

The Patriot Act Takes Away American Freedoms

With great haste and secrecy and in the name of the “war on terrorism,” the U.S. Congress passed legislation giving the Executive Branch sweeping new powers that undermine the Bill of Rights and are unnecessary to keep us safe. The 342-page “USA Patriot Act” was passed on October 26, 2001, with little debate by Congress members. The Administration then initiated a flurry of executive orders, regulations and policies and practices that also threatened American’s rights.

The USA Patriot Act:

- Expands terrorism laws to include “domestic terrorism” which could subject political groups to surveillance, wiretapping, harassment and criminal action for advocacy work.
- Expands the ability of law enforcement to conduct secret searches, gives wide powers of phone and internet surveillance, and access to highly personal medical, financial, mental health and student records with minimal judicial oversight.
- Allows the FBI to investigate U.S. citizens for criminal matters with-

The American Civil Liberties Union, the leading U.S. organization focused on defending, preserving and extending the individual rights and liberties guaranteed by the Constitution and the Bill of Rights.

- out probable cause of crime if they say it is for “intelligence purposes.”
- Permits non-citizens to be jailed on mere suspicion and to be denied re-admission to the U.S. for engaging in free speech. Suspects convicted of no crime may be detained indefinitely in 6-month increments without meaningful judicial review.

Executive Branch Actions:

- 8,000 Arab and South Asian immigrants were interrogated because of their religion or ethnic background, not because of actual wrongdoing.
- Thousands of men, mostly of Arab and South Asian origin, have been held in secretive, federal custody for weeks and months, sometimes without any charges filed against them. The government refused to publish their names and whereabouts, even when ordered to do so by the courts.
- The press and public are barred from immigration court hearings of those detained after September 11 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.
- The FBI can spy on religious and political groups and individuals

without evidence of wrongdoing.

- President Bush has set up military commissions to try suspected terrorists who are not citizens. They can convict based on hearsay and secret evidence by only two-thirds vote.
- U.S. citizens suspected of terrorism are being held indefinitely in military custody without being charged and without access to lawyers.

Rights Threatened:

- **First Amendment:** Freedom of religion, speech, assembly and 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:** Rights include: a speedy public trial by an impartial jury; to be informed of the facts of the accusation; 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) in the U.S. are entitled to due process and the equal protection of the laws.

Source: “The Patriot Act and Government Actions that Threaten our Civil Liberties,” ACLU factsheet. <www.aclu.org/Files/OpenFile.cfm?id=11812>

Safire says Bush is “Seizing Dictatorial Control”

By William Safire

Misadvised by a frustrated and panic-stricken attorney general, a president of the U.S. has just assumed what amounts to dictatorial power to jail or execute aliens. Intimidated by terrorists and inflamed by a passion for rough justice, we are letting George W. Bush get away with replacing the rule of law with military kangaroo courts.

In his infamous emergency order, Bush admits to dismissing “the principles of law and the rules of evi-

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dence” that undergird America’s system of justice. He seizes the power to circumvent the courts and set up his own drumhead tribunals – panels of officers who will sit in judgment of non-citizens who the president need only claim “reason to believe” are members of terrorist organizations.

Not content with his previous decision to permit police to eavesdrop on a suspect’s conversations with an attorney, Bush now strips the alien accused of even the limited rights afforded by a court-martial.

His kangaroo court can conceal evidence by citing national security, make up its own rules, find a defendant guilty even if a third of the officers disagree and execute the alien with no review by any civilian court.

No longer does the judicial branch and an independent jury stand between the government and the accused. In lieu of those checks and balances central to our legal system, non-citizens face an executive that is now investigator, prosecutor, judge, jury and jailer or executioner. In an Orwellian twist, Bush’s order calls this abomination “a full and fair trial.”

At a time when even liberals are debating the ethics of torturing suspects – weighing the distaste for barbarism against the need to save innocent lives – it’s time for conservative iconoclasts and card-carrying hard-liners to stand up for American values.

Source: Excerpt, *New York Times*, November 15, 2001. <www.cuttingedge.org/na/na017.html>



The Patriot Act and Hitler's "Enabling Act"

On March 23, 1933, the newly elected members of Germany's Reichstag (Parliament) met in the Kroll Opera House in Berlin to consider passing Hitler's "Ermächtigungsgesetz." The "Enabling Act" was officially called the "Law for Removing the Distress of the People and the Reich."

The bill's opponents argued that, if passed, it would end democracy in Germany and establish a legal dictatorship of Adolf Hitler. To soften resistance to the Enabling Act, the Nazis secretly caused confusion in order to create an atmosphere in which the law seem necessary to restore order.

On February 27, 1933, Nazis had burned the Reichstag building, seat of the German government, causing frenzy and outrage. They successfully blamed the fire on the communists and claimed it marked the beginning of widespread terrorism and unrest that threatened the safety of the German "Homeland." On the day of the vote, Nazi storm troopers gathered around the opera house chanting, "Full powers – or else! We want the bill – or fire and murder!"

The Nazis used the opportunity to arrest 4,000 communists. Not only did the Nazis use the incident as propa-

ganda against communists, they also arrested an additional 40,000 opponents. Consequently, the Nazis achieved their objective of eliminating democracy and ensuring their majority in the parliament.

On February 28, 1933, German President Hindenburg and Hitler invoked Article 48 of the Weimar Constitution. This permitted the suspension of civil liberties during national emergencies. This "Decree of the Reich President for the Protection of the People and State" abrogated the following constitutional protections: Freedom of the press, free expression of opinion, individual property rights, right of assembly and association, right to privacy of postal and electronic communications, states' rights of self-government and protection against unlawful searches and seizures.

Before the vote, Hitler made a speech in Parliament and pledged to use restraint. He also promised to end unemployment and promote multilateral peace with France, Great Britain and the Soviet Union.

In order to accomplish all this, Hitler said, he first needed the Enabling Act. Since this act would alter the German constitution, a two-thirds majority was necessary. Hitler needed

31 non-Nazi votes to pass it. The Center Party provided these votes after Hitler made a false promise to them. Four hundred and forty votes were registered for the Enabling Act, while a mere 84 votes were opposed – the social Democrats. The Nazi Party stood to their feet and sang their anthem, the Hörst Wessel song. The German Democratic party had finally been eliminated, and Hitler's dream for Nazi command became closer to reality.

The Enabling Act granted Hitler the power he craved and could use without objection from the Reichstag. Shortly after the passing of The Enabling Act all other political parties were dissolved. Trade unions were liquidated and opposition clergy were arrested. The Nazi party had, as Hitler said, become the state. By August 1934, Hitler became commander-in-chief of the armed forces. This was in addition to being President and Führer of the German Reich, to whom every individual in the armed forces pledged unconditional obedience. The Reichstag was no longer a place for debate, but rather a cheering squad in favor of whatever Hitler might say.

Source: <www.free-cliffnotes.com/data/dd/hal86.shtml>