

# THE Patriot PROJECT

At the beginning of each Congressional session, Members of Congress take an oath of office where they solemnly swear (or affirm) to “...support and defend the Constitution of the United States of America...” and that they “...will bear true faith and allegiance to the same.”

As Congress addresses the Reauthorization of the “Uniting and Strengthening America by Providing Appropriate Tools to Intercept and Obstruct Terrorism Act of 2001” (a.k.a. “U.S.A. Patriot Act”), we strongly believe that provisions of the Act challenge the basic tenants of the U.S. Constitution.

Our “Patriot Act Project” working group out of Northern California has developed a “fact sheet” for your review and comment. We respectfully ask you to contact your local Members of Congress, as well as your U.S. Senators – through their district offices – and register your strong opposition to renewing and expanding the U.S.A. Patriot Act.

We strongly believe that our collective voices will best be served through a coalition of civil rights organizations who send the same message. In that regards, we are working closely with local Chapters of the American Citizens Liberties Union (A.C.L.U.), the Japanese American Citizens League (J.A.C.L.), the Council on American Islamic Relations (C.A.I.R.), N.A.A.C.P. and others to form coalitions and lobby Congressional Representatives.

Although time is of the essence – we understand that the Congress is tentatively holding a floor vote in the next week of July, we are concerned over the haste in which the House leadership is “fast tracking” the vote without adequate “public hearings” since provisions are not scheduled to “sunset” until the end of the year.

Please feel free to contact us should you have any additional questions or need additional information.

Respectfully,

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**AMERICA IS THE GREATEST NATION ON THE EARTH - LETS KEEP IT SAFE AND FREE.**

**WE OPPOSE THE RENEWAL OR EXPANSION OF THE USA PATRIOT ACT AND SUPPORT REFORM MEASURES THAT ENABLE LAW ENFORCEMENT TO KEEP AMERICA SAFE WHILE GUARDING AGAINST OFFICIAL ABUSE.**

USA PATRIOT ACT FACT SHEET JULY 5, 2005

The erosion of due process standards combined with gag orders creates a chilling effect on the freedom of speech, the right to assemble, and the right to worship. We are concerned of the lack of oversight, transparency, and potential for abuse by Department of Justice (DOJ) authorities.

The USA PATRIOT Act operates behind a shroud of secrecy that does not allow for an accurate assessment of the success of arrests, detentions, and convictions. For example, as of November 5, 2001, the DOJ reported that 1,182 individuals had been arrested in connection with the September 11th investigation, and excluded under which provisions of the PATRIOT Act, if any. The last report, dated January 11, 2002 provided limited information about 835 of the 1,182 cases.

Source: <http://www.hrw.org/reports/2002/us911/USA0802-02.htm>

There have since been no thorough updates before Congress, and no individual has been charged with having any direct ties to terrorism.

Information on how many individuals remain in custody and what their status is, continues to remain ambiguous as demonstrated by government officials such as former Assistant Attorney General Michael Chertoff:

*"I can't give you the number relating to material witness on grand jury because I am forbidden by law. I don't know the number of people being held in state and local custody because, frankly we don't track that. And so without those two numbers, I cannot do the mathematics necessary to subtract from the 1,100"*

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(Testimony of Michael Chertoff, assistant attorney general of the Criminal Division, before the Senate Judiciary Committee at its hearing: "DOJ Oversight: Preserving Freedoms while Defending Against Terrorism," November 28, 2001).

## THE EFFECTIVENESS OF THE USA PATRIOT ACT HAS BEEN OVERSTATED

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A White House fact sheet covering a Presidential speech says "The Patriot Act Has Helped Prosecutors Take Legal Action Against Terrorist Operatives And Their Supporters. Since September 11th, the United States has charged over 400 suspected terrorists, and more than half of those charged have already been convicted." On the contrary, we find in a Chicago Sun-Times article that "the DOJ database reveals fewer than 40 individuals -- not the more than 200 convictions Bush claimed -- have been convicted of crimes related to terrorism or threats to our national security. Most of the people on the Bush administration 'terrorist' conviction list were convicted of minor criminal offenses -- such as making a false statement to investigators -- or of civil immigration charges."

White House Source: <http://www.whitehouse.gov/news/releases/2005/06/20050609.html>

Chicago Sun-times: <http://www.suntimes.com/output/otherviews/cst-edt-ref22.html>

See Link: [http://www.lifeandliberty.gov/subs/a\\_terr.htm](http://www.lifeandliberty.gov/subs/a_terr.htm)

Furthermore, relating those 400 plus individuals with terrorism is difficult, as we can see from two reports from New Jersey and Iowa:

*"The records show that top officials instructed federal prosecutors nationwide to catalog their work in ways that served to inflate the number of terrorism investigations. Even tips that were immediately disregarded, the memos show, were to be counted as terrorism-related investigations."*

(Des Moines Register, May 16th 2005 by Bert Dalmer. <http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20050516/NEWS08/505160326/1001>)

*"Federal prosecutors overstated their success in convicting terrorists last year, with at least three of four cases wrongly classified as 'international terrorism,' the General Accounting Office has found. A GAO study, begun in response to a December 2001 article by the Inquirer Washington Bureau, said federal prosecutors initially had classified 174 convictions this way in the fiscal year that ended Sept. 30 - but had been wrong most of the time."*

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(The Philadelphia Inquirer, February 21st 2003 by Mark Fazlollah. <http://www.philly.com/mld/inquirer/news/front/5227640.htm>

## **No individual has been convicted of having any ties to terrorism.**

THE USA PATRIOT ACT WAS NOT USED IN THE SUCCESSFUL ANTI-TERRORISM CASES

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### **Zacarias Moussaoui**

arrested before September 11, 2001.

### **Richard Reid**

( a.k.a the shoe bomber)

caught by flight attendants and passengers.

THE USA PATRIOT ACT HAS BEEN MISUSED AND ABUSED AGAINST MANY INNOCENT PEOPLE: THE FOLLOWING SELECTED CASES DEMONSTRATE SOME OF THE KNOWN USES OF THE PATRIOT ACT PROVISIONS.

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Attorney Brandon Mayfield was arrested for alleged participation in the Madrid train bombings. His religion, place of worship and clients were mentioned in the search warrant affidavit. Contrary to FBI claims, the Spanish National Police indicate that they “refused to validate” a finger print match allegedly linking Mayfield to the bombings.

Chronology and Legal Case Study: <http://www.nacdl.org/public.nsf/0/de4fa9c7d85256f3300551e42?OpenDocument>

The Mayfield Aftermath: The conduct of the FBI and prosecutors involved in the Mayfield matter has been under investigation by the Office of the Inspector General (OIG) since at least September 2004. On April 5th 2005, Attorney General (AG) Alberto Gonzales reversed previous DOJ denials (including his own denial made during the same senate hearing) and admitted that the USA PATRIOT Act was used against Brandon Mayfield to obtain a search warrant and extend the duration of electronic surveillance.

OIG Investigation: (Page 6) <http://www.usdoj.gov/oig/special/0503/final.pdf>

AG Confirms use of USA PATRIOT Act: <http://jurist.law.pitt.edu/paperchase/2005/04/update-patriot-act-used-against.php>

### **PhD Student Sami al-Hussayen**

Source: <http://www.bordc.org/threats/speech.php>

Source: [http://seattletimes.nwsource.com/html/localnews/2002097570\\_sami22m.html](http://seattletimes.nwsource.com/html/localnews/2002097570_sami22m.html)

### **Steve Kurtz**

Source: <http://www.washingtonpost.com/wp-dyn/articles/A8278-2004Jun1.html>

Source: <http://www.bordc.org/threats/speech.php>

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**Plaintiff Richard Kreimer**

Source: <http://www.newsday.com/news/local/wire/newjersey/ny-bc-nj--patriotact-homele0629jun29.0.4680804.story?coll=ny-region-apnewjersey>

THE USA PATRIOT ACT SECTION 802 DEFINES DOMESTIC TERRORISM SO BROADLY THAT IT COULD APPLY TO AN INDIVIDUAL EXERCISING HIS OR HER FREEDOM OF SPEECH, EXPRESSION, AND ASSEMBLY THROUGH ACTS OF CIVIL DISOBEDIENCE. THE DEPARTMENT OF JUSTICE HAS NOT REVEALED HOW IT IS USING SECTION 802. HOWEVER, THERE EXISTS A STRONG CORRELATION BETWEEN SECTION 802 AND CASES OF POST 9/11 CIVIL DISOBEDIENCE:

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**Barry Reingold – Retired Telephone Company**

Employee (Source: Sacramento Bee, Liberty in the Balance, In the Spotlight, Sept. 21, 2003.)

**Andrew O'Connor – Public Defender**

(Source: Sam Stanton and Emily Bazar, Sacramento Bee, Security Collides with Civil Liberties, Sept. 21, 2003.)

**A.J. Brown – College Student**

(<http://www.csmonitor.com/2002/0108/p1s4-usju.html>, Jan. 8, 2002.)

**Jan Adams and Rebecca Gordon – Peace Activists**

(Source: Sacramento Bee, Liberty in the Balance, In the Spotlight, Sept. 21, 2003.)

## MORE INFORMATION ABOUT THE USA PATRIOT ACT AND AREAS FOR IMPROVEMENT

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**ACLU Fact Sheet (Opposes renewal or expansion)**

(<http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=18559&c=206>)

**BI-Partisan Safe and Free Act (A Bill To Bring the**

USA PATRIOT Act in Compliance With the US Constitution) (<http://action.aclu.org/reformthepatriotact/safe.html>)

**Bill of Rights Defense Committee** (<http://www.bordc.org>)

**PATRIOTS to Restore Checks and Balances**

(<http://www.checksbalances.org/TakeAction.htm>)