

Former INS Head Warns of Rights Abuses; Officials' Fear of Being Blamed for a New Attack Has Bad Side Effect, Ziglar Says

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Body

President Bush's former immigration commissioner warned yesterday that the administration's increasingly aggressive anti-terrorism tactics may be shortchanging citizens' rights, in part because of officials' fear of being blamed for another major attack.

The former commissioner, James W. Ziglar Sr., said in a speech that the FBI should be made independent -- stripping the Justice Department of much of its traditional investigative power -- as one step toward avoiding abuses.

Ziglar, who retired Nov. 30, lost support after a contractor for the Immigration and Naturalization Service mailed receipts for student-visa approvals for two of the hijackers after the attacks of Sept. 11, 2001. Ziglar, a visiting professor at George Washington University Law School, received repeated applause from a crowd of 900 at the first national membership conference of the American Civil Liberties Union, at a Washington hotel.

"The overwhelming means that the government has at its disposal today to invade and intimidate suggests to me that we must be even more vigilant in deterring government overreaching," he said. "The insatiable appetite for more power by those who already have it is always justified by 'necessity.' "

The speech was a rare critique by an administration veteran. Ziglar, 57, describes himself as "a conservative in the Barry Goldwater mold." Ziglar became a target of conservatives who contended that he was more oriented to immigration service than enforcement.

Ziglar said after the speech that Washington has been "in a siege mentality" since the attacks on the Pentagon and the World Trade Center. "The notion that somebody would be blamed, if there is another one, gives rise to an awful lot of conduct, sometimes, that may go over the line," he said. "We need to build in some checks and balances now that maybe we didn't have and didn't need before."

The Department of Homeland Security absorbed the functions of the INS, which ceased to exist. Ziglar said in the Justice Department and the Department of Homeland Security are "vying to be the toughest kid on the block in combating terrorism."

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"I'm not sure that competition of that sort is healthy for the long-term protection of civil liberties," he **said**, pointing to "the increasingly aggressive tactics of the Justice Department."

Ziglar noted the statement of Attorney General John D. Ashcroft that the department's "critical mission" is "the prevention and disruption of terrorist **attacks**," whereas it used to be investigation and prosecution.

"I **fear** that if the mission of the Department of Justice is now primarily to disrupt and prevent, then the questions that will be asked **in** the department will no longer focus on whether an action is safely within the bounds of the Constitution and laws, but how close they can get to the line, or how much they can get away with," he **said**.

Ziglar noted it is "time to restructure the Department of Justice to remove it from the operational realm," and **said** he would "narrow the scope of the department's mission to prosecuting crime and protecting the **rights** and liberties of all Americans." The FBI, he **said**, should become an independent agency similar to the CIA.

Under his plan, the Justice Department would act as a legal adviser to the **new** independent agency and would prosecute cases developed by the FBI. **Ziglar said** the administration would be unlikely to initiate such a change, which would probably have to originate **in** Congress.

Proposals for reorganizing counterterrorism functions were made after the **attacks**, when the FBI was accused of not sharing intelligence with other parts of the government. Lawmakers proposed a domestic spy agency, which would strip the FBI of intelligence-gathering responsibility. FBI Director Robert S. Mueller III has opposed that.

INS roles were divided among three bureaus of the Department of Homeland Security on March 1.

"There is a lot of chaos, from what my friends tell me," **Ziglar said in** the interview. "Immigration **officials in** other parts of the world are confused about who they talk to. I've talked to several of them I became friends with, and they're concerned because they're not sure who they go to to get an answer. That is creating some lack of communication with our allies."

Gordon Johndroe, a spokesman for the department, **said**: "Anytime government reorganizes, there are going to be **new** points of contact for our foreign counterparts. But I am confident that our relationships with foreign immigration services, and level of cooperation, have never been better."

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