

Ashcroft Police-State Moves Destroying Law Enforcement

by Edward Spannaus

Since Sept. 11, Attorney General John Ashcroft and his Justice Department policy staff have launched a sweeping drive to reverse all the restrictions and guidelines that were imposed on the FBI and Justice Department since the 1970s, and to give the FBI sweeping new powers that go beyond what existed in the decades preceding the 1970s reforms.

The most recent steps were the May 29 announcement of reordered FBI priorities, and the May 30 revision of the Attorney General Guidelines for FBI investigations, which scrapped the investigative guidelines established in 1976. This was followed by the announcement of new rules and procedures for immigrants and visa holders, which will target visitors and immigrants from Arab and Muslim countries.

Going along with these new police-state measures, is the destruction of the traditional law enforcement capabilities of the United States. Within weeks after Sept. 11, Ashcroft and the Justice Department were already proclaiming that the priority of the FBI should be “prevention” and “disruption,” not solving and prosecuting crimes. On May 29, Ashcroft and FBI Director Robert Mueller announced a sweeping reorganization of the FBI, in which the top two priorities are now to “protect the United States from terrorist attack,” and to “protect the United States against foreign intelligence operations and espionage.” Combatting international and national criminal organizations and enterprises, is now priority number six, and combatting violent crime is number eight.

When Mueller appeared before the Senate Judiciary Committee on June 6, Sen. Joseph Biden (D-Del.) went after him on this change of priorities. Biden told Mueller that “the single biggest problem we have facing America every single day is the drug problem,” which, he said, causes 68% of all the violent crime in the United States. “More people are killed in drug-related occurrences than have occurred in all the terrorist acts combined,” Biden stated, adding that the comparison is “not even close.”

Biden pointed out that 400 FBI agents are being taken away from drug cases as part of the latest reorganization, and that this is going to create a \$100 million-plus hole in the war on drugs.

Then, that evening, came the President’s announcement of his intention to create a new Department of Homeland Security, which takes a number of agencies with traditional law enforcement functions—such as the United States Customs Service, the Secret Service, and so on—and combines them willy-nilly into a new department whose priority is not law enforcement, but “prevention” of terrorist attacks.

Indications are that the planning of the contemplated Department of Homeland Security was carried out among a small circle within the White House, with the Cabinet members who head affected agencies not consulted, or even informed of the reorganization, until the day before the President’s announcement.

Some Congressional Objections

The move toward “prevention” and “disruption” is reminiscent of the manner in which the FBI operated in the 1950s and ’60s, with the infamous “Cointelpro” operations of disruptions and dirty tricks. For example, a famous 1968 FBI memo laying out the “Counterintelligence Program—Disruption of the New Left,” described the purpose of the program as “to expose, disrupt and otherwise neutralize the activities of this group.” One of the reasons that Cointelpro was eventually officially shut down, was that it had no legitimate law-enforcement purpose.

Yet, this is precisely the direction in which the new “reforms” are going.

The justification Ashcroft offered for his wholesale revision of the guidelines for FBI investigations, was the need to free FBI field agents “from the bureaucratic, organizational, and operational restrictions and structures that had hindered



Attorney General John Ashcroft (second from right) and FBI Director Mueller (left) are announcing measures almost daily, in the name of anti-terrorism, which hurt law-enforcement and tear up constitutional or Congressional guidelines.

them from doing their jobs effectively.”

Although it received almost no news coverage, Senate Judiciary Committee chairman Patrick Leahy (D-Vt.) opened the June 7 hearings by criticizing Ashcroft’s scrapping of the guidelines, and the manner in which it was done.

Leahy said that Senate Judiciary Committee was taken by surprise by the Attorney General’s *fait accompli*. “It seems that Chairman [James] Sensenbrenner [R-Wisc.] and our counterparts in the House Judiciary Committee were likewise surprised by the unilateral actions taken by the Attorney General in revising long-standing guidelines that have worked for decades,” Leahy said.

“And no matter what the short-term gains might be, no one in the Congress or in the administration can ignore the Constitution of the United States,” Leahy declared. He objected that the guidelines which had been followed “in the Ford Administration, the Carter Administration, the Reagan Administration, the first Bush Administration, the Clinton Administration . . . suddenly with the stroke of a pen should be changed.”

Leahy suggested that “we shouldn’t throw out decades of wisdom just because of a bad week or two in the press,” adding: “I agree with Chairman Sensenbrenner these important safeguards of American privacy and freedom should not be significantly altered without careful consideration and a full explanation of the reasons for any changes.”

The New FBI Heroine

Closely related to this, is the fawning enthusiasm shown toward Minneapolis FBI agent Coleen Rowley by the news media, Congress, and even by Mueller himself—which is aimed at weakening the requirements for obtaining secret “national security” wiretaps and search warrants. Rowley’s

complaint was that she was frustrated by officials at FBI Headquarters in her efforts to obtain a search warrant against “20th hijacker” Zacarias Moussaoui’s computer and other property. But a close reading of her letter to Director Mueller, shows that she was trying to circumvent constitutional and legal safeguards which had been adopted by Congress back in 1978 with the passage of the Foreign Intelligence Surveillance Act (FISA).

Rowley’s memo argues, that since there was deemed to be insufficient evidence of criminal activity by Moussaoui to obtain a search warrant under normal criminal procedures, the FBI should have gone to the secret FISA Court instead, with its looser standards—since the FISA Court does not require a showing of probable cause. This was rejected by FBIHQ, and this forms the core of Rowley’s demand that the FBIHQ officials involved, should be disciplined.

Right-wing columnists have picked up Rowley’s complaint, and are demanding that the 1978 FISA law be dumped, to make it even easier for the FBI to conduct wiretapping and searches. This was also the thrust of much of the discussion during Rowley’s appearance at the Senate Judiciary Committee on June 6.

Next: Concentration Camps?

We cannot be certain what the ultimate intent of the Ashcroft “reforms” are—nor can we be confident that Ashcroft and the White House even know, themselves, where they are headed.

But, the direction they are going is clear, and at the rate they are moving toward “preventive” measures, it is not far-fetched to suggest that it may not be long before Ashcroft is demanding the reestablishment of concentration camps like those used against Japanese-Americans in World War II, and which were again readied for use against “security risks” in the 1950s and ’60s.

Ashcroft’s current targeting of Muslims and Arab-Americans reminds us of what happened in 1942-45, when ethnic Japanese living on the U.S. West Coast were relocated from coastal areas, and then held in detention camps in isolated areas during the war. This was done at the demand of Secretary of War Henry Stimson and his Assistant Secretary John J. McCloy.

Then in 1950, Congress passed a law entitled “Emergency Detention of Suspected Security Risks,” providing for emergency detention camps, which were created and maintained by the U.S. Bureau of Prisons until 1971, when Congress repealed the measure. But, for a number of years after this—by some accounts until 1978—the FBI continued to maintain an index of thousands of persons to be rounded up and detained as security risks. All in the name of “prevention.”