

Bush "anti-terror" law mandates sweeping attacks on democratic rights

Kate Randall
31 October 2001

The bill signed into law last Friday by George W. Bush provides, in the name of combating terrorism, sweeping new powers to US police and intelligence agencies. It marks a major escalation in the assault on civil liberties and democratic rights.

Named the USA Patriot Act, the bill passed with overwhelming bipartisan support. It was pushed through Congress in five weeks—record speed for legislation that alters many aspects of the criminal justice code. The vote was 356 to 66 in the House of Representatives and 98 to 1 in the Senate. Only one senator, Russell D. Feingold, Democrat from Wisconsin, voted against the measure. Feingold complained of “relentless” pressure from the administration to move quickly on the bill “without deliberation or debate.”

The Bush administration began its campaign for the bill within a few days of the September 11 attacks. Many of its provisions attacking basic rights and constitutional safeguards have long been sought by sections of the political establishment. The Bush administration seized on the September 11 tragedy to advance the anti-democratic agenda associated most closely with the Republican right. It met with no serious resistance from Democratic liberals.

The USA Patriot Act defines domestic terrorism as “an attempt to intimidate or coerce a civilian population” or change “the policy of the government by intimidation or coercion.” The American Civil Liberties Union (ACLU) complained that this definition is so broad as to include political dissent by activists involved in protests against world trade, environmental policies or other issues. It is clearly broad enough to include labor strikes or other forms of working class struggle.

The bill provides intelligence and police officials new electronic surveillance authority and gives police agencies the power to carry out secret searches. Attorney General John Ashcroft announced Friday that the government

would immediately implement its provisions.

The Bush administration had sought the power to detain indefinitely and without charges immigrants suspected of terrorist involvement. While stopping short of this, the bill expands the time a terrorist suspect can be held in detention without being charged to seven days from the previous two days. Under some circumstances, however, immigrant detainees can be held virtually indefinitely.

If an immigrant is taken into custody, ostensibly for deportation purposes, and the attorney general declares the individual a threat to national security, the detention can be repeatedly extended for six-month periods. In addition, a deportee can be held indefinitely if his home country refuses to take him back.

The attorney general can bring deportation proceedings against an immigrant on the flimsiest of grounds, including the charge that the individual had “associated” with an organization or group designated by authorities as terrorist. Such “guilt by association” opens the way for excluding or deporting people from the US for ideological reasons, and flouts the basic rights of freedom of speech and expression.

Non-citizens, including legal permanent residents, can be denied reentry to the United States for engaging in speech protected by the First Amendment. It is left up to the attorney general and the Justice Department to determine which organizations are “terrorist.” An individual can be detained and deported simply for having crossed paths with a targeted group.

Ashcroft signaled his intention to utilize the full strength of the legislation in a speech last week in Washington to the US Conference of Mayors: “Let the terrorists among us be warned. If you overstay your visas even by one day, we will arrest you. If you violate a local law, we will ... work to make sure that you are put in jail and ... kept in custody as long as possible. We will use every available statute. We will seek every prosecutorial advantage.”

Expanded powers of surveillance in intelligence investigations include “roving wiretaps” covering multiple telephones. A judge can authorize surveillance not simply of a telephone line, but all phones used by a suspected terrorist, including cellular phones.

Existing rules governing the type of information that can be monitored in phone calls are now extended to electronic mail. A warrant can authorize surveillance not only of the content of e-mail, but also allow authorities to follow the addresses of incoming and outgoing e-mail, and the times messages are sent. Internet service providers can be ordered to provide authorities with the name, address and credit card information of customers who sign up for accounts with anonymous or screen names. The administration sought permanent authority for these increased powers of surveillance, but the final bill calls for their expiration after four years, at which time Congress will have the ability to renew them.

One of the most ominous provisions of the bill is the authorization of secret searches. Using a secret warrant, the Federal Bureau of Investigation (FBI) can break into homes or businesses to conduct such searches, without notifying suspects until after the fact. The government is not required to inform the suspect the content of that which was found or seized. Federal agents do not need probable cause to obtain this type of search warrant, only suspicion of involvement in a crime, and these regulations can be applied to routine criminal investigations unrelated to terrorism. Federal officials will also be allowed to obtain nationwide search warrants for terrorism investigations.

These provisions clearly contravene protections against arbitrary searches and seizures laid down in the Fourth Amendment of the US Constitution.

The bill also allows for intelligence wiretaps even if intelligence-gathering is only a minor reason for seeking the warrant. Warrants for intelligence gathering are governed by much looser standards than those obtained in criminal cases, and are often issued in secrecy.

Another provision of the law allows the FBI to share information collected during grand jury proceedings with the Central Intelligence Agency, giving the CIA domestic information it has been restricted from receiving in the past.

Credit, medical and student records can be retrieved secretly by federal agencies on anyone suspected of involvement in terrorism, after approval by a secret court, regardless of state privacy laws. Senator Feingold pointed out that this provision could be used to obtain the business

or medical records of someone “who might have sat on an airplane” with a suspected terrorist.

There are also banking provisions aimed at alleged money laundering by suspected terrorist groups. These include measures allowing the secretary of the treasury to impose sanctions on countries that refuse to provide information to American investigators on large depositors at US banks. American banks will also be banned from conducting business with so-called shell banks, institutions that have no physical facilities and are not part of a regulated banking system.

Criminal sentences for committing acts of terrorism, or harboring or financing suspected terrorists or their organizations, are increased. It is now illegal for individuals or groups to possess biological substances that could be used in a terrorist attack for any purpose other than a “peaceful” one, as defined by the government. A terrorist attack on a mass transit system now becomes a federal crime.

In the course of the government dragnet since September 11, the FBI, the Immigration and Naturalization Service and other law enforcement agencies have rounded up more than 1,000 suspects. On Monday, a coalition of civil rights groups called on the Justice Department to release the names of those detained or arrested since the terror attacks.

The 20-member coalition—including the ACLU, the American Immigration Lawyers Association, Amnesty International, and Arab-American and Muslim organizations—has filed a Freedom of Information request demanding the government release not only the identities of the detainees, but also the nature of the charges filed against them, the dates they were detained and where they are being held.

Kate Martin, director of the Center for National Security Studies, declared, “The secret detention of more than 800 people over the past few weeks is frighteningly close to the practice of ‘disappearing’ people in Latin America.”

The new “anti-terror” law is designed to legitimize and expand precisely such police-state practices.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact