
Bush Signs Anti-Terrorism Law

Will USA Patriot Act foster harassment of legitimate political dissent?

President Bush signed a new “anti-terrorism” law Oct. 26 that grants law enforcement authorities sweeping new surveillance powers that are not limited to terrorism investigations but also apply to criminal and intelligence investigations and to investigating instances of political dissent. The American Civil Liberties Union’s website includes factsheets on various aspects of the new terrorism law, including the one printed below on the Anti-Terrorism Law and the Right to Dissent. For more information go to: www.aclu.org/congress/archives.html.

BY THE AMERICAN CIVIL LIBERTIES UNION

Section 802 of the final version of the anti-terrorism legislation, the Uniting and Strengthening America By Providing Appropriate Tools Required To Intercept and Obstruct Terrorism (H.R. 3162, the “USA PATRIOT Act”) creates a broadly defined new crime of domestic terrorism.

We oppose this definition of terrorism because it is unnecessary and could be used to prosecute dissidents. Under federal law there are already three definitions of terrorism — international terrorism, terrorism transcending national borders, and federal terrorism. The Sept. 11 attacks violated all three of these laws.

Under Section 802 of the USA PATRIOT Act, a person commits the crime of domestic terrorism if within the U.S. they engage in activity that involves acts dangerous to human life that violate the laws of the United States or any state and appear to be intended: (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.

The Administration has not adequately explained why this new crime should be created or why the definitions in existing anti-terrorism laws are insufficient. This over-broad terrorism definition would sweep in people who engage in acts of political protest if those acts were dangerous to human life.

People associated with organizations such as Operation Rescue and the Earth Liberation Front, and the World Trade Organization protesters, have engaged in activities that could subject them to prosecution as terrorists.

Under the USA PATRIOT Act, once the government decides that conduct is “domestic terrorism,” law enforcement agents have the authority to charge anyone who provides assistance to that person, even if the assistance is an act as minor as providing lodging. They would have the authority to wiretap the home of anyone who is providing assistance. Also, the government could

prosecute the person who provided their home under a new crime of “harboring” a terrorist (Section 803) or for “providing material support” to “terrorists.”

The ACLU does not oppose the criminal prosecution of people who commit acts of civil disobedience if those acts result in property damage or place people in danger. That type of behavior is already illegal and perpetrators of these crimes can be prosecuted and subjected to serious penalties. However, such crimes often are not “terrorism.”

The legislative response to terrorism should not turn ordinary citizens into terrorists. In addition, this provision gives the federal government the authority to prosecute violations of state law, which should be prosecuted in state courts, not in federal court. ■

Additional Factsheets

The ACLU website has update factsheets on how the new anti-terrorism law:

- Expands Law Enforcement “Sneak and Peak” Warrants
- Puts Student Privacy at Risk
- Permits Indefinite Detention of Immigrants Who Are Not Terrorists
- Puts Financial Privacy at Risk
- Limits Judicial Oversight of Telephone and Internet Surveillance
- Allows for Detention of People Engaging in Innocent Associational Activity
- Enables Law Enforcement to Use Intelligence Authorities to Circumvent the Privacy Protections Afforded in Criminal Cases
- Puts the CIA Back in the Business of Spying on Americans

Teaching Ideas

Divide students into nine different research groups and have them read the portion of the law referred to in the ACLU factsheet/critique, along with the factsheet itself. Perhaps students could also locate one or two additional sources.

Each group should be responsible for teaching the rest of the class about its portion of the bill, and raising critical questions for discussion. Teachers might also encourage students to come up with a number of hypothetical situations to exemplify how the law could play out in practice. Or teachers might write up some situations of their own and have students apply the law.