

Ashcroft Steps Up Secret Surveillance

by Edward Spannaus

Giving a recent briefing on U.S. Middle East policy at Washington's Georgetown University, Edward Peck, the U.S. Chief of Mission in Iraq in the 1980s, cited President Bush's repeated statements that "the terrorists hate us because of our freedom." Peck suggested that whoever believes this, should strongly support Attorney General John Ashcroft's policy—to remove the cause of that hatred by taking away those freedoms. Even without obtaining the draconian new powers being sought under the planned "Patriot II" legislation (see *EIR*, Feb. 28 and March 28), Ashcroft is accelerating the use of secret surveillance powers granted under the anti-terrorism Patriot Act of 2001, and exercising a broad array of measures against both immigrants and U.S. citizens.

More Surveillance, Less Protection

It was recently disclosed that Ashcroft has dramatically increased the use of two powers which were expanded under the first Patriot Act. These are: 1) "national security letters" (the equivalent of subpoenas, but without judicial review) that require businesses to turn over electronic records about finances, telephone calls and e-mail, and other transactions, and 2) "emergency foreign intelligence warrants" for wiretaps and break-ins. The Justice Department and the FBI have refused to provide data on the extent of their use of these powers, and some in Congress are considering legislation to require the DOJ to provide such information.

Additionally, the Justice Department on March 24 lifted a requirement that the FBI ensure the accuracy of information before adding to the nation's most comprehensive law-enforcement data base, the FBI's National Crime Information Center. These records are used routinely by state and local agencies to run checks on a person stopped or detained, or someone simply suspected of an offense. Information in the NCIC database can make the difference being monitored or not, or being arrested or released.

The change was made by the Justice Department to the 1974 Privacy Act. "It's a pretty big job to be accurate and complete," Washington lawyer and former intelligence agency official Stewart Baker told the Associated Press. "On the other hand, these are potentially very significant records . . . and if it's not accurate and complete, it can mean trouble."

The above-cited measures obviously can target U.S. citizens just as easily as immigrants. But, as is the usual case under Ashcroft, immigrants are being targetted for special

police-state measures.

Under the new program of the Immigration and Naturalization Service requiring that male visitors from various Islamic and Middle East countries appear at INS offices for fingerprinting and registration, the INS is preventing lawyers from accompanying their clients during interviews and interrogations, even though, under official INS policy, attorneys are allowed to accompany them. When immigrants are separated from their lawyers and questioned, they have been asked questions such as, "Do you go to a mosque?" and, "Do you know such-and-such person?"

And, separately, Attorney General John Ashcroft has issued orders allowing the FBI and the U.S. Marshals Service to detain foreign nationals, in cases where there is not enough evidence to hold them on criminal charges. Several immigration lobbying groups are protesting the fact that the FBI was secretly given such authority, without the Justice Department either informing Congress or the public.

Ashcroft's order breaks down the wall which has long separated Federal law enforcement from immigration officers. These two functions have traditionally been kept separate, in part, so that illegal immigrants could report crimes without fear of deportation. Many local police have opposed a DOJ program allowing them to get involved in immigration matters and make immigration arrests, since they believe that this will make immigrants unwilling to talk to them about crimes or other wrongdoing, for fear that they will be detained and deported.

This is one way in which Ashcroft is undermining law enforcement—the first line of defense against terrorism—under the pretext of fighting terrorism.

Undermining Law Enforcement

The obsessive Ashcroft/FBI emphasis on terrorism is also causing the FBI to cut back its investigations of criminal activity, including drug-trafficking and street violence. For example, the number of violent drug cases referred to the U.S. Attorney by the FBI for prosecution in Washington, D.C., dropped 41% in FY 2002 from the previous year. In the FBI's D.C. field office (which includes Northern Virginia), more than half of the 300 agents previously assigned to criminal cases have been transferred to counter-terrorism and counter-intelligence squads. This is putting additional pressure on local police to handle major cases previously handled jointly with the FBI.

Nationwide, the FBI has reassigned 2,500 of its 11,500 agents to anti-terrorist assignments; it now has 65-75% of its resources devoted to terrorism and counter-intelligence, as compared to 40% previously.

On Jan. 9, the U.S. Attorney in Baltimore sent a letter to the head of the local FBI office, saying that the FBI "has become distracted and almost useless" in dealing with criminal matters, because of trying to figure out how to deal with terrorism. "The FBI should be the lead agency for Federal



Attorney General Ashcroft's constant increases in police state-modelled surveillance are both injuring the U.S. Constitution and Bill of Rights, and rendering the FBI "distracted and useless" for law enforcement.

law enforcement in the state, and instead they are a marginal presence at best," said U.S. Attorney Thomas DiBiaggio.

This has gone even further with the FBI's recent campaign to interview Iraqi immigrants in the United States. Although the program has been under way on a small scale for a couple of months, the FBI officially launched a drive on March 20 to interview thousands of Iraqi nationals living in the United States, under the guise of preventing terrorism. Several thousand FBI agents are being shifted from regular duties to help conduct the questioning, and a command center has been set up at FBI Headquarters in Washington. FBI agents, along with Immigration and Naturalization Service and U.S. Customs officers, have begun arresting Iraqis who are in the country illegally, or who are in violation of their immigration status, in line with Ashcroft's new policy.

Who's the Extremist?

Some experts have also charged that Ashcroft's heavy-handed enforcement of immigration laws is not only undermining law enforcement, but undercutting the war on terrorism, and thus in fact making Americans less secure.

The policies of secret detentions, deportations, and the Justice Department's registration requirements for men from certain Arab and Muslim countries, "have alienated a lot of these communities, caused a great deal of fear and reinforced the tendency of immigrant communities to huddle together and not trust authorities," said former CIA counter-intelligence official Vincent Cannistraro, who stressed that this "works against intelligence gathering by law enforcement, particularly the FBI."

"The idea that you stigmatize whole classes of people and profile them because you think this is going to prevent the next terrorist attack, is exactly the wrong way" to go about it, Cannistraro told the *National Catholic Reporter*. "The issue is extremism," he said, "and John Ashcroft, in this policy of trying to put in place legal barriers to terrorism in the United States, is an extremist."