

CIVIL RIGHTS & The Drums of War

"Beware the leader who bangs the drums of war in order to whip the citizenry into a patriotic fervor, for patriotism is indeed a double edged sword. It both emboldens the blood, just as it narrows the mind. And when the drums of war have reached a fever pitch and the blood boils with hate and the mind has closed, the leader will have no need in seizing the rights of the citizenry. Rather, the citizenry, infused with fear and blinded by patriotism, will offer up all of their rights unto their leader and gladly so. How do I know? For this is what I have done. And I am Caesar." -Julius Caesar

White House spokesman Ari Fleischer set the tone for the coming assault on civil liberties on Sept. 26, 2001, denouncing comments made on the ABC-TV show "Politically Incorrect". Fleischer warned that all Americans must "watch what they say and what they do." On Sept. 30, US Supreme Court Justice Sandra O'Connor told an audience at the NYU Law School, "We're likely to experience more restrictions on our personal freedom than has ever been the case in this country... [The attacks] will cause us to reexamine some of our laws pertaining to criminal surveillance, wiretapping, immigration and so on."

By early October, both houses of Congress had passed a version of the USA PATRIOT Act ("United and Strengthening America," in the Senate Oct. 11, and "Providing Appropriate Tools Required to Intercept and Obstruct Terrorism" in the House Oct. 12) by overwhelming margins across party lines. The House bill was 186 single-spaced pages and unavailable in time to be read. Congressman Barney Frank (D-MA) said, "What we have today is an outrageous procedure. A bill, drafted by a handful of people in secret, comes to us without a committee review and immune to amendment."

USA PATRIOT Act

Worse than the reckless way the bill zipped through Congress, the Act gives unprecedented new powers to police agencies: eavesdropping on the internet without a court order, indefinite detention of non-citizens and secret courts for foreign intelligence investigations. The definition of "terrorism" in the bill also appears to apply to citizens, such as striking union workers, picketers outside abortion clinics and protesters outside meetings of the World Trade Organization. The Act is so draconian, at least seven US cities have passed resolutions calling it a threat to their residents' civil liberties.

- "Sneak and peak" provisions in the Act allow authorities to enter anyone's home or office, and look around without notifying the owner. This applies in all criminal investigations, not just "terrorism" cases. Attorney General John Ashcroft - who accused civil libertarians raising concerns about the government's treatment of prisoners of "aiding the terrorists" - is empowered to make the regulations for this section. For example, Ashcroft has decided that he and his staff can now monitor attorney-client conversations, once confidential. The CIA is also now allowed to spy domestically.
- The right to a fair trial, long enshrined in the Sixth Amendment, is no longer for everyone. According to the Act, the Immigration and Naturalization Service (INS) can now detain legal immigrants on the Attorney General's word - without evidence - that they are either "terrorists" or, even more vaguely, "threats to national security." The law

also strips immigration detainees of their previous right to court-appointed counsel. In essence, if they can't afford an attorney, they have no rights at all.

- Roving wiretaps are no problem under the Act. Law enforcement officials previously had to appear before a federal judge and show "probable cause" for permission, but the Act allows a *secret court* to allow wiretapping at any time for any phone, *regardless of whether the person spied upon is the target of any investigation*.

COINTELPRO for a New Millennium

Soon after the USA PATRIOT Act's passage, authorities asked 5000 people of Middle Eastern descent to "volunteer" for an interview. Federal law enforcement agents have detained another estimated 1200 people without charges, as "material witnesses" or on minor immigration violations. Officials have refused to release the names, whereabouts, or (finally) the updated numbers, of those detained. A federal judge recently ordered the FBI to release the detainees' names, but complained she had no idea how many people are now in detention.

- Rabbih Haddad is one. He has reportedly been in solitary confinement, charged with no crime, since Dec. 14. The INS moved Haddad on Jan. 17 from Ann Arbor, MI, to Chicago, where Women in Black and other groups protested - along with his wife and children, who now face deportation.
- Lynne Stewart, champion of "unpopular" causes and attorney for one of the detainees, joined them April 9, when federal agents arrested her and searched her apartment for documents. Authorities accused Stewart of "aiding the terrorists," based on (once confidential) conversations with a client.
- Ahmed Bensouda, a secular Palestinian activist in Champaign-Urbana, is another. Although his May 30 arrest was officially for a technical visa violation, Bensouda appeared in handcuffs and leg irons, and prosecutors asked the judge to bar the public from his hearing so they could present "secret evidence". Bensouda is currently out on bond, after spirited protests and intense legal maneuvering.
- Jouat Abouazza is another Palestinian activist arrested the same day in Cambridge on a traffic violation. Federal officers reportedly interrogated Abouazza as a "suspected terrorist" and detained him for weeks without charging him with any crime.

For the FBI this behavior is not new. Its infamous COINTELPRO ("counter-intelligence program") of the 1960's and 70's targeted activist groups for disruption and individual dissenters for smear campaigns, frame-ups and even assassination. The Rev. Martin Luther King Jr., the American Indian Movement and the Black Panther Party were among the most famous targets. A court ordered the FBI to pay almost \$2 million to the family of Black Panther activist Fred Hampton, killed in an FBI raid for which an inside informant had provided agents a detailed floor plan.

But the FBI's skullduggery continued long after public scandal shut down COINTELPRO, targeting Latin American support groups, environmentalists and others. This June, a court awarded two Earth First! organizers, Darryl Cherney and Judi Bari (now dead), over \$4 million dollars after a jury found the FBI guilty of framing them in the bombing of their own car in 1990. What is new is that now it's legal.

Plus: Citizen Spies

In his State of the Union address, President Bush encouraged every American to devote 4,000 hours to “national service.” He then signed an executive order establishing the “USA Freedom Corps”, absorbing the Peace Corps, AmeriCorps and SeniorCorps, and creating Citizen Corps (“[to] engage citizens in homeland security”). Both AmeriCorps and SeniorCorps will now help local police with “fingerprinting”, and AmeriCorps will support “faith-based organizations”. CitizenCorps consists of several new programs.

- Operation TIPS (“Terrorist Intervention and Prevention System”), for one, originally planned to recruit millions of American “truckers, letter-carriers, ... utility employees” and others as citizen spies, reporting suspicious activities with little or no training and a great deal of homegrown bias. After loud public outcry, led by the American Civil Liberties Union (ACLU), the operation dropped letter carriers, utility workers and others with regular access to individual homes, but continues with others.
- Neighborhood Watch Programs, for another, now have a “new significance”, as part of a government surveillance network - described by the ACLU as “fear-mongering and fueling the already rampant ethnic and religious scapegoating.” Now neighbors will be snooping on neighbors, denouncing them for “unpopular” speech, beliefs and associations. In March, Attorney General John Ashcroft announced a \$1.9 million grant to help the National Sheriff’s Association double the number of Neighborhood Watch Programs to 15,000 nationwide.

What Can YOU Do?

Join the thousands of Americans and others who are speaking out against the radical degradation of our hard-won civil rights: write a letter to the editor, call or write your elected representatives, and work with others who are opposing this insanity.

AWARE, the local Anti-War Anti-Racism Effort, meets weekly at 5:00 pm Sundays at the Independent Media Center [address]. All are welcome.

August 2002

