

Orange Alert for Civil Liberties
Beware of the "Domestic Security Enhancement Act"
The Bush Administration Already Is At War -- Against Your Freedom
ReclaimDemocracy.org

Even after the draconian measures of the "Patriot" Act, George W. Bush and company apparently think Americans are too free and that we cannot be trusted to know what further infringements on our freedom are being planned.

The Justice Department's plans for a "Domestic Security Enhancement Act of 2003" were revealed only through a leak to the Center for Public Integrity, which made the document public on February 7. Dick Cheney and House Speaker Dennis Hastert are the only recognizable elected or quasi-elected officials documented as having obtained the document, which is marked "Confidential: Not for Distribution Draft Jan. 9, 2003."

You can read our summary below or our latest op-ed, published February 11 by Pacific News Service. The full draft legislation is available in three formats: PDF, HTML, and text-only.

Consequences of the proposals in the draft DSEA

If introduced and passed as drafted, the Act would:

- **Section 201: Revoke portions of the Freedom of Information Act** (pp. 13-14 of pdf). Your right to obtain information about a friend or family member detained by the government in connection with any activity deemed "terrorist" would be revoked. This is incredible in lieu of the fact that the Freedom of Information Act already allows for the government to withhold such information if its disclosure could hamper investigation of other suspects or events (exemptions 7a, 7c, 7f, in 5 U.S.C. 552b7).

The Act also would prevent you from having reasonable access to information about threats to your health and community, such as levels of toxic emissions (Section 202). The Act refers to such information as "a roadmap for terrorists." The result: you'll have to trust the Bush Environmental Protection Agency to disclose any corporate activities that pose a threat to you and your family.

- **Section 501: Allow the Bush Administration to revoke your residency or U.S. citizenship**. Perhaps the most alarming, this section would give the Justice Dept. power to revoke a person's permanent resident alien status or even U.S. citizenship for participating in, or "providing material support to . . . a terrorist organization." Since the 2001 "Patriot Act" redefined "terrorist activity" so broadly that minor vandalism could qualify, donating to a nonprofit organization that, unknown to you, is on

Ashcroft's disfavored list could end your life as an American citizen and resident.

- **Section 312: Invalidate state legal consent decrees** that seek to curb police spying on U.S. citizens, regardless of any tangible evidence of criminal activity. This effectively re-authorizes the CIA and FBI to engage in domestic terrorism against activist groups (*a la* COINTELPRO); practices that were made illegal after the well-documented abuses of the 1960s.

If you think we overstate by using the term *domestic terrorism* to describe the FBI and CIA activities, please inform yourself about this critical history. The Church Committee report (officially the *Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the United States Senate*, 94th Congress, 2nd Session, 1976) is a good starting point. See www.cointel.org for that and much more material.

- **Sections 301 -306 allow the government to force U.S. citizens to allow invasive collection of DNA samples** if the Administration considers someone a "suspected terrorist."

These are just initial observations; it will take some time to fully understand the consequences of these proposals. The Act also would authorize the Justice Department to conduct secret searches of the home of any suspected terrorist for 15 days after any "national emergency," rather than after a formal declaration of war, as in current law. Wiretaps of U.S. citizens for longer periods and with less court oversight are another proposal.

When confronted with the leaked legislation draft, Justice Department spokesperson Barbara Comstock claimed that the document represented merely "staff discussions." You can see the draft legislation yourself and decide if such claims by Bush Administration officials are credible. We urge you to at least scan the "Security Enhancement Act" for yourself, especially if you think we exaggerate the threats to our freedom. Even a casual read should quickly dispel that idea. Then please join us in working to preserve our Constitutional rights.

"A time comes when silence is betrayal.... Even when pressed by the demands of inner truth, men do not easily assume the task of opposing their government's policy, especially in time of war ...

"We are called to speak for the weak, for the voiceless, for the victims of our nation, for those it calls "enemy," for no document from human hands can make these humans any less our brother."

--Martin Luther King, "Beyond Vietnam," Address delivered to Clergy and Laymen Concerned about Vietnam, at Riverside Church, NYC, 4 April 1967

Action Suggestions

Please call, fax, or write to your U.S. Representative and Senators to voice your opinion on the measures noted in the draft "Domestic Security Enhancement Act of 2003," but be aware that no member of Congress except House Speaker Dennis Hastert had been sent this draft as of February 7. You can reach any congressional representatives **toll-free** at 1-800-839-5276 or (202) 224-3121 (Capital Switchboard), or look up their other contact information.

Only through raising public dialogue can we hope to thwart this massive expansion of government and corporate power at the expense of civil liberties. Your letters to the editor, calls to talk radio (especially conservative shows), and discussion with family and friends all are meaningful and necessary actions. We are happy to offer help with any letter-writing, and our summary provides excellent material to excerpt for adapting to your own voice (but please don't use it verbatim -- editors are wary of form letters).

You also can work to pass a local resolution in support of civil liberties and opposing the "Security Act" or other attacks on freedom, as 32 U.S. towns and cities have already done. See our **Civil Rights index page** for more. Stay informed on this critical issue by subscribing to our monthly e-mail update.

For newcomers to ReclaimDemocracy.org, our About Us page is a good place to get a feel for the scope of our work. Our home page also offers a good overview.

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