

Questions About the Patriot Act

What is the Patriot Act?

The USA PATRIOT Act, passed on October 26, 2001, in the wake of the September 11th terrorist attacks, grants sweeping new powers to law enforcement and intelligence gathering authorities. Many of these powers can and are being used to undermine and otherwise violate the United States Constitution and the Bill of Rights.

Why should I oppose it?

Among other things, the Patriot Act offers a broad definition of terrorism which could ultimately subject non-terrorist political groups to surveillance, wiretapping, harassment, and criminal action (§802); allows law enforcement to conduct secret searches, perform roving wiretaps, and gain access to highly personal medical, financial, mental health, and student records (§206 and §507); authorizes law enforcement officials to force librarians and booksellers to hand over book check-out and internet use records (§215); allows FBI agents to investigate citizens for criminal activity without probable cause if they say it is for “intelligence purposes” (§218); allows law enforcement to search a person’s home without anyone present and to delay notification indefinitely (§213); and gives the attorney general arbitrary power to incarcerate and deport non-citizens (§412). It threatens our most essential and sacred constitutional rights and liberties, including

- The rights to free speech, assembly, and association, and freedom of religion;
- The right to privacy;
- The right to a speedy and public trial by an impartial jury;
- The right to counsel and due process in judicial proceedings;
- The right to equal protection under the law; and
- The right to protection against unreasonable searches and seizures.

Don’t we have to give up some of our rights to be safe?

No! There is no inherent conflict between national security and the preservation of liberty; Americans can be both safe and free. If we lose our rights, the terrorists will have won. In the words of Benjamin Franklin: “Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.” Besides, the Patriot does little to actually make us more safe. While it does give law enforcement and intelligence gathering authorities a variety of new tools to collect information, but does nothing to improve the analytical tools needed to make sense of information and thwart terrorists.

Doesn’t the Act have positive aspects too?

Yes. Our resolution is only against those provisions of the Act which are a direct threat to constitutionally guaranteed rights and liberties.

Won't the courts protect us from violation of our liberties?

In many cases, the Patriot Act removes judicial oversight of the executive branch (including the attorney general and the FBI). For example, a judge **must** rubber-stamp an FBI request for access to your medical history, financial records, even the list of books you borrow at the library. And, because many activities under the Patriot Act are secret, it is hard to bring a case to court since you can't show that you were affected by the law.

Doesn't the Patriot Act has a "sunset" provision?

Several, but not all, of the provisions of the Patriot Act are due to expire unless renewed by Congress before the end of 2005. Sen. Orin Hatch (R-UT) wanted to remove the sunset provisions the only reason many legislators agreed to vote for the law in the first place. Luckily, Sen. Hatch's idea was rejected by his fellow Senators at least for now.

Isn't there already legislation against it?

Rep. Bernie Sanders (I-VT) has introduced the Freedom to Read Protection Act, which would remove the power the FBI now has to force libraries and booksellers (such as your local bookstore or Amazon.com) to hand over lists of what you read. Though the Sanders bill is gaining co-sponsors, it hasn't been passed, and it affects only a small part of the Patriot Act. There is still much more to be done.

What is this resolution all about?

The USA PATRIOT Act and related acts and orders passed since September 11th pose a real and serious threat to American freedom and the American way of life. But this threat will not be met without resistance. The San Mateo County Bill of Rights Defense Committee's resolution seeks to protect the citizens and residents of our community from infringement upon their civil liberties and rights.

Are there other resolutions?

As of April 28, 2003, resolutions have been passed in 93 communities and one state, representing approximately 7.8 million people who oppose the USA PATRIOT Act.

Aren't only liberals against it?

Conservatives, who have traditionally stood for limited government and individual liberty, are as deeply troubled by the Patriot Act as liberals. Prominent conservatives against the Act include David Keene (President of the American Conservative Union), Grover Norquist (President of Americans for Tax Reform), Lori Waters (Executive Director of the Eagle Forum), Phyllis Schlafly (founder of the Eagle Forum), William Safire (columnist for the New York Times), Rep. Ron Paul (R-TX), and former

Republican members of Congress Bob Barr (now working for the ACLU!) and Dick Arney.