

# Stop "Patriot Act II"!

*They who would give up an essential liberty for temporary security, deserve neither liberty nor security.*

— Benjamin Franklin

With the Domestic Security Enhancement Act, "Patriot Act II," the Department of Justice proposes to gut the freedoms of speech and assembly, freedom from unreasonable search and seizure, and from cruel and unusual punishment; and the rights to due process and to speedy and public trial. Already the USA Patriot Act of 2001 has eroded many checks and balances between police agencies and the courts, and seriously limited the public's right-to-know what its government is doing. If it becomes law, this Patriot Act II would eliminate checks on the police for wiretaps, searches and arrests, and shut down the public's right to investigate police activities through the Freedom of Information Act and the courts.

The original USA Patriot Act is a direct attack not only on civil liberties but also on immigrants' rights. It gives the Attorney General the authority to detain non-citizens without charge on the mere suspicion of terrorism for up to seven days. Over 1,500 non-citizens were arrested after September 11. Many were held for months without any terrorism-related charge, and almost all were cleared of any connections to terrorism. Still, many of those arrested were deported on minor visa violations. As of April 30, at least 351 have been deported and 171 are still in custody awaiting deportation from jail.(1) Many of the detainees were prevented from seeing a lawyer or family members for weeks after their arrest.

Instead of increasing the security of immigrants to this country, the USA Patriot Act has stoked anti-immigrant hysteria and contributed to a climate of terror in immigrant communities. In the 18 months since its adoption, mosques have been bombed and Muslim and Arab people harassed, arrested and beaten. People have been denied travel on airplanes because their fellow passengers don't like their looks.

The INS (now Department of Homeland Security) also rounded up thousands of men from Arab and Muslim countries to keep better tabs on immigrants. In Los Angeles, fully one-quarter of the men called in the first wave of registrants were detained. Most of them were awaiting approval of their green card applications when detained, or were otherwise victims of agency incompetence, as

when the INS dumped 200,000 unprocessed change of address forms at an underground storage facility near Kansas City.(2) Robbed of due process by the USA Patriot Act, these men were held anywhere from 48 hours to 119 days without charge. All the charges filed were immigration-related, and most were minor; the men's ability to clear up the charges was seriously hurt by their detention and the delay in charging them.

Not content with the USA Patriot Act, President Bush issued a military order two weeks after the Act's passage authorizing trial by secret military tribunal for non-citizens charged with terrorism. In a military court, the judges and jurors are military officers, the proceedings are held in secret, and prosecutors may withhold evidence from the defendant and his/her lawyer. No federal, state, foreign, or international court can oversee such a tribunal.

Recent events do not build confidence in the U.S. government's ability to use these powers fairly. Many of the more than 600 "enemy combatants" captured in Afghanistan — some of whom are children as young as 13 — have been held in the military prison in Guantanamo Bay for

over a year without charge. They are in a legal limbo where they have no access to the courts, and are not treated as POWs under the Geneva Convention. The Guantanamo detainees have been held incommunicado, and some are being tortured.(3)

The U.S. government is grossly hypocritical on torture of prisoners. In the case of POWs captured and held at Bagram air base in Afghanistan, an anonymous official said "We don't kick the [expletive] out of them. We send them to other countries so they can kick

the [expletive] out of them."(4)

The USA Patriot Act was rushed into law in the post-9/11 hysteria and with many congressional offices closed to the Anthrax scare.(5) Many of the senators and representatives voting for it admitted they had not read the entire bill, but voted for it anyway, lest they be characterized as "soft on terrorism." We need to tell our federal representatives now that we do not want to see them enact Patriot Act II. By educating them on how Patriot Act II would erode important civil liberties without increasing security we will also keep them from making the excuse, "but I didn't know."

**"The USA Patriot Act has contributed to a climate of terror in immigrant communities. ...**

**"Recent events do not inspire confidence in the U.S. government's ability to use these powers fairly."**

***If enacted, the Patriot Act II would:***

- \* authorize secret arrests including those of material witnesses who are not charged with a crime;
- \* bar defense attorneys from challenging use of secret evidence;
- \* deny the right to sue for information on detainees under the Freedom of Information Act;
- \* permit arrests and extraditions of citizens and non-citizens alike to countries with which the U.S. has no extradition treaties and without regard for those countries' human rights records;
- \* strip American citizenship from anyone who supports even the lawful activities of organizations the administration calls "terrorist;"
- \* create a new category of "domestic security surveillance" for terrorism investigations with looser standards than criminal investigations;
- \* provide for extended jail terms for common immigration offenses; and
- \* allow summary deportation to any country in the world, including those with no functioning government.

Patriot Act II explicitly targets activists. The non-violent protesters who helped boot the U.S. military from Vieques for example could be tried as terrorists for risking their lives through civil disobedience on U.S. bombing ranges. And the clampdown on free association opens up all sorts of protest to criminal charges. As with the USA Patriot Act, the administration frames this new legislation as part of its arsenal against "terrorism." Patriot Act II would sacrifice basic Constitutional liberties, and thus be detrimental to the security of the majority of people living in the United States.

Notes:

1. abcnews.go.com/sections/wnt/DailyNews/detainees020430.html

2. San Diego Union Tribune July 27, 2002

3. KPFA 6 May 03;

www.msnbc.com/news/884030.asp?0sl=-33&cp1=1 march 2003

4.

www.etext.org/Politics/MIM/mn/sept112001/text.php?mimfile=patriotact.TXT

---

**Get signatures on a petition urging Federal representatives not to support John Ashcroft's "Patriot Act II"!**

**Sign the petition:**

**<http://www.petitiononline.com/civlib/petition.html>**

**Get more info & download the petition:**

**<http://www.etext.org/Politics/MIM/agitation/civlib/>**

**Join the STOP PATRIOT ACT II COALITION for a RALLY outside Barbara Boxer's LA office. We will deliver thousands of signatures and show the Senator we will not stand for Patriot Act II:**

**12 Noon  
Friday May 30  
312 N. Spring St.**

The Stop Patriot Act II Coalition is:

Kabataang maka Bayan-USA (Pro-People Youth), Asians for Jericho & Mumia, Comite pro-Democracia en Mexico, Bayan, Int'l.-USA, Maoist Internationalist Movement, Revolutionary Anti-Imperialist League, Studies for the Liberation of Aztlan & Latin America

**c/o P.O. Box 29670 / Los Angeles, CA 90029-0670**

**english: [mim136@mim.org](mailto:mim136@mim.org) español: [cdmla@latinmail.com](mailto:cdmla@latinmail.com)**