

# US Congress set to approve sweeping attacks on civil liberties

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The Bush administration's "Mobilization Against Terrorism Act," sent to Congress this week, contains provisions that constitute a sweeping attack on civil liberties.

The White House did not wait for Congressional action, using its own authority to amend the rules on detention of legal immigrants and foreign visitors. The rules were changed to allow the Immigration and Naturalization Service to detain legal aliens and visitors for 48 hours instead of 24 hours before deciding whether to charge them with any crime, and to hold them indefinitely without charges when the president declares a national emergency. A national emergency has now been enacted, and federal authorities are presently holding 120 people picked up since the September 11 plane hijackings and attacks on the World Trade Center and the Pentagon, and are searching for another 190. Justice Department officials have announced that all those non-citizens held in connection with the terror attack will be subject to indefinite detention.

The proposed legislation will make it possible for the attorney general to detain and deport immigrants without presenting any evidence to a court. It would also make it easier for the FBI to tap telephones, obtain search warrants and follow the movements of money. The FBI and other police agencies would be able to seize billing information like credit card numbers from Internet companies without a court order. Evidence obtained through electronic surveillance by foreign governments with methods that violate the Fourth Amendment protection against unreasonable search and seizure would be allowable.

The legislation would also expand the definition of a terrorist to anyone who knows or "should know" that an organization they support in any way is a terrorist

organization. It will enable law enforcement authorities to obtain the educational records of any student they deem a suspected terrorist.

The newly formed In Defense of Freedom Coalition held a news conference on September 20 and released a statement expressing concern over hasty Congressional action. Jerry Berman, executive director of the Center for Democracy and Technology, said he fears the measures contemplated could "take away our protections under [the Constitution] and cast a broad surveillance net" over individuals. A spokesman for the American Civil Liberties Union said the legislation would subject immigrants to detention based on "no evidence, no hearings and no judicial review." An ACLU statement said that "there would be no hearing whatsoever and no opportunity to contest the attorney general's decision and no meaningful criteria for him to follow in making the decision. We remain concerned that the administration still appears to want to jettison even the most basic judicial oversight in the areas of wiretapping and immigration."

The plans for indefinite detention without charges or trial drew immediate comparisons to the internment of Japanese-Americans after the attack on Pearl Harbor and the US entry into the Second World War 60 years ago. "I think it's an apt analogy in terms of the potential for an immediate overreaction," said David Sobel of the Electronic Privacy Information Center. Sobel said the proposal "addresses issues that are well beyond the scope of fighting terrorism."

The draconian security measures and sweeping police powers are not expected to meet significant resistance in Congress, however. Leading Democrats, despite stated misgivings about certain elements of the legislation, made it clear that they will loyally line up behind the drive toward war and the accompanying

attacks on civil liberties.

Vermont Senator Patrick Leahy, the Democratic chairman of the Senate Judiciary Committee, expressed concern over the proposal for indefinite detention. At the same time, he made it clear he was prepared to accept almost every other provision of the legislation presented by Attorney General John Ashcroft.

“We probably agree on more than we disagree on,” said Leahy after meeting with Ashcroft. He said that he backed the demand for a major expansion of the government’s ability to carry out electronic surveillance, including broader authority for wiretaps of suspects as they move from telephone to telephone.

Connecticut Democrat Christopher Dodd predicted that Leahy and Ashcroft “will try to come up with a common set of proposals.” Leahy has drawn up his own package of counterterrorism legislation, not to fight the White House on this issue but rather to show that the Democrats had some ideas of their own about beefing up the federal police agencies.

Leahy proposed the creation of a counterterrorism and homeland security office led by a deputy FBI director. He also proposed the doubling of the number of federal judges who authorize surveillance of suspected terrorists and tripling the number of Border Patrol and US Customs Service agents on the US-Canadian border.

The bipartisan support for the attacks on democratic rights were underscored by a comment made by New York Senator Hillary Clinton. Asked whether racial profiling was justified, Clinton replied, “I think we have to do whatever it takes. And I believe Tuesday changed everything. We are in a war situation and we’re going to have to do things that people do in times of war.”

Senate Democrats also signaled their willing surrender to the war fever currently being whipped up when they abruptly shifted direction on two major issues this past week. They abandoned an attempt to stop the testing of Bush’s proposed antimissile defense system, and they also agreed to drop their opposition to the nomination of John Negroponte as US delegate to the United Nations. Negroponte played an infamous role as an aide for Henry Kissinger during the Vietnam War and then as ambassador to Honduras, where he worked closely with US-backed military regimes and death squads operating in Central America during the

Reagan administration.



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