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## **Jewish groups debate FBI surveillance guide**

by SHARON SAMBER, Jewish Telegraphic Agency

WASHINGTON -- New FBI guidelines that give the agency greater leeway in monitoring Americans' everyday lives have Jewish groups debating how far personal freedoms can be pushed in the war on terrorism.

The FBI announced new surveillance guidelines last week that the Bush administration says will help prevent terrorism. The Jewish community generally supports the need to change law enforcement and intelligence methods following the Sept. 11 terror attacks, but is concerned over how civil liberties will be protected.

The guidelines will allow the FBI greater flexibility to monitor Internet sites, libraries, houses of worship and political organizations and will lower the evidentiary threshold needed to initiate investigations.

In recent years, the Anti-Defamation League has called for giving law enforcement additional tools. The ADL and most other Jewish groups gave strong support to anti-terrorism laws in 1996 and last year's USA Patriot Act, which gave new powers to domestic law enforcement and intelligence agencies after Sept. 11.

"The movement from simply enforcing the law to preventing terrorism is necessary," said Michael Lieberman, Washington counsel for the ADL.

For some people, however, talk of increased domestic surveillance conjures up disturbing memories of the McCarthy era and the alleged abuses of power when J. Edgar Hoover led the FBI.

Law enforcement excesses in the 1950s and 1960s led to revised guidelines in the 1970s. Jewish and civil liberties groups embraced the reforms, as well as subsequent adaptations over the years.

Attorney General John Ashcroft said that new powers are needed now to combat terrorism effectively, adding that these guidelines would not allow for the kind of abuses seen in the past.

Many groups have faulted the FBI for taking an overly cautious approach in recent years.

ADL's national director, Abraham Foxman, wrote in 1999 that the Justice Department and the FBI could not act aggressively because they were "hamstrung" by the Hoover legacy, fears of lawsuits and concerns from conservative lawmakers after the 1993 Waco debacle.

The current guidelines, however, are "way too broad," argues Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism.

Saperstein recalled that the Reform movement was watched by the FBI several decades ago and that his organization has worked to stop such abuses against other civil liberties groups.

The Religious Action Center, which also argued that the USA Patriot Act was rushed through Congress, is calling for public hearings on Capitol Hill to ensure that the new FBI guidelines are finely focused on preventing terrorism and are implemented in a way that ensures the least amount of infringement on civil rights.

Some lawmakers are already sounding off about the new guidelines.

"I believe that the Justice Department has gone too far," Rep. James Sensenbrenner (R-Wis.) said last week. There is no need "to throw respect for civil liberties into the trash heap" in order to improve the FBI's ability to fight terrorism.

Some civil rights groups are up in arms over the FBI's expanded powers. Jewish rights groups, however, are often especially sensitive to terrorism issues, and occasionally part company with their regular allies on this issue.

The American Civil Liberties Union said that Ashcroft's decision to rewrite longstanding restrictions on domestic spying "threatens core civil liberties guaranteed under the Constitution and Bill of Rights."

While the Religious Action Center raises some similar concerns, it is reserving judgment on the guidelines. The ADL is willing to take a firmer stance in favor of the new guidelines, though Foxman notes that any new enforcement power has to be subject to governmental accountability.

The guidelines themselves are not really the issue, according to Steven Pomerantz, a former assistant director of the FBI who now is a senior adviser on counterterrorism and security for the American Jewish Committee.

The guidelines need to be tweaked, Pomerantz said, but the political climate is also important in determining the FBI's behavior. While certain investigations might have been allowed even under the old guidelines, the threshold for proceeding with an

investigation depends on other factors.

"It's not black and white, it's subject to interpretation."