



Between Dec. 16, 2002 and June 15, 2003, the Justice Dept. received 1,073 complaints of civil liberties infractions (including verbal and physical abuse of detainees) under the enforcement of the Patriot Act. Of these complaints — by and large filed by Muslim and Arab immigrants and naturalized citizens — 34 were considered “credible” complaints under the jurisdiction of the inspector general.

Sources: www.thetruthaboutgeorge.com; Shenon, P. “Report on USA Patriot Act Alleges Civil Rights Violations,” [New York Times](http://www.nytimes.com). 21 July 2003.

Under Sections 411 & 412 of the Patriot Act, association with terrorist organizations, even unknowingly, can be prosecuted. One such case involves Sami Omar al-Hussayen, a 34-year-old grad student and webmaster who was arrested for maintaining an Islamic website that “promotes jihad.” This despite the fact that al-Hussayen does not hold these views, nor is the group that sponsors the site classified as a terrorist organization. This part of the PA was struck down as unconstitutional in California earlier this year; al-Hussayen resides in Idaho.

Sources: www.sfgate.com/cgi-bin/article.cgi?f=/chronicle/archive/2004/04/27/MNGC56BH061.DTL
Related article: Egan, Timothy. “Computer Student on Trial for Aid to Muslim Web Sites.” [New York Times](http://www.nytimes.com). 27 April 2004.

“The [Patriot] act was enacted at a time where it was difficult to have any reasoned debate about the civil liberties concerns. This was six weeks after 9-11 in the heart of the anthrax scare. So it was passed in a very rapid and unthinking way. Only one senator voted against it. Yet today many of the senators who voted for it have sharply criticized it.”

— David Cole, Professor of Law, Georgetown University

Sources: Zetter, K. “First Foreigners, Then Americans,” [Wired](http://www.wired.com). 20 April 2004.
<www.wired.com/news/business/0,1367,63126,00.html>

As of April 2004, there were over 600 prisoners from 44 countries being held for more than two years at Guantanamo Bay, Cuba. The Bush Administration had declared them “enemy combatants,” legally outside the guarantees of the Geneva Convention, claiming exclusive power to interrogate them as long as necessary, with no guarantee of a lawyer or a trial to determine their guilt. The Supreme Court ruled that the Administration’s war on terrorism is not beyond the rule of law and detainees must be given the right to judicial review and either charged with a specific crime or released.

Sources: Gearan, A. “Court Hears Test of How Detainees Handled,” [Associated Press](http://www.associatedpress.com). 20 April 2004. <<http://www.freerepublic.com/focus/f-news/1121640/posts>>
Mears, Bill “A Mixed Verdict on the War on Terror,” [CNN.com](http://www.cnn.com). 6 July 2004.
<<http://www.cnn.com/2004/LAW/06/28/scotus.terror.cases/index.html>>

A Justice Dept. report following 9-11 investigations showed “significant problems” with the treatment of 762 illegal immigrants, mostly held in Brooklyn, NY and Passaic, NJ. Detainees were held without being charged, confined for 23 hours each day, physically abused and held for an average of 80 days. None of the 762 were charged as terrorists.

Sources: www.thetruthaboutgeorge.com; Charles, D. “Justice Dept. Report Faults Post-9/11 Detention Practice,” [Washington Post](http://www.washingtonpost.com), June 2, 2003. Lichtblau, E. “Ashcroft Defends Detentions as Immigrants Recount Toll,” [New York Times](http://www.nytimes.com). 5 June 2003.

Section 215, known as the “Library Provision,” requires that third-party holders of your financial, library, travel, phone, medical, video rental, church or other religious institution records can be searched without your knowledge or consent, providing the government says it’s protecting against terrorism. The record holder is barred by law from disclosing the search to anyone other than the lawyer who helps them respond to the request, guaranteeing that record of this search will never come to public light.

Sources: Zetter, K. “First Foreigners, Then Americans,” [Wired](http://www.wired.com). 20 April 2004.
<www.wired.com/news/business/0,1367,63126,00.html>
Lithwick, D. “A Guide to the Patriot Act, Pt. 1,” [Slate.com](http://www.slate.com). 8 Sept. 2003.
<www.slate.msn.com/id/2087984>

One year after 9-11, an NPR poll found only 7% of Americans felt they had given up important liberties in the war on terrorism. The following year a similar poll was done by a major news network* citing 52% of Americans now feel their rights were being infringed by the Bush administration.

*Either NBC or CBS; source is unclear.

Sources: Zetter, K. “First Foreigners, Then Americans,” [Wired](http://www.wired.com). 20 April 2004.
<www.wired.com/news/business/0,1367,63126,00.html>

The Renewal in 2006 added “new protections” to the 2001 antiterror law in three areas. It would:

- Give recipients of court-approved subpoenas for information in terrorist investigations the right to challenge a requirement that they refrain from telling anyone.
- Eliminate a requirement that an individual provide the FBI with the name of lawyers consulted about National Security Letters, which are demands for records issued by investigators.
- Clarify that “most” libraries are not subject to demands in those letters for information about suspected terrorists.

“House approves Patriot Act renewal” [CNN.com](http://www.cnn.com) 3/7/06

Section 218 amends the Foreign Intelligence Surveillance Act of 1978; essentially a bargain struck by Congress in order to give the Executive branch special leeway for foreign intelligence surveillance without undermining American criminal procedures as laid out in the Constitution. 218 broadens FISA to allow DOJ surveillance in cases that may have little to do with foreign espionage, extends the duration of warrants and allows information not regarded as criminal to be used for prosecution. 218 allows the government to use methods once reserved for spies against ordinary Americans in the pursuit of criminal conviction.

Sources: Lithwick, D. "A Guide to the Patriot Act, Pt. 2," [Slate.com](http://www.slate.com). 9 Sept. 2003. <www.slate.msn.com/id/2088106>

Section 206 authorizes roving wiretaps; taps specific not to any one single phone or computer, but to every phone or computer the target may come in contact with. This includes public phones and computer terminals. Theoretically, "roves" may continue on a computer regardless if the subject is present. Wiretaps may be national and not within a single jurisdiction, making it impossible to maintain judicial oversight.

Sources: Lithwick, D. "A Guide to the Patriot Act, Pt. 3," [Slate.com](http://www.slate.com). 10 Sept. 2003. <www.slate.msn.com/id/2088161>
"Patriot Act: Show Us the Facts," [Center for American Progress](http://www.centerforamericanprogress.org). 20 April 2004. <www.centerforamericanprogress.org/site/pp.asp?c=biRJ8OVf&b=46608>

"Many of the most disturbing Patriot provisions do away with judicial oversight altogether, while others permit judges to act as rubber stamps in *ex parte* proceedings — that is, hearings where only the government side is represented."

— Dahlia Lithwick, Slate Senior Editor

Sources: Lithwick, D. "A Guide to the Patriot Act, Pt. 4," [Slate.com](http://www.slate.com). 11 Sept. 2003. <www.slate.msn.com/id/2088239>

In the wake of 9-11, more than 1,000 individuals were arrested and detained under various charges, most not related to terrorism. A Freedom of Information Act request filed by the People for the American Way resulted in a federal judge ordering the Dept. of Justice to release the names of those detained. The DOJ has appealed and seeks to overturn this decision.

Sources: [People for the American Way](http://www.pfaw.org). "The Patriot Acts: sneak Attack on Civil Liberties," <<http://www.pfaw.org/pfaw/general/default.aspx?oid=10786>>

Section 213 extends the "sneak and peek" authority from FISA to any criminal search, allowing secret searches or wiretapping of your home and property without prior notice. While not unconstitutional, these searches which were once used in very limited cases are now available whenever the government determines it is in their best interest. This provision is not scheduled to sunset in 2005.

Sources: Lithwick, D. "A Guide to the Patriot Act, Pt. 2," [Slate.com](http://www.slate.com). 9 Sept. 2003. <www.slate.msn.com/id/2088106>

Section 505 authorizes the use of what's essentially an administrative subpoena of personal records (including phone & e-mail logs, financial records and credit reports), simply by having the attorney general or a delegate write a "national security letter." While section 215 allows for the collection of records, 505 **requires no probable cause or judicial oversight**. Documents turned over to the ACLU show the FBI issued enough national security letters to fill more than 5 pages of logs, yet virtually every page was blacked out, preventing disclosure of how the letters have been used.

Sources: Lithwick, D. "A Guide to the Patriot Act, Pt. 4," [Slate.com](http://www.slate.com). 11 Sept. 2003. <www.slate.msn.com/id/2088239>

Section 802 establishes a new crime of domestic terrorism, so broadly defined to include certain acts of political protest involving threats or dangers to human life. Our current laws already deal with harmful acts that may occur during a political protest. Sometimes violence erupts during protests; to allow such incidents to be treated as terrorism could have a stifling effect on dissent in this country.

Sources: [People for the American Way](http://www.pfaw.org). "Protecting Civil Liberties. The Issue: USA Patriot Act," 8 Oct. 2003. p. 3 <www.pfaw.org>

In 2003, the Department of Justice drafted another piece of legislation that would become known in the press as *Patriot Act II*. Once news of the proposed legislation leaked out, the DOJ quickly spun it as merely a draft. Provisions in the new laws far surpass Patriot 1, including: creating a DNA database from individuals that **have not** been convicted of a crime; increase surveillance without judicial supervision in cases not related to terrorism; and the ability to strip Americans of their citizenship based on their association with disfavored political groups.

Sources: [People for the American Way](http://www.pfaw.org). "The Patriot Acts: sneak Attack on Civil Liberties," <<http://www.pfaw.org/pfaw/general/default.aspx?oid=10786>>

The House of Representatives, voted of 280-138 to renew the Patriot Act. Republicans voted in favor of the measures 214-13; among Democrats, 66 voted for the renewal, and 124 voted against it. One Independent voted against renewal.

The Senate voted 89-10 to approve the compromise package: 95-4. Voting "no" with Sen. Feingold were two Democrats – Tom Harkin, the Senate's constitutional expert, Robert C. Byrd, and Sen. Jim Jeffords, an independent,

Renewal of the Patriot Act makes 14 of 16 temporary provisions permanent, and set four-year expirations on the others.

"Patriot Act compromise passes Senate, awaits House vote" CNN.com 3/7/06
"House approves Patriot Act renewal" CNN.com 3/7/06

Changes to Section 215 subpoenas, granted by the FISA Court. Recipients of National Security Letters now have a right to challenge the gag order of nondisclosure.

FBI was granted a 4-year sunset extension on conduction roving wiretaps, but some Democrats felt the reauthorization is irrelevant because the President seems to be "wiretapping at will."

"CongressRenews Patriot Act, with some changes"
Washington Post 3/8/06

Under the order of a Federal Judge, 5,000 pages of documents were released, including the names of some 315 current and former detainees at GITMO. About 490 detainees are currently held at GITMO. About 270 have been transferred or released.

"Pentagon Releases Detainees' Names"
Washington Post 3/4/06

As of 3/3/06, there are about 490 prisoners at GITMO; 55% of the detainees are not determined to have committed any hostile acts against the U.S. or coalition allies.

Only 8% of the detainees were characterized as Al Qaeda fighters; 40% have no definitive connection with Al Qaeda at all; 18% have no definitive affiliation with either Al Qaeda or the Taliban.

Only 5% of detainees were captured by U.S. forces. 86% of detainees were arrested by Pakistan or the Northern Alliance and turned over to the U.S. at a time when the U.S. was offering large bounties for the capture of suspected enemies.

"Gitmo: The Worst of the Worst?"
Village Voice, 3/3/06

There are over 600 prisoners from 44 countries who are being held for more than two years at Guantanamo Bay, Cuba. The Bush Administration had declared them "enemy combatants," legally outside the guarantees of the Geneva Convention, claiming exclusive power to interrogate them as long as necessary, with no guarantee of a lawyer or a trial to determine their guilt. The Supreme Court ruled that the Administration's war on terrorism is not beyond the rule of law and detainees must be given the right to judicial review and either charged with a specific crime or released.

Sources: Gearan, A. "Court Hears Test of How Detainees Handled," Associated Press. 20 April 2004. <<http://www.freerepublic.com/focus/f-news/1121640/posts>>
Mears, Bill "A Mixed Verdict on the War on Terror," CNN.com. 6 July 2004.
<<http://www.cnn.com/2004/LAW/06/28/scotus.terror.cases/index.html>>

In response to accusations that the President illegally conducted warrantless wiretaps, Senate Republicans proposed granting the President permission to wiretap U.S. citizens for 45 days without a warrant, with no limit how many times it could be renewed. Thus, in effect, it grants the President the legal cover for what he has been doing, although they continue to insist that what the President did was already completely legal.

"GOP plan would allow spying without warrants"
New York Times 3/9/06

ACLU obtained documents from the FBI that show the agency had monitored left-leaning groups. among these were anti-war groups that were peacefully handing out leaflets, calling the group "left wing organization advocating, among many political causes, pacifism."

"FBI Took Photos of Antiwar Activists in 2002"
Washington Post, 3/15/2006

The U.N. issued a report saying that the U.S. should shut down Guantanamo Bay Prison, and either release the detainees or put them on trial. The report also called upon the U.S. to refrain from practices that "amount to torture", including "cruel, inhuman or degrading treatment."

"U.S. Rejects U.N. Report on GITMO"
AP, 2/16/06