

# Our Vanishing Freedoms

## Americans Cherish Freedom

A recent nationwide survey by Michigan State University & sponsored by the National Science Foundation found:

- 66 percent opposed government monitoring of telephone and email conversations.
- 92 percent said they oppose government investigation of non-violent protesters.
- Nearly 55 percent said they were generally unwilling to allow the government broader powers to combat terrorism if those powers meant limiting traditional constitutional protections.

<http://www.ippsr.msu.edu/Publications/PBCivilLiberties.pdf>

*Give Me Liberty  
or Give Me Death!*

*- Patrick Henry*

Yet on October 25, 2001, Congress passed the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” known by its acronym, **USA PATRIOT Act (UPA)**. The UPA is just one of many new regulations which undermine our rights, including:

- Homeland Security Act (**HS**)
- Executive Orders (**EO**)
- Military Orders (**MO**)

Is the UPA ‘Uniting and Strengthening’ or divisive and destructive?

**Are these ‘tools’ - which limit the Bill of Rights - ‘appropriate’? You decide.**

### Our Constitution guarantees:

- Amend. 1 - Freedom of speech, to peaceably assemble and to petition the government for redress of grievances. **Peaceful protesters may be charged with domestic terrorism, a new, broadly-defined crime.** (UPA)
- Amend. 4 - The right not to be searched without probable cause and a court order stating the place to be searched, and the persons or things to be seized. **vs. Law enforcement may search medical, financial, educational, and library records and bookstore purchases. Record keepers may not divulge the search under penalty of prosecution (UPA); Under mere presumption of guilt, you, your car and your records may be searched.** (HS)

The right to be secure in your home with your papers and effects free from unreasonable search and seizure.

**vs. Government may search and seize Americans' papers and effects without probable cause and without informing them. Law enforcement may wiretap your phone & internet communications without a court order (UPA); Trace internet activity without court order; credit card search without notice (HS); Justice Department regulations prohibiting illegal spying have been lifted (EO).**

- Amend. 5 - No person shall be held to answer for a capital, or otherwise infamous crime... 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... **vs. Anyone may be jailed for 30 days without charges, and without a phone call; People may spy on others if in the ‘national interest’. (HS); The CIA and FBI may join in conducting covert activities against domestic groups, as was done in the 1960s to discredit leaders like Dr. Martin Luther King Jr. (EO)**
- Amend. 6 - The right to a speedy trial. **vs. Immigrants indefinitely detained on authority of the Attorney General (UPA); US citizen José Padilla has been held without charge since May, 2002 (EO).**  
The right to an impartial jury. **vs. Individuals suspected of terrorism may be prosecuted in secret military tribunals (MO); US citizen Yasser Esam Hamdi is being held without charge in a military prison (EO).**

### Is the PATRIOT Act *patriotic*?

Would it be more palatable if it were called APPLE PIE (American People’s Popular Legal Entitlements Pulled, Invalidated, Erased)?

According to a September 5, 2002 article by the Associated Press, under existing regulations, our government may:

- monitor religious and political institutions without suspecting criminal activity to assist terror investigation.
- monitor federal prison jailhouse conversations between attorneys and clients, and deny lawyers to Americans accused of crimes.
- jail Americans indefinitely without a trial.
- ...and our government **has**: closed once-public immigration hearings; secretly detained hundreds of people without charges; and encouraged bureaucrats to resist public records requests.

***The strength of the Constitution lies entirely in the determination of each citizen to defend it. Only if every single citizen feels duty bound to do his share in this defense are the constitutional rights secure. - Albert Einstein***

## **PATRIOT Act II?**

Even though the first USA Patriot Act has already given the government unprecedented powers to violate our civil liberties, the proposed Domestic Security Enhancement Act (commonly known as PATRIOT Act II) would (from the American Conservative Union <http://www.conservative.org/>):

- Authorize government electronic surveillance on individuals who have no ties to foreign governments or terrorist organizations. (Section 101)
- Expand the use of Nationwide Search Warrants to include non-violent acts. (Section 125)
- Allow law enforcement officials to secretly obtain credit reports without judicial procedure. (Section 126)
- Allow the government to secretly submit any evidence without notifying the defendant. (Section 204)
- Allow the government to collect DNA samples from individuals who have not consented or been found guilty of a terrorism-related crime and without a judicial order. (Section 302)
- Permit, without any connection to anti-terrorism efforts, sensitive personal credit and educational information to be shared with local and state law enforcement. (Section 311)
- Grant immunity to businesses and their personnel who provide information to the government in terrorism investigations, even if a report was false. (Section 313)
- Eliminate statute of limitations for nonviolent crimes listed as terrorism crimes, even when they create no risk of death or serious injury. (Section 408)
- Strip native-born Americans of all of their rights of United States citizenship by inferring intent to relinquish citizenship if they provide support to an organization they may not even know has been labeled a "terrorist organization." (Section 501)
- Remove "sunset provisions" that were to automatically expire some sections of the PATRIOT Act.

Compiled by Cape Codders for Peace and Justice which promotes decision-making which is democratic, respectful of racial and cultural diversity and advocates peaceful solutions to national and international problems.

Join CCPJ at a monthly meeting above the Cape Cod Community College cafeteria at 10:00 AM the first Saturday of each month (but the 12th of July).

[www.capecodpeaceandjustice.org](http://www.capecodpeaceandjustice.org) Box 1291, Wellfleet, MA 02667; [ccpj@earthlink.net](mailto:ccpj@earthlink.net)

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Congress should not only reject any new legislation which reduce our freedoms; it should insist that the Bush Administration stop stonewalling and outline how the new powers granted under the first USA PATRIOT Act have been used.

***They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. - Benjamin Franklin, 1759***



Read the US BILL OF RIGHTS at:  
[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/bill\\_of\\_rights/amendments\\_1-10.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/bill_of_rights/amendments_1-10.html)  
Read the USA PATRIOT Act at:  
<http://www.cdt.org/security/010911response.shtml>  
Read recent Executive Orders at:  
<http://www.fas.org/irp/offdocs/eo/index.html>  
And see the Bill of Rights Defense Committee at:  
<http://www.bordc.org/>

***If we gave up our freedom as the price of security, we would no longer be the great nation that we are. - Supreme Court Justice Ruth Bader Ginsburg***

## **Our treatment of immigrants.**

The Justice Department's Inspector General found: shortly after 9/11, 762 immigrants were detained; many were not charged for a month; average time held was 80 days; none have been charged with terrorism, yet some are still jailed; 84 were held in 23-hour lockdown and manacled when not in their cells; family members were falsely told they were not in detention; and no information has been released for 90 detainees.

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