

The Washington Post

Mueller says no racial targeting with guidelines

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The Associated Press
Wednesday, July 28, 2010; 12:36 PM

WASHINGTON -- FBI Director [Robert Mueller](#) told Congress on Wednesday that the bureau's domestic surveillance guidelines are being used properly and that agents are not employing them to target people for investigation based on race.

The FBI director's defense of the guidelines at a Senate Judiciary Committee hearing followed criticism by civil liberties groups that the guidelines unfairly target innocent Muslims.

The guidelines "do not target based on race," Mueller said.

Mueller's response came during questioning by committee chairman [Patrick Leahy](#), D-Vt., about an Associated Press story indicating widespread cheating on an FBI test designed to be sure agents understood the guidelines.

Mueller said that agents were required to take 16 hours of training on the rules and that despite any cheating on the test he is confident "our work force absolutely understands what can be investigated, how it must be investigated."

Mueller told [Sen. Dick Durbin](#), D-Ill., that the guide requires a suspicion of wrongdoing before any surveillance begins.

The fact that a particular religious group is involved "is not enough. There has to be something more," the FBI director said.

In an interview Tuesday, Farhana Khera, executive director of the nonprofit group Muslim Advocates, said the Domestic Investigations and Operations Guide is "quite an invasive data collection system."

"It's based on generalized suspicion and fear on the part of law enforcement, not on individualized evidence of criminal activity," said Khera.

The FBI says the guide equips agents with lawful and appropriate tools so the agency can transform itself into an intelligence-driven organization that investigates genuine criminal and national security threats.

The manual, approved in December 2008 during the final days of the [George W. Bush](#) administration, establishes policy that guides all the FBI's domestic operations, including counterterrorism,

counterintelligence, crime and cyber crime.

The American Civil Liberties Union filed Freedom of Information requests Tuesday to FBI field offices in 29 states and Washington, D.C., to turn over records related to the bureau's collection of data on race and ethnicity.

According to the ACLU, the FBI's operations guide gives agents the authority to create maps of ethnic-oriented businesses, behaviors, lifestyle characteristics and cultural traditions in communities with concentrated ethnic populations.

While some racial and ethnic data collection by some agencies might be helpful in lessening discrimination, the FBI's attempt to collect and map demographic data using race-based criteria invites unconstitutional racial profiling by law enforcement, according to the ACLU.

Khera said the FBI has lowered the bar for sending undercover agents or informants into mosques and has enabled the gathering of data about Muslims' charitable giving practices, financial transactions and jobs.

The FBI is still refusing to make public portions of the guide that deal with sending agents or informants into houses of worship and political gatherings.

The bureau has previously stated it would only go into a mosque if it had some reason to believe there was criminal activity, said Khera. If that is the standard, the FBI should have no problem actually disclosing that section of the document, she said.

Online:

FBI guidelines:<http://foia.fbi.gov/foiaindex/diog.htm>

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