

# A USA PATRIOT ACT PRIMER:

## What it means, what rights are threatened & what you can do about it.

### New legislation and government actions take away our freedom

With great haste and secrecy and in the name of the "war on terrorism," Congress passed legislation that gives the Executive Branch sweeping new powers that undermine the Bill of Rights and are unnecessary to keep us safe. This 342-page USA PATRIOT Act was passed on October 26, 2001, with little debate by Members of Congress, most of whom did not even read the bill. The Administration then initiated a flurry of executive orders, regulations, and policies and practices that also threatened our rights.

### The USA PATRIOT Act:

- Expands terrorism laws to include "domestic terrorism" which could subject political organizations to surveillance, wiretapping, harassment, and criminal action for political advocacy.
- Expands the ability of law enforcement to conduct secret searches, gives them wide powers of phone and Internet surveillance, and access to highly personal medical, financial, mental health, and student records with minimal judicial oversight.
- Allows FBI Agents to investigate American citizens for criminal matters without probable cause of crime if they say it is for "intelligence purposes."
- Permits non-citizens to be jailed based on mere suspicion and to be denied re-admission to the US for engaging in free speech. These suspects, convicted of no crime, may be detained indefinitely in six month increments without meaningful judicial review.

### What rights are being threatened?

- First Amendment--Freedom of religion, speech, assembly, and the press.
- Fourth Amendment--Freedom from unreasonable searches and seizures.
- Fifth Amendment--No person to be deprived of life, liberty or property without due process of law.
- Sixth Amendment--Right to a speedy public trial by an impartial jury, right to be informed of the facts of the accusation, right to confront witnesses and have the assistance of counsel.
- Eighth Amendment--No excessive bail or cruel and unusual punishment shall be imposed.
- Fourteenth Amendment--All persons (citizens and non-citizens) within the US are entitled to due process and the equal protection of the laws.

### New Federal Executive Branch Actions

- 8,000 Arab and South Asian immigrants have been interrogated because of their religion or ethnic background, not because of actual wrongdoing. Many have been held in secretive federal custody for weeks and months, sometimes without any charges filed against them.
- The government has refused to publish their names and whereabouts, even when ordered to do so by the courts.
- The press and the public have been barred from immigration court hearings of those detained after September 11th and the courts are ordered to keep secret even that the hearings are taking place.
- The government is allowed to monitor communications between federal detainees and their lawyers, destroying the attorney-client privilege and threatening the right to counsel.
- New Attorney General Guidelines allow FBI spying on religious and political organizations and individuals without having evidence of wrongdoing.
- President Bush has ordered military commissions to be set up to try suspected terrorists who are not citizens. They can convict based on hearsay and secret evidence by only two-thirds vote.
- American citizens suspected of terrorism are being held indefinitely in military custody without being charged and without access to lawyers.

### What can be done?

This lack of due process and accountability violates the rights extended to all persons, citizens and non-citizens, by the Bill of Rights.

The sponsoring organizations of this Forum, along with the American Civil Liberties Union, other national organizations and thousands of individuals concerned with protecting our civil rights and civil liberties, are campaigning to ensure that our rights are not a casualty of the war on terrorism. Please join us in this effort to regain our hard-won freedoms.

- Support a resolution in your city rejecting the USA PATRIOT Act, joining your city with others across the country in upholding the Bill of Rights.
- Contact your elected representatives and the President to express your opposition to the USA PATRIOT Act.
- Send letters to local newspapers. Organize discussions in your schools, organizations and religious institutions.

*Modified from the National ACLU pamphlet, "The USA PATRIOT Act and Government Actions that Threaten Our Civil Liberties."*