

SPONSORED BY:
CHICAGOLAND
COALITION FOR CIVIL
LIBERTIES AND RIGHTS

*“They that can give up
essential liberty to obtain a
little temporary safety deserve
neither liberty nor safety.”*

- Benjamin Franklin



*Written and produced by Brent Mesick
brentmesick@yahoo.com*

SPONSORED BY:
CHICAGOLAND
COALITION FOR CIVIL
LIBERTIES AND RIGHTS

Try These News Sources:

www.nlg.org

www.public-i.org

www.eff.org

www.aclu.org/SafeandFreeMain.cfm

<http://www.cdt.org>

www.bordc.org

www.bookbeast.com

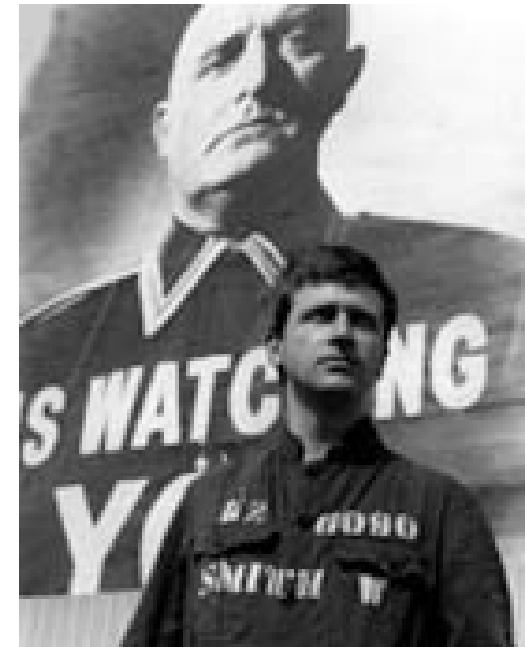
www.ccclr.org

CHICAGOLAND COALITION FOR
CIVIL LIBERTIES AND RIGHTS

- ☎ Call us at 312.939.0675 or
- ✉ E-mail us at ccclbr@pobox.com
- 🌐 Website: www.ccclr.org

CHICAGOLAND
COALITION FOR CIVIL
LIBERTIES AND RIGHTS

How the “USA Patriot” Act is Unpatriotic: *A No-Nonsense Guide*



*Written and produced by Brent Mesick
brentmesick@yahoo.com*

NO-NONSENSE REPORT

HOW THE USA PATRIOT ACT IS UNPATRIOTIC:

THE ASSAULT ON CIVIL RIGHTS

On October 26, 2001, President Bush signed the USA PATRIOT Act (USAPA). On the surface, the act appears to help the government battle terrorism, yet the act actually attacks and criminalizes our basic rights to disagree with policies set by the government. The act is *unpatriotic* in that it opposes our country's founding principles as listed in the Bill of Rights.

The USAPA came into being as the U.S. launched a controversial war in the wake of 9/11 and is being used to inhibit dissent at the very time when citizens and noncitizens alike need the freedom to express themselves and protest government policies such as war on Iraq.

1. It compromises the First Amendment. The First Amendment states *“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”*

The USAPA definition of terrorism extends well beyond attacks on innocent civilians. It criminalizes any act that would “appear to be intended ... to influence the policy of a government by intimidation or coercion” (USAPA Section 802). The USAPA could easily be used to interpret strikes, protests, or other forms of legitimate dissent supported by the First Amendment as “dangerous to human life”. It could be used to prevent the right to assemble peaceably.

Section 411 of the USAPA infringes on our First Amendment rights. It broadens the definition of activities that can be considered punishable for citizens and “deportable offenses” for noncitizens. For example, it deems soliciting funds for an organization that the government labels as terrorist as “engaging in a terrorist activity”. The government often defines such organizations without due process, using alleged “secret evidence”. Giving money to Nelson Mandela’s

African National Congress would have been considered a criminal act by the USAPA if it were in effect during the Apartheid days of South Africa.

The USAPA uses Section 215 to allow the FBI to acquire lending and purchasing records from libraries and bookstores; government access to such records jeopardizes our free speech rights to read or recommend certain books.

Section 216 threatens free speech by authorizing the use of the “Carnivore” system, an electronic tracking system that is capable of capturing *all* forms of internet activity.

2. It compromises the Fourth Amendment. The Fourth Amendment states *“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”*

Section 213 allows the government to do “sneak and peek” searches, or to search your home *when no one is there!* And they can delay notification of the search indefinitely.

USAPA Section 218 grants the Executive Branch the most far-reaching surveillance powers ever, effectively eroding separation of powers. Section 218 eliminates the need for the FBI to show “probable cause” before conducting secret searches. This means that if police involved in an investigation want to evade the Fourth Amendment, all they have to do is *claim* that there is a need to gather foreign intelligence as part of their investigation. If Ex-President Nixon had Section 218 at his disposal, Watergate would have been legal.

3. It compromises the Fifth Amendment. The Fifth Amendment states *“No person shall be held to answer for a... crime, unless on a presentment or indictment of a Grand Jury... nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.”*

USAPA Section 412 gives the Attorney General broad powers to detain noncitizens; the Attorney General’s assertion of “reasonable grounds to believe” that

noncitizens are engaged in activities that threaten national security, is grounds for the INS to detain them for seven days without charge. If charged, they are subject to mandatory detention. In this manner, the Attorney General and the INS are able to imprison noncitizens without “due process of law” – violating the Fifth Amendment

4. It compromises the Sixth Amendment. The Sixth Amendment states *“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed... and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”*

USAPA Section 412 allows the Attorney General to keep from noncitizens why they were identified as “engaging in threatening activities”. This violates the right “to be informed of the nature and cause of the accusation”. Lengthy detention also violates the right to a speedy trial.

5. It is about to be expanded and compromise even more rights. On February 7, 2003 the Center for Public Integrity reported that the government has been drafting a sequel to the USAPA called “Domestic Security Enhancement Act of 2003”. Among other items, the draft includes provisions that would:

- Collect citizens’ DNA information in a database regardless of whether you have committed a crime.
- Curtail public access to information normally available under the Freedom of Information Act
- Secretly detain citizens for indefinite periods of time.
- Restrict requests for information concerning the effects of dangerous chemicals accidentally released into communities by private businesses as provided for by the Clean Air Act.

By donating money to an organization or attending a protest march, it is now possible that any of us can be investigated, charged with terrorism, imprisoned for months, lose our citizenship or end up in jail.