

Backlash Even In Government To Ashcroft Emergency Decrees

by Edward Spannaus

Just as Lyndon LaRouche warned at the beginning of the year, Attorney General John Ashcroft has undertaken a sweeping assumption of emergency powers, far in excess of anything most Americans would have imagined possible only a few months ago. Back in January, LaRouche had pointed to the 1933 Nazi “emergency decrees” promulgated under the pretext of the Reichstag Fire, and had warned that, under conditions of economic crisis, Ashcroft would play a similar role in a “crisis-management” structure.

Ashcroft has not only adopted draconian mass-dragnet tactics after Sept. 11; he has launched a drive for still more powers, and for the elimination of restrictions on domestic surveillance which were built up over the past quarter-century. All this is provoking a backlash from many quarters; in addition to widespread criticism and debate in Congress, the media, civil libertarians, and the like, there is also opposition coming from some less likely places, including from some Republican circles, and from within law-enforcement and the intelligence community.

LaRouche’s campaign fought to derail Ashcroft’s Senate confirmation in January. Senators, especially Democrats, who refused to block Ashcroft’s confirmation—even when they had the power to do so—and who then bent over backwards to accommodate his demands for drastic new “anti-terrorism” laws, are now beginning to realize what a Frankenstein’s monster they have unleashed.

Still, most in Congress lack the courage to speak out, not only because of public opinion polls purporting to show broad public support for Attorney General Ashcroft’s “anti-terrorist” measures, but from fear that they will be labelled as “soft on terrorism.” Ashcroft tried to add to this intimidation in his Dec. 6 appearance before the Senate Judiciary Committee, when he declared that anyone who criticizes his

methods is aiding terrorists.

Opposition to Ashcroft has emerged in many areas, including the following:

- His dragnets and mass detentions against Middle Easterners in which over 1,000 people have been arrested and detained, most on the flimsiest of charges and evidence;
- His proposals to alter the Justice Department’s guidelines for FBI domestic security investigations—guidelines adopted in the wake of Congressional investigations of the FBI’s notorious “Cointelpro” abuses from the 1960s and ’70s;
- The Justice Department-initiated proposal to by-pass the Federal courts by using military tribunals to try suspected terrorists—which has even angered many in the military itself (see following article).

Ashcroft’s Palmer Raids

The response to Ashcroft’s policy of mass round-ups and detentions has clearly not been as intense as it might have been, had not the overwhelming majority of those picked up been of Middle Eastern origin. Over 1,000 individuals were rounded up, and over 600 were still detained as of Dec. 1, most on minor immigration charges. At recent Senate hearings, Department of Justice (DOJ) officials lied that all of those arrested were able to contact their families and a lawyer; although there have been numerous accounts, and sworn testimony was presented to the Senate Judiciary Committee on Dec. 4, that individuals were held incommunicado for a long period of time, with no one knowing where they were, or what had happened to them.

It was in this context that *Wall Street Journal* columnist Alfred Hunt proposed that Ashcroft might look to Attorney General Mitchell Palmer (of the 1919-20 “Palmer Raids”

fame) as a better analogy for what he is now doing, rather than citing Robert Kennedy's efforts against gangsters in the 1960s.

The most unexpected display of opposition to Ashcroft's dragnet tactics came from a group of former high-ranking FBI officials, who gave on-the-record statements to the *Washington Post*, published on Nov. 28, criticizing the Justice Department's current tactics.

The ex-FBI officials say that the Ashcroft policy of arrests and disruptions will force the FBI to shut down anti-terrorism investigations prematurely. Former FBI Director William Webster said that Ashcroft's policy of preemptive arrests and detentions "carries a lot of risk. . . . You may interrupt something, but you may not be able to bring it down. You may not be able to stop what is going on."

Webster and others say that the FBI prevented many terrorist attacks in recent years. "We used good investigative techniques and lawful techniques," Webster says (ignoring the Bureau's record of sustained fraud and misconduct in the LaRouche case). "We did it all without the suggestions that we are going to jump all over the people's private lives, if that is what the current Attorney General wants to do. I don't think we need to go that direction."

Some say that the DOJ is resurrecting the tactics which were rejected in the late 1970s. "Ashcroft is essentially trying to dismantle the Bureau," former FBI Executive Assistant Director Oliver "Buck" Revell (another leader of the 1980s "Get LaRouche" Task Force) was quoted. "They don't know their history, and they are not listening to people who do." (Revell later complained to the *Post* that he was quoted out of context.)

It is not just that these ex-FBI officials have suddenly seen the light. A number of sources and commentators have suggested that the FBI also is anxious to preserve its bureaucratic prerogatives in the face of Ashcroft's attempts to exert control over it—which no Attorney General has ever been able to do.

Anti-Terrorism Law Unnecessary

Opposition is not only coming from the FBI. Speaking at an American Bar Association conference on national security law on Nov. 30, officials of both the Central Intelligence Agency (CIA) and National Security Agency (NSA) said that changes in the laws and regulations governing U.S. intelligence agencies would not have made any difference with respect to the Sept. 11 attacks—thereby refuting the arguments made by the Justice Department to ram through the new anti-terrorism law.

CIA Acting General Counsel John Rizzo said that it would not have mattered, had there been different laws on the books prior to Sept. 11, or a different Executive Order (referring to discussions about "updating" Executive Order 12333).

After any terrorist event, Rizzo said, there is always "a lot of huffing and puffing" about the prohibition against assassi-

nations, or about changing the regulations concerning "dirty assets" (i.e., restrictions on CIA use of persons with dubious human rights records, etc.), but the elimination of these restrictions and prohibitions would not have affected the Agency's ability to detect and prevent the Sept. 11 attacks. In fact, Rizzo said, "I can't think of a single legal addition or subtraction that would have made any difference."

The General Counsel of the NSA, Robert Dietz, speaking on the same panel, declared that "I agree wholeheartedly" with Rizzo, as to whether changes in laws and regulations governing their agencies would have made any difference.

At this, a staffer for the Senate Judiciary Committee practically went through the ceiling. "The Senate Judiciary Committee would be very surprised to hear that there was no need to change the law," said John Eliff, who has been involved in formulating guidelines for law enforcement and intelligence investigations for at least two decades. Eliff pointed out that his boss, Committee Chairman Sen. Patrick Leahy (D-Vt.), had put an enormous amount of effort into changing the law—which Rizzo and Dietz were now saying was unnecessary.

Reviving Cointelpro

The *New York Times* reported on Dec. 1 that Ashcroft is considering a plan to relax restrictions on the FBI's spying on religious and political groups—restrictions which were enacted in the 1970s, in the wake of exposures of FBI domestic spying and disruption program known as "Cointelpro," conducted under J. Edgar Hoover.

There is significant opposition among career officials at the FBI and Justice Department, to the proposed changes in the guidelines, the *Times* reported. Many of them say that the guidelines have largely kept the FBI out of politically motivated investigations, and protected the Bureau from embarrassment and lawsuits.

Career FBI officials are complaining that they weren't consulted about the proposed changes, just as they were not consulted when the Justice Department decided to use military tribunals to try terrorists. "People are furious right now—very, very angry," said one senior FBI official. "They assume they know everything," he said, referring to the top DOJ leadership. "When you don't consult with anybody, it sends the message that you assume you know everything. And they don't know everything."

Unidentified DOJ officials responded by saying that the complaints were coming from older FBI officials who are resistant to change, and unwilling to take the steps necessary to root out terrorism in the United States.

The next day, the *Washington Post* reported that the Administration will ask Congress for a second round of major changes in domestic surveillance laws. One DOJ proposal would eliminate the requirement of a foreign connection for a national-security wiretap; former DOJ and NSA officials called this a major change in the law, that is "absurd and unnecessary."