

ERODING LIBERTY:

An ACLU list of some of the government powers expanded since Sept. 11th.

Contact: Sanjeev Bery, (415) 621-2493, sbery@aclunc.org

Domestic spying:

FBI agents can monitor private citizens and organizations without suspicion. Agents can infiltrate houses of worship and monitor open religious and political meetings without evidence of a crime.

Government secrecy:

An Ashcroft directive limits government compliance with the Freedom of Information Act.

Ethnic profiling:

Ashcroft has directed the questioning of thousands of innocent individuals based primarily on their country of origin. San Jose, San Francisco, Oakland, and other police departments in Northern California and across the country refused to participate in the dragnet questioning plan.

Tracking immigrants:

The U.S. Dept. of Justice is subjecting thousands of lawful visitors—from a list of Muslim countries—to onerous fingerprinting and registration requirements. All non-citizens are also required to report changes of address within 10 days or risk fines, jail, or even deportation.

Mass detentions:

Over 1,100 men were detained after September 11. Although the detentions were shrouded in secrecy, advocates believe that many detainees did not have access to legal representation and were detained for months before having their cases resolved. Many were ultimately charged with only minor immigration violations, and most have now been deported.

Secret searches:

The USA Patriot Act expands the power of the federal government to conduct “sneak and peak” secret searches. These searches allow the FBI to use a search warrant to enter and search a home or office—without notifying the subject until much later.

Expanding surveillance:

The USA Patriot Act now lets the FBI secretly conduct physical searches or wiretaps on citizens or residents without showing “probable cause.” It only has to claim that “a significant purpose” is intelligence, even when the primary goal is ordinary law enforcement.

Internet espionage:

Under the USA Patriot Act, email and Internet usage, as well as telephone calls, are now subject to “pen register” orders. These allow the government to monitor the “who,” “when,” and “where” of a communication—but not the content. Unlike phone calls, however, the “who/when/where” of an email is not easily separated from the actual content, and web page addresses can reflect the content of the web site visited. Thus, FBI agents must be “trusted” not to read the content of an email or web page.

Personal records:

Under the USA Patriot Act, if the FBI claims it is for a “terrorism” investigation, it can collect any of an individual’s personal records desired—even without suspicion of a crime. This includes library records, medical histories, financial records, or anything else that is recorded.