

# FBI wants more subpoena power

By *srlinuxx*

Created 28/07/2005 - 2:32pm

Submitted by srlinuxx on Thursday 28th of July 2005 02:32:51 PM Filed under [Security](#) [1]

FBI Director Robert Mueller said Wednesday that Congress should give the agency the power to issue its own subpoenas, instead of having to get approval for them from a court, so that it can collect information more quickly in terrorism investigations.

Mueller said North Carolina State University initially rebuffed FBI investigators this month when they sought enrollment records for a former graduate student suspected of being linked to the London bombings because the investigators did not have a subpoena.

Although the FBI eventually obtained subpoenas and the records, Mueller used the episode to argue to the Senate Judiciary Committee that the bureau needs the new subpoena power.

"We should've been able to have a document, an administrative subpoena, that we took to the university and got those records immediately," Mueller told the committee.

Lawmakers are trying to determine whether to include FBI subpoena power for gathering anti-terror intelligence in a package of amendments to the USA Patriot Act.

Mueller said he objects to any oversight of an FBI subpoena outside of the bureau.

But Sen. Dianne Feinstein (D-Calif.) said she is leery of giving the FBI anti-terror subpoena power without some Justice Department supervision. The FBI already has the authority to issue administrative subpoenas in certain kinds of cases.

Feinstein said an agent seeking to issue a subpoena should be required to justify the need for it to an assistant U.S. attorney because of the possibility that the FBI would amass information about innocent people.

"The resistance to this makes me suspicious," she said.

At North Carolina State, the FBI sought records for Magdy el-Nashar, an Egyptian who attended the university in 2000 and was believed to have rented a house in Leeds, England, near where four bombs used in the July 7 attacks in London are thought to have been made. The attacks killed 56 people.

El-Nashar, who is wanted for questioning by British authorities, has been detained in Egypt. Officials there have said he has no links to the bombings.

In a statement, the university said that under federal privacy laws, it could not turn over records without a subpoena. In all, North Carolina State eventually was served with three subpoenas pertaining to el-Nashar, the statement said.

Mueller's visit to Capitol Hill coincided with the release of a report by Justice Department Inspector General Glenn Fine that found continued shortcomings in FBI efforts to translate a backlog of foreign-language material, including information related to counterterrorism.

The report found that the FBI now has 8,354 hours of tape recordings involving counterterrorism topics waiting to be reviewed, up from 4,086 hours a year ago. But Fine found that the bureau is up-to-date in translating material deemed "highest priority," a category that includes information relating to Al Qaeda terrorism cases.

On another sore subject for the agency, Mueller said the FBI has made "substantial progress" in upgrading its much maligned technology systems. He said the bureau has bought more powerful computers and built a new secure network.

A contractor for a new case management system, code-named Sentinel, is expected to be selected by the end of the year, he said. Sentinel is slated to be implemented in four stages over 40 months, ending in 2009.

An earlier attempt at a case management system was scrapped after three years and an expenditure of \$170 million.

By Andrew Zajac  
Washington Bureau

[Security](#)

---

**Source URL:** <http://www.tuxmachines.org/node/1958>

**Links:**

[1] <http://www.tuxmachines.org/taxonomy/term/59>