

110TH CONGRESS
2D SESSION

H. RES. 1211

Expressing the sense of the House that the Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigation as modified on May 30, 2002 (“Ashcroft Guidelines”) should be rescinded and replaced by the former Guidelines (“Levi guidelines”) to protect Americans from domestic Federal Bureau of Investigation spying in the absence of suspected criminal activity.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2008

Mr. SCOTT of Virginia submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Expressing the sense of the House that the Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigation as modified on May 30, 2002 (“Ashcroft Guidelines”) should be rescinded and replaced by the former Guidelines (“Levi guidelines”) to protect Americans from domestic Federal Bureau of Investigation spying in the absence of suspected criminal activity.

Whereas in 1976, the House Select Committee to Study Governmental Operations with Respect to Intelligence Activities (“Church Committee”) released a report entitled “Intelligence Activities and the Rights of Americans” detailing extensive domestic spying on Americans by the Federal Bureau of Investigation (FBI);

Whereas the Church Committee found the FBI had developed over 500,000 domestic intelligence files on Americans and domestic groups and in 1972 alone opened 65,000 new domestic intelligence files;

Whereas the Church Committee found that the FBI's domestic intelligence activities targeted a broad spectrum of individuals and groups of all political persuasions including, among many others, the Women's Liberation Movement, the Conservative American Christian Action Council, the NAACP, the John Birch Society, and Dr. Martin Luther King, Jr.;

Whereas in 1976, Attorney General Edward Levi adopted Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigation ("Levi Guidelines") to end domestic spying as documented in the Church Committee report and to ensure that the FBI could investigate anyone as long as there was a rational basis for doing so;

Whereas the Levi Guidelines were adopted to prevent the FBI from domestic spying when there was no evidence of criminal activity and to address three problems arising from abusive FBI practices—

- (1) surveillance of dissenters solely because of the nature of their dissent;
- (2) inadequate supervision of agents engaging in improper investigative techniques; and
- (3) the use of improper investigative techniques to disrupt the efforts of dissenters;

Whereas on May 30, 2002, Attorney General John Ashcroft released new Guidelines sweeping away the protections against improper domestic spying by the FBI set forth

in the Levi Guidelines, without demonstrating any need for the relaxation of the Levi Guidelines;

Whereas the Ashcroft Guidelines allow the FBI to abuse its investigatory powers to spy upon innocent Americans in contravention to the purpose of the Levi Guidelines to protect against domestic spying abuses documented to have occurred from the 1950s to 1970s;

Whereas the Ashcroft Guidelines severed the tie between the investigative activity and the existence of criminal activity;

Whereas the Ashcroft Guidelines permit FBI agents to attend any public meeting whatsoever—whether civic, religious, or political—as long as they claim there is an antiterror purpose, even in the absence of suspected criminal activity;

Whereas documents released under the Freedom of Information Act show that in the years following adoption of the Ashcroft Guidelines, the FBI has initiated surveillance of various peace, animal rights, environmental and other organizations without any suspicion of criminal activity;

Whereas the groups subjected to unwarranted FBI domestic spying activities include the Thomas Merton Center for Peace and Justice, United for Peace and Justice, Rocky Mountain Peace and Justice Center, American-Arab Anti-Discrimination Committee, People for the Ethical Treatment of Animals, Vegan Community Project, Direct Action, By Any Means Necessary, Catholic Workers Group, American Friends Service Committee, Food Not Bombs, and School of the Americas Watch; and

Whereas the individuals subjected to unwarranted FBI domestic spying activities have included Holocaust survivor

and grandmother Edith Bell for her peaceful protests with the Thomas Merton Center, former Navy officer and ordained Catholic priest Father Roy Bourgeois for his criticism of the School of the Americas, and disability rights advocate Kirsten Atkins for her educational work and leadership of nonviolent environmental campaigns, among many other peaceable Americans: Now, therefore, be it

1 *Resolved*, That it is the sense of the House that—

2 (1) the Attorney General of the United States
3 should take any and all steps necessary to rescind
4 immediately and forthwith the Ashcroft Guidelines
5 and reinstate the Levi Guidelines; and

6 (2) the Federal Bureau of Investigation should
7 return to pre-Ashcroft Guidelines standards requir-
8 ing a reasonable indication that a Federal crime has
9 been, is being, or will be committed before it engages
10 in any domestic spying or other investigative activ-
11 ity.

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