

## **Patriot Act bullying stirs stronger opposition**

### **Courts, activists, and civil libertarians weigh in against police-state measures**

**by Allen Thompson**

In early June of this year, Joe Previtara was arrested outside an Armed Forces Recruitment Center in Boston. He had been standing there silently for about an hour, dressed like one of the Iraqi prisoners abused at Abu Ghraib. His costume was realistic; he was hooded and caped and from his hands wires led into the crate he stood on. The police department used these wires as reason for charging him with making a false bomb threat. If convicted, Previtara could face several years in prison, far more punishment than the soldiers who tortured the Iraqi prisoners have received.

This incident is emblematic of how the fear of terrorism is being used to justify repressing dissent and taking away civil liberties in post-9/11 USA. The Bush administration is seeking to expand the Patriot Act and make all of its provisions permanent. Immigrants and social-change activists continue to be prime targets for police-state actions. Fortunately, resistance is very widespread.

#### **First they came for the immigrants, then for the activists...**

In November 2001, the Department of Justice reported that 1,182 immigrants had been rounded up. Almost all were men of Middle Eastern or South Asian descent. They were held incommunicado for months and denied access to family, friends, and legal counsel.

Over the past three years, some of them have been deported for immigration violations. But not one has been convicted of a single act of terrorism. However, while this witchhunt has netted no terrorists, it has created a state of fear in Muslim and Arab communities in this country. Jersey City in New Jersey, for example, has been christened "Terror City" by many in its large immigrant communities due to their fear of government agents pounding at the door.

The day Bush started bombing Baghdad in March 2003, antiwar activists around the country launched a series of protests. Despite the fact that these actions were overwhelmingly peaceful and legal in character, they were often met with massive and hostile police responses. In Seattle, for example, baton-wielding cops even prevented demonstrators from walking on downtown sidewalks.

Activists working on other issues also face outrageous government repression. On May 11 of this year, Steve Kurtz, a food-safety activist, awoke to find that his wife, Hope, had died of a heart attack in their home. He called 911. When the police arrived, they noticed the routine biological lab equipment that Kurtz, along with other members of the Critical

Arts Ensemble, had used to spot-test store-bought food for possible genetic modification. The cops called the FBI's Joint Terrorism Task Force, which cordoned off Kurtz's entire block, including his wife's body and the test equipment.

After the NY Commission on Public Health tested his home and found no safety threat, Kurtz was allowed to go home and attend to his wife's burial. Rather than return his equipment and admit their mistake, however, the FBI kept the lab gear and launched a grand jury investigation into bio-terrorism charges based on the Patriot Act, despite the fact that Kurtz had the equipment for clearly peaceful aims.

A defense committee has been set up to help Kurtz. Its website is [www.caedefensefund.org](http://www.caedefensefund.org).

### **...and then for everyone.**

The government has used the Patriot Act to vastly expand the surveillance it can perform. As long as the feds claim to be investigating terrorism, they may now obtain library, financial, travel and other records without the benefit of a warrant or court order. It also has been made illegal to tell anyone that his or her records are being snooped.

The government refuses to reveal how much of this Patriot-Act-enabled spying it is doing. According to American Civil Liberties Union director Anthony D. Romero, "The Bush Administration continues to deny every reasonable request for information on how the Patriot Act is being used." The ACLU website [www.aclu.org/SafeandFree](http://www.aclu.org/SafeandFree) remains one of the best sources for in-depth and current information regarding the Patriot Act and its opposition.

To blunt criticism of the Patriot Act in order to get it passed, the government originally put a few of its provisions (less than 10 percent of the whole bill) under a sunset clause, due to expire at the end of 2005. Now, of course, Bush wants the sunset clause removed. Meanwhile, a Patriot Act II was floated last year, containing more repressive laws. Opposition to this legislation was so strong that the government abandoned getting it passed as one bill, opting to get some of it passed piecemeal. In December 2003, Congress passed the Intelligence Authorization Act for fiscal year 2004, which gives the FBI greatly expanded ability to obtain financial records without a court order. It is the biggest segment of Patriot Act II to become law to date.

### **Attacks create vast opposition.**

At least 300 local and state governments have now passed resolutions denouncing the Patriot Act. These include the states of Alaska, Hawaii, Maine and Vermont along with the three largest cities in the country, New York, Los Angeles, and Chicago.

Scores of mainstream groups and politicians have joined these governments, the Left, and civil liberties organizations including the ACLU, the National Lawyers Guild, and the Center for Constitutional Rights in opposing the Patriot Act. Bills such as the Safety and

Freedom Ensured Act (SAFE) and the Civil Liberties Restoration Act (CLRA) have been introduced into Congress, seeking to reverse some of the damage done to civil liberties. Even the courts have taken some exception. In June 2004, the Supreme Court ruled that prisoners of the U.S. held at Guantánamo Bay in Cuba have the right to challenge their detention and demand access to lawyers. Earlier this year, a California district court had rejected as “unconstitutionally vague” a Patriot Act clause that makes it criminal to offer “expert advise and assistance” to groups the State Department deems to be terrorist.

Also in June, a jury in Idaho acquitted Sami Omar Al-Hussayen of spreading terrorism on the Internet. Al-Hussayen had published web articles sympathetic to “jihads” in Chechnya and Israel. The jury accepted the defense’s position that Al-Hussayen was exercising his free speech rights.

These courtroom victories over Patriot Act repression are welcome and worth celebrating. But to reverse the whole post-9/11 police-state direction of the U.S. will take a movement of committed grassroots activists who are willing to challenge every reactionary premise upon which the phony “war on terrorism” is based.

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