

Widening assault on democratic rights in US

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In the aftermath of September 11 the Bush administration has carried out a sweeping attack on civil liberties. This has involved the detention of hundreds of immigrants, “voluntary” interviews of Middle Eastern men, the authorization of military tribunals to try suspected terrorists, censorship of the press and the granting of increased powers to the police, the Federal Bureau of Investigation (FBI) and other agencies. In the name of the “war on terrorism” the government has used these measures to crack down on political dissent and intimidate opponents of US militarism and foreign policy.

Below we report of a number of cases of attacks on democratic rights. We encourage our readers to send information about other incidents to editor@wsws.org

Human Rights Watch denied access to detainees

The Federal Bureau of Prisons and the Immigration and Naturalization Service (INS) have denied Human Rights Watch access to detention centers that hold people arrested in relation to the September 11 terrorist investigation. The INS has also said that it cannot provide information regarding a Pakistani citizen who died in its custody unless Human Rights Watch produces a document with the man’s signature indicating his consent to the release of information. The man, Mohammed Butt, died on October 23 allegedly of unspecified heart problems.

“The government is saying ‘trust us,’ but democracies require more than trust, even in difficult times,” said Allyson Collins, senior researcher at Human Rights Watch. “No good comes from keeping the public in the dark about how detainees are treated.”

Human Rights Watch, the largest US-based human rights organization, requested permission in October and November to visit four jails and detention centers holding people detained in connection with the terrorist investigation. The group has now received denials for visiting three of the facilities and awaits a response to the fourth request.

The INS district director in Newark turned down access to the Hudson County Correctional Center on November 30, saying that interviewing detainees would not be feasible given the “extraordinary” circumstances. The wardens of the Metropolitan Correctional Center in Manhattan and the Metropolitan Detention Center in Brooklyn sent identical letters on December 6, which stated that the events of September 11 required them to minimize “activities not critical to the day-to-day operations of the institution.” Human Rights Watch’s request to visit Passaic County Jail in Paterson, New Jersey is still pending.

Human Rights Watch, which conducts jail and prison investigations around the world, requested permission to visit the facilities because it was concerned by reports of inappropriate treatment and infringement on detainees’ rights. Since that time, interviews with former detainees and attorneys representing detainees have reinforced those concerns.

Muslims detained in New Jersey end hunger strike

Muslims held in custody at a New Jersey detention center since shortly after the September 11 attacks have ended a hunger strike called to protest their continued detention. Seven detainees in the Hudson County Jail in Kearny and about a half-dozen in the Passaic County Jail in Paterson began eating and drinking again over the last several days after being reassured by the INS that their cases are progressing.

The agency did not make any specific promises, but listened to the detainees’ complaints about their prolonged incarceration and other grievances, such as the lack of halal food prepared according to Muslim religious law.

The detainees are being held on immigration charges, in most cases after the FBI has questioned them and decided it has no further need for them in the terrorism probe.

The detainees began the protest in mid-November to coincide with the start of the Muslim holy month of Ramadan. They said they were frustrated that the government continues to hold them when many have been cleared for release by a judge and have volunteered to be deported.

Nationwide, according to the last figures released by the Justice Department, 1,182 people have been arrested or detained since the September 11 attacks, and 350 to 400 have been released. About 548 people have been charged with violating immigration laws and are in the custody of the INS, and 55 are being held on federal charges ranging from fraud to forgery. Nearly all are from Middle Eastern countries.

Pakistani victim of hate crime faces immigration charges in Oklahoma

Mohammed Yaseen Haider, 22, the president of the Pakistani Student Association at the University of Oklahoma in Norman, was charged with immigration violations after reporting that three men had assaulted him, shouting racial slurs, in the parking lot of the convenience store where he was working on September 16. Some time after reporting the incident to Norman police and university officials, FBI agents requested copies of Haider’s complaint.

INS and FBI agents are refusing to say what charges the young man faces. Haider was a neighbor of Hussein al-Attas and Mukkaram Ali, two former University of Oklahoma students who are in custody for questioning in the investigation of the World Trade Center attack. The authorities want to know what Attas and Ali can tell them about Zacarias Moussaoui, who has been charged with being part of the hijacking plan. Mr. Attas once roomed with Moussaoui in Norman.

West Virginia judge bars anti-war shirts in high school

A judge ruled in early November that a 15-year-old high school student could not establish an anarchy club or wear T-shirts opposing the US military campaign in Afghanistan because it would disrupt school. Katie Sierra had been suspended from Sissonville High School for three days for promoting the club. She was also told she could not wear T-shirts with messages such as: “When I saw the dead and dying Afghani children on TV, I felt a newly recovered sense of national security. God Bless America.”

In a complaint filed with her mother, Sierra argued her right to free speech was being denied. Circuit Court Judge James Stucky agreed that free speech is “sacred,” but found that such rights are “tempered by the limitations that they ... not disrupt the educational process.” Sierra said she would pursue the dispute.

“I don’t want war. I’m not for Afghanistan,” Sierra said. “I think that what we’re doing to them is just as bad as what they did to us, and I think it needs to be stopped.”

James Withrow, lawyer for the Kanawha County Board of Education,

argued that an anarchist club was inappropriate because students “do not feel that their school is a safe place anymore. Anarchy is the antithesis of what we believe should be in schools,” Withrow said.

Sierra’s attorney, Roger Forman, said she is “being punished for expressing her opinion.”

US not required to pay legal fees of cleared terrorism suspects

The Justice Department should not have to pay legal fees to suspects accused of terrorism and later cleared if a judge rules the authorities were justified in pursuing a case, a federal appeals court declared this week.

The ruling involves Hany Kiareldeen, a Palestinian immigrant jailed without charges for 19 months based on secret evidence and subject to deportation. Kiareldeen was arrested in Passaic, New Jersey in March 1998 for overstaying his visa. He was later accused of participating in the conspiracy to bomb the World Trade Center in 1993, and plotting to kill former Attorney General Janet Reno. The FBI gave him only declassified summaries of the evidence against him.

The case gained national attention when an immigration judge reviewed the secret evidence and ruled that Kiareldeen should not be deported. US District Judge William Walls in Newark ordered his release and ruled it was unconstitutional to deport him based on such evidence. Walls later ordered the government to pay \$110,743 to Kiareldeen’s attorneys.

The 3rd US Circuit Court of Appeals reversed Walls on the legal fees ruling, saying the government was “substantially justified” in relying on secret evidence to try to deport a suspected terrorist.

Both the immigration judge and Walls found the government’s case lacking. Walls said the government’s evidence was unreliable and noted that federal authorities never charged Kiareldeen with a crime.

New York *Newsday* pulls comic strip

In October *Newsday* reported that it pulled the comic strip “The Boondocks” from its paper because it criticized US support of Osama bin Laden during the Soviet-Afghan war. *Newsday* maintains it took the action so as not to offend New Yorkers.

Senate passes measure to protect US military forces from World Court

The US Senate on December 7 passed the new American Servicemembers Protection Act (ASPA) that would empower the president to use “all means necessary and appropriate” to free any American detained by the International Criminal Court, which prosecutes individuals accused of genocide, crimes against humanity, and war crimes. The Senate also prohibits cooperation of any kind with the court.

The House passed its version of the ASPA in May. The House version would restrict foreign aid to other countries unless they prevent American troops within their borders from being delivered to the court. The Senate version does not include such a provision and also gives the US president a broader power to waive the restrictions on cooperation with the court and its supporters.

All of the United States’ allies in NATO strongly support the International Criminal Court, and most have already ratified the ICC treaty. Among the handful of states opposing the treaty are Iraq, Libya and Yemen.

News photographer detained under treason law

Police detained a Vermont news photographer November 28 after he took photos of Vermont Yankee, a nuclear power plant in southern Vermont. Jason Henske was taking pictures for an article for the *Brattleboro Reformer*, which has been publishing a continuing series on safety at the power plant. Henske was not on the property of the plant when he took the pictures, but was detained two hours before being released with his camera and photos.

State Attorney Dan Davis said taking pictures of a nuclear power plant when the nation is at war can, depending on the circumstances, be a felony carrying a penalty of up to 10 years in prison. Davis cited a Vermont statute, which states under “Treason and other offenses against the

government” that a “person who, without permission of lawful authority, while the United States is at war or threatened with war, makes or attempts to make any map, drawing, plan, model, description, or picture of any military camp, fort, armory, arsenal, bridge, road, canal, dockyard, telephone or telegraph line or equipment, railway or property of any corporation subject to the supervision of the public service board, or of any municipality or part thereof, shall be imprisoned for not more than 10 years.”

US officials bar protests at Chicago’s federal plaza

The American Civil Liberties Union of Illinois has asked a federal judge to lift the indefinite closure of Chicago’s federal plaza to any sort of demonstrations. The measure was enacted following the September 11 events. The plaza, located near two central federal buildings in downtown Chicago, has long been considered a traditional gathering place for rallies and demonstrations involving government policies—from the death penalty, to abortion rights, to previous military actions. Citing “security concerns,” the General Services Administration closed the plaza for the duration of 2001 and has refused to commit to a time when permits again will be issued for activities there.

Press censorship in Afghanistan

US Marines in the Kandahar region rounded up reporters and photographers on December 6 to prevent them from broadcasting news about the US troops who were killed and wounded by a stray American bomb. When the casualties were brought to a Marine base, a dozen or so reporters and photographers in the Pentagon press pool were confined to a warehouse and were unable to interview or take even limited pictures of the wounded, their doctors or troops involved in the rescue. Three special forces soldiers were killed in the incident.

The action even provoked protests from media officials who have acted as a virtual propaganda arm of the Pentagon since the war began. Jill Abramson, the Washington bureau chief of the *New York Times*, said: “This was a gross abuse of the ground rules for the press pool. It is very difficult to understand what operational security issues would have been violated by allowing the reporters access to the efforts to recover and evacuate the wounded.”

The Pentagon, which clearly wants to prevent any pictures of dead or wounded US soldiers from reaching the American public, said through a spokesperson that “errors were made” and commanders in the field would be reminded of the importance of giving the press access to important news events.

FBI raids homes of Pakistani-born city officials in Chester, Pennsylvania

In mid-November, 30 FBI SWAT team members, some in protective biohazard suits, raided the homes of three Pakistani-born city officials in Chester, Pennsylvania, allegedly as part of an investigation into anthrax attacks in the US. The FBI agents jumped out of black sport utility vehicles and rushed the homes with battering rams. They set up decontamination tents for hazardous materials, but sources say they did not find any equipment used to grow or process anthrax bacteria.

Chester Health Commissioner Irshad Shaikh, 39, answered the FBI’s questions but said he had “no idea” what the agents were looking for when they ransacked the three-storey home he shares with his brother, Masood Shaikh, who works in a city program that combats lead poisoning. The FBI also searched the nearby home of a third Chester official, city accountant Asif Kazi, 39.

Two law enforcement officials, speaking anonymously, said the raid was prompted by specific information that was solid enough for the FBI to obtain search warrants but that did not appear to have been borne out.

The three men were described by colleagues as diligent employees who work long hours, are devoted to their jobs and are well liked by their co-workers. “There’s never been a concern, never a complaint, never a reason for them to be suspected of any wrongdoing,” said Dominic

Pileggi, the mayor of Chester, a city of 37,000 people, 15 miles south of Philadelphia.

Socialist Workers Party candidate fired in Miami for criticizing war

On October 22, Goodwill Industries of South Florida fired a member of the Socialist Workers Party who ran for mayor of Miami because he was a “subversive” presence in the company. Dennis Pastrana, chief executive officer of the nonprofit organization, had Michael Italie fired October 22 after reading campaign pamphlets that criticized the United States for its presence in Afghanistan and supported Fidel Castro.

“His political beliefs are those of a communist who would like to destroy private ownership of American enterprises and install a communist regime in the United States,” Pastrana said. The company official also said he researched the matter and fired Italie after receiving legal advice from lawyers he knows. He said he realizes he could not fire someone based on gender, race, religion or sexual orientation, but he believes firing someone for political views is legal.

Italie had a minimum-wage job sewing jackets for the military. He worked at Goodwill’s Allapattah factory for seven months. Goodwill of South Florida has a multimillion-dollar contract with the US government to produce clothes for the military and flags that will be used to adorn the coffins of soldiers killed in action, Pastrana said. “Goodwill will not allow anyone to bring dishonor to such an important symbol,” Pastrana commented.

A civil liberties attorney said that while it may not be illegal to fire an employee based on political views, it sets a dangerous precedent of stifling political discourse in the wake of the September 11 attacks. “I find it kind of ironic that a company making American flags is firing somebody for having diverse points of view,” William Amlong said.

Biological attack plan includes rounding up victims in sports stadiums

In the event of a bio-terrorist attack public health officials want to be able to close roads and airports, herd people into stadiums, and, if necessary, quarantine entire infected cities. All 50 state governors received copies of a proposed law, drafted at the behest of the Centers for Disease Control, which would give states immense power to control their populations.

Speaking about the proposed Model State Emergency Health Powers Act, Georgetown and Johns Hopkins Professor Lawrence Gostin, who helped draft it, said the question of quarantines “is probably the biggest issue because it involves the liberty of individuals in the public.” He said the proposals would give officials authority to take control of hospitals or stadiums to house quarantined people. Asked the hypothetical question of whether a National Guardsman would shoot a grandmother trying to evade quarantine, Gostin said, “You have to use all reasonable force.” Sometimes, he added, that could mean lethal force.

Peace activist questioned by FBI

In late September the FBI questioned Kate Raphael, a participant in the Women in Black peace movement. Raphael said she was contacted by an FBI agent within hours of speaking at another peace group’s vigil. When she and her lawyer refused to talk, Raphael said the agent threatened her with a subpoena.

Women in Black is a movement comprised of Jewish and Arab activists who advocate an autonomous Palestinian state. During their vigils they stand silently, dressed in black, and hold signs calling for an end to the Israeli occupation. Raphael, a resident of Berkeley, California, said when she returned to her home the night of the demonstration she found an answering machine message from an FBI agent requesting an interview regarding Women in Black and who she might know in the Middle East.

“I felt those were not questions I was willing to answer,” Raphael commented. “I’m not willing to discuss my constitutionally protected political work with the government. I know I don’t have any information that would be relevant to their investigation,” she added. After her lawyer

contacted the FBI, Raphael received a second message from the agency. She explained that she was told that “Women in Black is not a target, they don’t suspect us, but they want to talk to me. She said if I didn’t come in to see her soon, she’d probably have me subpoenaed to the grand jury.”



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