn that the new rules could impede legitimate law enforcement efforts by alienating communities whose cooperation the F.B.I. needs and by distracting agents from focusing on genuine criminal activity and national security threats.

Mr. Mukasey and Robert Mueller, the F.B.I. director, refused requests from several senators, including Patrick Leahy, the Judiciary Committee chairman, to delay the new rules until Congress and the public could thoroughly review them. Instead they rushed to put the changes in place before President Bush leaves office.

The next president will have to order a full and transparent review of this latest change, and all of the Bush administration's policies that threaten Americans' most fundamental rights.

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