

# OUR RIGHTS ARE IN JEOPARDY

*Any society that would give up a little liberty to gain a little security will deserve neither and lose both.*

*-- Benjamin Franklin*

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The United States Senate released a four-thousand page report in 1976 (Church Committee Report) responding to “COINTELPRO” violations of federal and state statutes prohibiting mail fraud, wire fraud, incitement to violence, etc. by the FBI over the previous two decades. It denounced the FBI and the CIA for systematically violating constitutionally guaranteed rights of ordinary American citizens.

## WHAT DOES THE “PATRIOT ACT” MEAN TO YOU?

*“...a bill drafted by a handful of people in secret.”*

*-- Rep. Barney Frank of Massachusetts*

President Bush said of the atrocities of September 11, "Freedom itself is under attack." He might have added, "...from without -- *and from within.*"

The act drastically reduces the checks and balances that have protected Americans' civil liberties and privacy via:

- Blurring the line between domestic criminal investigation and foreign intelligence surveillance
- Removing from our courts the authority to oversee search and surveillance operations. The act compels courts to grant search orders based only on FBI statements, and there is no requirement to report back to the courts; i.e. investigating agencies are no longer publicly accountable.
- Expanding the government's power to invade the privacy of American citizens. Information gathered by the FBI can now be shared with the CIA and other agencies. (This was one of the McCarthy era abuses specifically condemned by the 1976 Church Committee Report.)
- Law enforcement agencies now have virtually full access to private records and communications. The previous requirement that court ordered wiretaps specify a specific surveillance target no longer applies. The *Patriot Act* allows for generic searches, jeopardizing the privacy of non-targeted people (you?) (following your use of public libraries, computer cafes, universities, etc.).

- Under the Act, any Internet service provider (ISP) may now voluntarily hand over all aspects of a customer's records to investigating agencies without a court order.
- The Government may now spy on web surfing of innocent Americans, including terms entered into search engines, by merely telling a judge anywhere in the U.S. that the spying could lead to information that is "relevant" to an ongoing investigation.
- Investigating government agencies may now conduct secret searches of a citizen's home or business, with absolutely no notification of the person being searched (before or afterward). This is a drastic departure from our previously constitutionally safeguarded Fourth Amendment rights.
- The FBI can now obtain a search order compelling any business or person to produce any document, record, or other item simply by certifying that such records are relevant to an intelligence or terrorism investigation. The target of the search does not need to be the subject of the investigation--someone casually associated with the subject can find himself or herself the target of a search.
- The FBI can now gain access to medical and mental health records, financial records, student records, video or library rental and circulation records, DNA from hair samples, fingerprinting information, employment records, and other sensitive personal data. Again, there is no requirement that the target be informed of the search before or afterward.
- A person or business, such as an ISP, a bookseller, or a library served with such an order are subject to a gag rule which prohibits their disclosing the existence of a search, and appears even to prohibit their consulting legal counsel before complying.

### **NEW DEFINITIONS: "Domestic Terrorism"**

The USA *Patriot Act* expands the definition of terrorism to include the influencing of the policies of the government by *intimidation or coercion*. By these standards, Greenpeace activists, NAFTA and Anti-war protestors, environmental activists, and others may be labeled as domestic terrorists under this law. In addition, Cyber-terrorism provisions of the act may allow the labeling of prankster computer hackers as being guilty of "domestic terrorism."

## **DISSENT BECOMES TREASON**

When Attorney General Ashcroft accuses those who question the administration's policies of providing "ammunition to America's enemies," dissent becomes dangerous. In the current atmosphere of suspicion and fear, dissent of even the most reasoned and temperate kind could easily trigger the kind of investigation that the Church Committee condemned and that the USA *Patriot Act* permits.

## **NON-CITIZENS ARE NOT BEING EXTENDED EQUAL PROTECTION UNDER THE CONSTITUTION**

***Inalienable rights do not extend to those without citizenship,  
despite living and working within our borders***

Non-citizens can be detained and deported for providing assistance for the lawful activities of a group that the government believes to be a terrorist organization, even if the group has never been formally accused and designated as such.

Non-citizens who are detained must, within seven days, be charged with a criminal offense, or an immigration violation. Those not found guilty of a terrorism offense, but who have committed even a minor breach of immigration laws may nonetheless be deported. If their country of origin refuses to accept them, they may be detained by the U.S. *indefinitely*, possibly even for life. All that is required is for the Attorney General to certify that he has reasonable grounds to believe that they pose a potential security risk.

Thus, a foreign student who overstays his or her visa, a common minor offense, could be facing deportation or, in the worst case, lifetime detention. Previous grounds for dismissal of the deportation proceedings such as hardship waivers for long-term residents that had committed only a minor immigration offense are also no longer available under the USA *Patriot Act*.

## PATRIOT ACT II (*now being considered*)

- Any American could have his/her citizenship revoked if the Attorney General determined that "material support" was offered to organizations deemed, even retroactively, to be "terrorist."
- Legal permanent residents (eg. the spouse of a citizen), could be deported, without a formal criminal charge (or evidence), based on the Attorney General considering that person to be a threat to national security, without recourse to habeas corpus protections. As the American Civil Liberties Union stated in its brief against the proposed act, "Congress has not exempted any person from habeas corpus – a protection guaranteed by the Constitution – since the Civil War."
- A huge citizen DNA database would be constructed, for "detecting, investigating, prosecuting, preventing or responding to terrorist activities." And, samples could be collected without a court order; a law enforcement officer could require a citizen to take a DNA ID test, based upon his/her suspicion only. Refusing to submit could result in fines up to \$200,000, and one year in prison.
- Authorities could wiretap or monitor Internet usage (including email) of anyone for fifteen days without requiring a warrant.
- No information regarding detainees held on suspicion of terrorist activities would be publicly reported, until they are actually charged with a crime.
- Businesses would be immune from lawsuit after giving the government information about their employees, even if doing so violated privacy agreements, and despite the information being false. Similarly, police officers carrying out illegal searches would be immune from lawsuit, providing they were *just following orders*.
- Federal "consent decrees" limiting local law enforcement agencies' abilities to spy on citizens in their jurisdiction (eg. legal protesters) would be scaled back.
- American citizens could be subject to secret surveillance by this government on behalf of foreign countries.
- The death penalty would be expanded to cover 15 new offenses.
- Many of PATRIOT Act I's provisions, due for sunset, would be made permanent.

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Much of the information within this flyer was taken from the *carefully footnoted* document "*Backward March! The USA-Patriot Act and the Bill of Rights.*" It can be found at: <http://mtprof.msun.edu/Spr2002/BAWRart.html>.