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ACLU on Cons of USA Patriot Act

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FOR IMMEDIATE RELEASE

DETROIT - The American Civil Liberties Union today filed the first legal challenge to the USA PATRIOT Act, taking aim at a section of the controversial law that vastly expands the power of FBI agents to secretly obtain records and personal belongings of innocent people in the United States, including citizens and permanent residents.

"Ordinary Americans should not have to worry that the FBI is rifling through their medical records, seizing their personal papers, or forcing charities and advocacy groups to divulge membership lists," said Ann Beeson, Associate Legal Director of the ACLU and the lead attorney in the lawsuit.

"We know from our clients that the FBI is once again targeting ethnic, religious, and political minority communities disproportionately," she added. "Investing the FBI with unchecked authority to monitor the activities of innocent people is an invitation to abuse, a waste of resources, and is certainly not making any of us any safer."

As the ACLU described in a report released today, Section 215 of the PATRIOT Act violates constitutional protections against unreasonable searches and seizures as well as the rights to freedom of speech and association. The report, [*Unpatriotic Acts: The FBI's Power to Rifle Through Your Records and Personal Belongings Without Telling You*](#), describes how the law:

- Violates the Fourth Amendment by allowing the FBI to search and seize records or personal belongings without a warrant, without showing probable cause -- and without *ever notifying even innocent people of the searches*;
- Violates the First Amendment because it allows the FBI to easily obtain information about a person's reading habits, religious affiliations, Internet surfing and other expressive activities that would be "chilled" by the threat of investigation;
- Violates the First Amendment by imposing a "gag order" that prohibits those served with Section 215 orders from telling anyone -- ever -- that the FBI demanded information, even if the information is not tied to a particular suspect and poses no risk to national security.

The ACLU filed the lawsuit in federal court here today on behalf of six advocacy and community groups from across the country whose members and clients believe they are currently the targets of investigations because of their ethnicity, religion and political associations. The lawsuit names Attorney General John Ashcroft and FBI Director Robert Mueller as the defendants.

The groups participating in the lawsuit are: **Muslim Community Association of Ann Arbor (MCA)**, which operates a mosque and school in Ann Arbor, MI; **American-Arab Anti-Discrimination Committee (ADC)**, a national civil rights organization based in Washington, DC; **Arab Community Center for Economic and Social Services (ACCESS)**, a human services organization based in Dearborn, MI that operates a medical clinic as well as a center for refugees and torture victims; **Bridge Refugee and Sponsorship Services ("Bridge")**, based in Knoxville, TN; **Council on American-Islamic Relations**, a grassroots membership organization based

in Washington, DC; and The Islamic Center of Portland, Masjed As-Saber, which operates a mosque and school, based in Portland, OR.

Mary Lieberman, executive director of Bridge, was approached twice by FBI agents seeking information about Iraqi refugees. The second time, the FBI served Bridge with a subpoena for all records relating to its Iraqi clients.

""Many of our Iraqi clients were granted asylum here because they helped the American military during Desert Storm and were then persecuted by Saddam Hussein,"" Lieberman said. ""It is unacceptable that the United States government is now treating them like criminals and terrorists.""

Because the FBI subpoena served on Bridge was not issued under the PATRIOT Act, Bridge was able to fight it in court. However, Lieberman said she is concerned that the FBI could return with a PATRIOT Act order that she and her staff could not challenge or even discuss publicly.

Nazih Hassan, president of MCA of Ann Arbor, said that the leadership of his local mosque has been vocal in its criticism of the wide net that has been cast over the Muslim community. ""We are very concerned that the FBI is investigating us because of our political activities even though we have done nothing wrong,"" he said.

In addition to litigation, the ACLU is supporting coalitions around the country that are working to adopt community resolutions opposing the PATRIOT Act. To date, 143 communities in 27 states have passed such resolutions and dozens more are preparing to do so.

Lawmakers of all political stripes have finally begun to reconsider controversial portions of the PATRIOT Act. Just last week, an overwhelming majority of the U.S. House of Representatives voted to bar the Department of Justice from executing ""sneak and peek"" searches in criminal investigations. That particular PATRIOT Act provision allowed the government to secretly search people's homes or offices without telling them until weeks later.

Significantly, the launch of the ACLU's suit coincides with a Justice Department public forum set for tonight at Wayne State University Law School in Detroit. The event appears to be a strategy by the Justice Department to ease rising public concern about its use of the PATRIOT Act and other post-9/11 anti-civil liberties measures.

As at similar events around the country, protesters are expected at the forum. The ACLU will also hold a media availability outside the forum venue featuring one of the litigators in the PATRIOT lawsuit and members of the state affiliate. Michigan Rep. John Conyers (D) -- one of the main opponents of the Justice Department's expanded surveillance and enforcement powers -- is expected to attend.