

What to Listen for During Hearing on Re-write of FBI Investigation Guidelines

by [Greg Nojeim](#) [1]
September 23, 2008

On September 23, the Senate Select Committee on Intelligence will [conduct a hearing](#) [2] on new Attorney General Guidelines governing FBI investigations and the collection of domestic intelligence. The Department of Justice first issued guidelines governing FBI investigations in 1974 and has loosened them virtually every time it has re-visited those guidelines.

Now, Justice is [engaged in a substantial re-write](#) [3]. CDT was given a peek at the new guidelines while still in draft form. The real news behind the re-write is that when the dust settles, the **FBI will be permitted to engage in intrusive investigative techniques without having a tip that a crime may be committed** and without having evidence of a particularized threat to national security.

Look for senators to question the witnesses about "assessments." The new guidelines would permit FBI agents conducting an "assessment" to recruit informants to surreptitiously attend meetings and events, to misrepresent their identities while engaging people in conversation in an effort to elicit information, and to indefinitely surveil homes, offices and individuals, all without any evidence of crime. Traditionally, such intrusive investigative techniques were reserved for investigating when there was evidence of a crime or of a threat to national security; now they would be used to investigate whether to investigate.

The Committee usually conducts its hearings behind closed doors; to its credit, the Committee decided to open this important hearing to the public. [For more background on this issue](#) [4], check out our resource page on Attorney General guidelines. There you will find a list of all the guidelines that are going to be re-written.

- [investigation](#)
- [senate](#)
- [intelligence](#)
- [hearing](#)
- [fbi](#)
- [guidelines](#)
- [attorney general](#)

The copyright © 2008 by the Center for Democracy & Technology. CDT can be freely copied and used as long as you make no substantive changes and clearly give us credit. [Details](#).

Source URL:

<https://www.cdt.org/blogs/greg-nojeim/what-listen-during-hearing-re-write-fbi-investigation-guidelines>

Links:

[1] <https://www.cdt.org/personnel/greg-nojeim>

[2] <http://intelligence.senate.gov/hearings.cfm?hearingId=3568>

[3] <http://blog.cdt.org/2008/08/21/fbi-guidelines-makeover-in-the-making/>

[4] <http://cdt.org/security/usapatriot/guidelines.php>

