



August 22, 2008

Senator Edward M. Kennedy
Suite 2400
JFK Federal Office Building
Boston, MA 02203

Dear Senator Kennedy,

On behalf of the 22,000 members of the ACLU of Massachusetts, I am writing to thank you for the letter that you and three of your Senate Judiciary Committee colleagues recently sent to Attorney General Mukasey. It expressed your concerns over the proposed changes to FBI guidelines, and asked that they not be finalized before Members of Congress, national security and civil liberties experts and the public have had a chance to analyze them and provide the Justice Department with their input.

Your letter succinctly summarizes many of the points that the ACLU made in its July 9 letter to the House and Senate Judiciary Committees and in the letter that we and 36 other organizations sent to the Attorney General on August 12.

We fear that the new guidelines, as described in the press, would take the FBI back to the days of the disgraced COINTELPRO program through which it spied on civil rights, anti-war and other activists, including Dr. Martin Luther King, Jr. We are deeply troubled by reports that the revisions would permit the investigation of Americans using "terrorist profiles" (possibly compiled through data-mining) based on race, ethnicity, religion and, reportedly, "travel to regions of the world known for terrorist activity," and that Muslims or Arab Americans could be investigated if their employment or backgrounds matched some other "suspect" criteria.

In our view, this kind of racial profiling is unconstitutional and ineffective, and undermines the credibility of legitimate law enforcement methods.

On this matter, as so often over the years, we greatly appreciate the leadership you have shown, and hope that very soon you will be in a position to resume your full-time Senate activities.

With our gratitude and best wishes for your rapid and full recovery,

Carol Rose
Executive Director
ACLU of Massachusetts