



# Bush's Patriotic Act: Not Patriotic, Just An Act



"With my signature, this law will give intelligence and law enforcement officials important new tools to fight a present danger,"

—George W. Bush Signing Patriot Act into Law, [White House Website](#)

Bush's domestic actions in conducting the nation's "War on Terrorism" threaten to destroy the very freedoms for which we are fighting. Under Bush's so-called Patriot Act, even American citizens have been arrested and held in secret with no access to a lawyer, no right to challenge their detention in court, and no right to know why they are being held. Imagine if your spouse or child or neighbor simply disappeared without a trace. This is un-American.

The Bush Administration now has extraordinary powers to obtain private records and spy on Americans without meaningful oversight by the courts. Based on the whim of a law enforcement agent, the Bush Administration has the power to obtain our library records and e-mail records, and even search our homes without a warrant.

By disregarding our most basic rights in the wake of the September 11<sup>th</sup> attacks, Bush has handed our terrorist enemies a victory they could never have achieved through force. Moreover, Bush threatens to veto any legislation that Congressional leaders propose to protect our constitutional freedoms.

Fortunately, Democrats know that "it is possible to combat terrorism and preserve our individual freedoms at the same time." Our freedoms and the right simply 'to be' are part of the promise of America.

*I tell you, freedom and human rights in America are doomed. The U.S. government will lead the American people and the West in general into an unbearable hell and a choking life.*

—Osama Bin Laden

[CNN's Wolf Blitzer Reports](#), 1/31/02

## ◆ Bush Created Unprecedented Powers to Spy on Americans.

- The Patriot Act expands secret searches and wiretaps beyond obtaining "foreign intelligence information."
  - "Under prior law, if the primary purpose of a search was to obtain "foreign intelligence information," the FBI could obtain a secret warrant through the court established by the Foreign Intelligence Surveillance Act (FISA) to conduct a physical search or wiretap without notifying the target of the search."  
["PROTECTING CIVIL LIBERTIES" [People for the American Way](#) 10/28/03]
- The Bush Administration has substantially expanded federal powers and may now obtain private records, conduct secret searches, invade Americans' privacy,, and otherwise spy on Americans, without probable cause and traditionally meaningful judicial oversight to prevent governmental abuse.

- Obtain Personal Records held by third parties including doctors, libraries, bookstores, universities, financial institutions, business, and Internet Service Providers.
  - The FBI need not show probable cause, nor even reasonable grounds to believe, that the person whose records it seeks is engaged in criminal activity. Normally, the government cannot effect a search without obtaining a warrant and showing probable cause to believe that the person has committed or will commit a crime. [ACLU, [Section 217 FAQ](#)]
  - When records are obtained, the Patriot Act legally gags everyone familiar with this from informing you that the government obtained the documents. (Section 215)
- Conduct Secret Searches. The government can search your private property without probable cause and without notifying you. (Section 213)
- Tap Phones without subpoena The Government can tap your phones, without probable cause by claiming that a “significant purpose” of the search is to gather intelligence. (Section 218)
- Email Snooping without potential terrorism or criminal link? Yes. The Government can learn all the people with whom you communicate by e-mail, and the subject line of all messages, without having “probable cause” nor even “reasonable suspicion” that you have committed a crime. All that is required is that a law enforcement agent certify to a judge, who cannot deny the request, that a warrant would be “relevant” to an ongoing criminal investigation. (Section 217)

[[USA Patriot Act of 2001](#); ACLU, [Section 217 FAQ](#)]

◆ A Justice Dept. Report Confirmed: Bush Administration Using Terrorist-Related Powers To Investigate Individuals, Initiate Wiretaps And Seize Millions In Assets—None Were Related to Terrorist Investigations.

USA Patriot Act literally stands for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001” and implies that it’s supposed to be used against terrorism not against the neighborhood bookie. That the Bush Administration feels it can continually broaden government power to the use of the Patriot Act beyond terrorism –related investigations negates the protections every American expects from the U.S. Constitution and its Bill of Rights.

- Though the Administration has assured Congress and the American people that its expanded terrorist hunting powers would be used for terrorist-related criminal behavior only, a Justice Department report in September 2003 “cites more than a dozen cases not directly related to terrorism. In them, federal authorities have used their expanded power to investigate individuals, initiate wiretaps and seize millions in assets.” [Patriot Act has been invoked in a smorgasbord of investigations [The Charlotte Observer](#) 9/28/03]
- “The investigation of strip club owner Michael Galardi and numerous politicians appears to be the first time federal authorities have used the Patriot Act in a public corruption probe.” [PATRIOT ACT: Law’s use causing concerns [Las Vegas Review Journal](#) 11/5/03]
- Two of Nevada’s lawmakers blasted the FBI for employing the act in the Galardi probe, saying the agency overstepped its bounds. Sen. Harry Reid, D-Nev., said Congress intended the Patriot Act to help federal authorities root out threats from terrorists and spies after the Sept. 11, 2001, attacks.

"The law was intended for activities related to terrorism and not to naked women," said Reid, who as minority whip is the second most powerful Democrat in the Senate. "Let me say, with Galardi and his whole gang, I don't condone, appreciate or support all their nakedness. But having said that, I haven't heard anyone say at any time he was involved with terrorism." [PATRIOT ACT: Law's use causing concerns [Las Vegas Review Journal](#)11/5/03]

#### ◆ Bush Administration Can Classify Traditional Political Dissent as 'Terrorism'.

- The Bush Administration's Patriot Act defines domestic terrorism so broadly that legally permissible political protest and dissent may now be classified as terrorism. The result can be a chilling effect upon the very freedoms that have made the United States a beacon of hope and democracy throughout the world.
  - "The law established a new crime of domestic terrorism, with a definition so broad as to include certain acts of political protest involving threats or dangers to human life. When political protest harms property or individuals, those particular harmful acts already are punishable under various criminal laws. Sometimes domestic political protest activity inadvertently escalates to violence. To allow such incidents to be treated as terrorism could have a stifling effect on dissent."
  - "The new law permits information from grand jury proceedings to be shared with the CIA, without meaningful court oversight. Such information sharing has been abused in the past, as when the FBI routinely provided reports on domestic anti-Vietnam War activity to the CIA. Thousands of Americans who had engaged in political protests became the targets of CIA surveillance." ["PROTECTING CIVIL LIBERTIES" [People for the American Way](#) 10/28/03]

#### ◆ The Bush Administration is terrorizing immigrant populations, subjecting them to the fear of being detained indefinitely and deported in secret.

- In the immediate aftermath of 9/11, the Government detained over 1,100 internationals, most for minor immigration offenses or petty crimes. The Government has refused to disclose their names or their alleged offenses. The fate of most is unknown, although it is suspected that most have been deported. Deportation hearings for 611 of those detained were held in secret. ["Checking Our Balances" [American Lawyer Media's law.com](#) 7/23/03; "Hady Hassan Omar's Detention" *New York Times* 10/27/02]
- Of the over 1,100 international individuals that the U.S. government had arrested in the aftermath of 9-11, only 3 had been charged with terrorism-related indictments. ["Hady Hassan Omar's Detention" *New York Times* 10/27/02]
- Cynically, the Bush Administration has finally let some prisoners meet with a lawyer. To avoid Supreme Court review of their long detention without being charged, without having access to a lawyer or the chance to challenge their detention in court, and without having any contact with the outside world, the Bush Administration may release them to their home countries. "Australian Parents Have New Hope for U.S.-Detained Son" [New York Times](#) 1/19/04]

## ◆ Amnesty International, International Red Cross Condemn U.S. Secret Deportation Policy.

- When the Red Cross joins Amnesty International and the Justice Department's own inspector general in criticism, it is a sign we are perilously close to joining those nations where a knock on the door at night means to disappear. ["Abandoning human rights principles" [San Diego Tribune](#) 10/20/03]
- More than 5,000 foreigners have disappeared since Sept. 11, 2001, with only a few charged with any serious crime. Most are held in secret with no access to lawyers or the outside, a procedure that has drawn the complaint of the Justice Department's inspector general – who is independent of the attorney general. ["Abandoning human rights principles" [San Diego Tribune](#) 10/20/03]

## ◆ Democrats Fight To Protect American Freedoms.

Democratic Congressional leaders have introduced numerous bills that would enhance civil liberties protections by rolling back or limiting portions of the USA PATRIOT Act.

- Senator Ron Wyden (D-OR) introduced the Protecting the Rights of Individuals Act (S. 1552) to narrow the government's authority to conduct secret searches of homes and offices, to access business records and materials (including library and bookstore records); raise the standard of review for obtaining educational records, increases judicial review for telephone and internet monitoring, and prohibit data mining without prior congressional approval; narrows the definition of domestic terrorism so that those engaged in political protest are not labeled as terrorists.
- Senators Larry Craig (R-ID), Patrick Leahy (D-VT), Richard Durbin (D-IL), and Harry Reid (D-NV) introduced the PATRIOT Oversight Restoration Act (S. 1695) would limit the government's authority to conduct secret searches of homes and offices, to use "John Doe" roving wiretaps, and to access library, bookseller, and other business records without adequate judicial oversight.
- Senator Russell Feingold (D-WI) introduced The Library, Bookseller, and Personal Records Privacy Act (S. 1507) would require individualized suspicion as the basis for the application for a subpoena of such records and would require the Attorney General to inform the Judiciary Committee of requests for library, bookseller, and business records made pursuant to this section of the PATRIOT Act. Senator Russell Feingold (D-WI) introduced this bill on July 31, 2003.

[USA Patriot Act: Development in the 108<sup>th</sup> Congress [People for the American Way](#)]

Each bill is waiting for the Republican-controlled Senate Judiciary Committee to take action on the proposed legislation. [USA Patriot Act: Development in the 108<sup>th</sup> Congress [People for the American Way](#)]

## ◆ Bush Creates 'Enemy Combatant' Status, Secret Arrest Policy, Indefinite Incarceration.

The Bush Administration believes it has the power to make secret arrests, even of American citizens, hold people indefinitely and without any outside communication, even to immediate family members, much less access to an attorney, simply by designating a person to be an "enemy combatant".

- Jose Padilla, an American citizen, was arrested on American soil and accused of plotting to detonate a "dirty bomb" that would spread radioactive material at a target site. He was arrested and handed

over to military custody, where he has been held without any access to a lawyer or contact with the outside world. He has been held for 18 months and has never been charged with a crime. The Supreme Court is expected to hear his case later this year. ["Court: President cannot detain U.S. citizen as enemy combatant" [CNN](#) 12/22/03]

- Yasser Hamdi, an American citizen detained in Afghanistan, has been held incommunicado on U.S. soil for nearly two years. The Bush Administration recently said it would allow him to see a government-appointed lawyer, but they deny he has any right to challenge his detention or hear the charges against him. ["Terrorism Cases" [PBS Online Newshour](#) 12/30/03]

### ◆ Bush's PATRIOT II: Protecting Freedom By Abolishing More Of It

The Bush Administration wants to erode our rights even further, with the introduction of the so-called "PATRIOT II" proposed legislation. PATRIOT II would codify some of the administration's most abusive practices. For example, this proposal would permit the Bush Administration to designate anyone as an 'enemy combatant' detaining us indefinitely, in secret, and without bringing charges against us, even an American citizen arrested on U.S. soil.

- The government would no longer be required to disclose the identity of anyone, even an American citizen, detained in connection with a terror investigation—until criminal charges are filed, no matter how long that takes.
- Current court limits on local police spying on religious and political activity would be repealed.
  - Under this definition, political groups that engage in civil disobedience, such as Greenpeace or the World Trade Organization protestors may be considered terrorist organizations. The expanded powers would include wiretapping authority, civil asset forfeiture powers, new death penalties, and the unprecedented power to revoke American citizenship.
- The government would be allowed to obtain credit records and library records without a warrant.
- Wiretaps without any court order for up to 15 days after terror attack would be permissible.
- Release of information about health/safety hazards posed by chemical and other plants would be restricted.
- The reach of an already overbroad definition of terrorism would be expanded – individuals engaged in civil disobedience could risk losing their citizenship; their organization could be subject to wiretapping and asset seizure.
- Americans could be extradited, searched and wiretapped at the behest of foreign nations, whether or not treaties allow it.
- Lawful immigrants would be stripped of the right to a fair deportation hearing and federal courts would not be allowed to review immigration rulings.

["Justice Department Contemplates Seeking More Sweeping Powers: Bill Would Further Erode Limits on Antiterror Powers" [California ACLU](#); Draft: Domestic Security Enhancement Act of 2003 viewed at [PBS](#)]

### ◆ Bush Threatens Veto If Congress Protects Americans Freedom, Scales Back Patriot Act

The Bush administration threatened to veto legislation in Congress that would scale back key provisions that take away Americans' freedoms. [Ashcroft: Bush would veto bill scaling back Patriot Act, [San Francisco Chronicle](#), 1/29/04]

"The Security and Freedom Ensured Act, known as SAFE, "would modify so-called "sneak and peek" search warrants that allow for indefinitely delayed notification when a person's property is searched, mandating such notice within a week's time. In addition, warrants for roving wiretaps used to monitor a suspect's multiple cell phones would have to make sure the target was positively identified and was present at the site being monitored before information could be collected. The legislation also would reinstate standards in place prior to passage of the Patriot Act regarding library and other business records by forcing the FBI to show it had reason to believe the person involved was a suspected terrorist or spy. The measure would impose expiration dates on nationwide search warrants and other Patriot Act terms, providing for congressional review." [Ashcroft: Bush would veto bill scaling back Patriot Act, [San Francisco Chronicle](#), 1/29/04]

"The SAFE Act, which has not yet had a hearing in either the House or Senate, was introduced last fall by Sens. Larry Craig, R-Idaho; Dick Durbin, D-Ill.; and other lawmakers of both parties who say the Patriot Act has gone too far. "Attorney General Ashcroft's response today is an unfortunate overreaction to a reasoned and measured effort to mend the Patriot Act," Durbin said Thursday. "I believe it is possible to combat terrorism and preserve our individual freedoms at the same time."" [Ashcroft: Bush would veto bill scaling back Patriot Act, [San Francisco Chronicle](#), 1/29/04]

#### ◆ Vice-President Gore: Speaking Out For Freedom, Against Bush Power Grab

Incredibly, this Administration has attempted to compromise the most precious rights that America has stood for all over the world for more than 200 years: due process, equal treatment under the law, the dignity of the individual, freedom from unreasonable search and seizure, freedom from promiscuous government surveillance. And in the name of security, this Administration has attempted to relegate the Congress and the Courts to the sidelines and replace our democratic system of checks and balances with an unaccountable Executive. And all the while, it has constantly angled for new ways to exploit the sense of crisis for partisan gain and political dominance. How dare they!

Former Vice President Al Gore  
November 9, 2003 speech to MoveOn.Org members  
Full text at <http://www.moveon.org/gore/speech2.html>.



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## The Democratic Party: Fighting for American Freedoms

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