

Speak Out Against Taking Away the Freedom

Martin Niemoller, a priest in Nazi Germany, was the author of the lines below: "First they came for Communists and I did not speak out - because I was not a Communist. Then they came for the Socialists and I did not speak out - because I was not a Socialist. Then they came for the trade unionists and I did not speak out - because I was not a trade unionist. Then they came for the Jews and I did not speak out - because I was not a Jew. Then they came for me - and there was no one left to speak out for me" (qtd. in "No One Left" 24). Martin Niemoller felt guilty himself and also thought that other citizens of Germany were responsible for not being strong enough to stop Hitler's regime, even though Niemoller tried to do his best as an opponent of Nazism. In 1945, when World War II came to the end, Martin Niemoller expressed his "confession." The "confession" turned out to be an inspiration for those who are in opposition of despotism in their home countries ("No One Left" 24). The message that he tried to send to others is what can happen if people don't stop despotic government. Almost one hundred years later, we can apply the meaning of the "confession" to the bill that was signed by President Bush on October 26, 2001. The name of the bill is the Patriot Act.

The Patriot Act was created by the administration of the President in order to prevent further terrorist attacks in the territory of the USA and also to find the people who were involved in the organization of 9/11 tragedy. The bill contains 1016 sections that give a greater power to the FBI and other federal law enforcement agencies to obtain any private information they need for their investigations. In an article, "Civil Liberties Debates," that was published in CQ Researcher, Kenneth Jost claimed that since 2001, the Federal Bureau of Investigation can get all private information about a particular person from "third parties," and the subject of investigation doesn't have to be notified about the actions of the FBI. Such private information can contain the following: the sources that are used by people in the library, information about people's financial operations, reports from hospitals and clinics, and other information about people's private deeds. The Patriot Act made colossal changes in the country that was a symbol of freedom. The corner stone of the Constitution, civil rights, suddenly lost its meaning; all the hard work of the founders of the Bill of Rights became pointless, and all the decades of successful usage of the Constitution were refuted by the Patriot Act. The Patriot Act should be repealed because it violates the Constitution, it passed Congress in a very short time with limited work, and the authorities misuse the power given them by the act.

The Patriot Act is the only bill that enormously contradicts the Constitution in many ways. One of the important parts of the Constitution that is being violated by the act is the Doctrine of Separation of Powers. Ralph C. Chander and the group of authors, who published The Constitutional Law Dictionary, wrote that the Doctrine of Separation of Powers makes it impossible for the government to be despotic and cruel with people who don't follow the only one possible leader or party; the doctrine is the essential base of the constitutional democratic system, which guides the government's work (59). "The separation of powers embodied in the federal Constitution has two dimensions: a functional distinction between legislature, executive, and judiciary; and a territorial distinction between central and state governments" (Chander et al. 56). In the article, "The USA Patriot Act: We Deserve Better," that was published in Liberty magazine, Robert A. Levy, a senior fellow in Constitutional Studies at the Cato Institute, points out that

Any law with the potential to dramatically alter conventional notion of individual freedom should fastidiously guard against abuse. The Doctrine of Separation of Powers, a centerpiece of our Constitution, has been a traditional buffer by judicial review to assure that those actions have

been properly performed; our liberties are shielded from excessive concentrations of power in a single branch of the government. As we shall see, the USA Patriot Act does not pass muster.

The act also violates such important parts of the Constitution as the First Amendment that gives all the people freedom of speech and the Fourth Amendment that protects people from unreasonable searches. Nikki Swartz, an author of the article “Patriot Act Provision Ruled Unconstitutional,” published her point of view in the Information Management Journal that the Patriot Act contradicts the Fourth Amendment that protects people from searches without a reason. Furthermore, one of the creations of the Patriot Act is a “national security letter,” a subpoena, which is impossible to dispute before a court. The national security letter gives power to the Federal Bureau of Investigation to look through databases of third parties, such as World Wide Web providers, banks, etc. to find out any personal information. The third parties must not tell the customers that their personal information is going to be obtained or has been obtained. The national security letter violates the free-speech right, which is the First Amendment of the Constitution. Not only should the Patriot Act be repealed because it violates the Constitution, but also because it was accepted in a very limited time that did not provide thoughtful process.

The time that was spent on the Patriot Act from its original to eventual version is very short for as significant document as it is. Six weeks only was the time frame for the members of Congress to work on the bill. In contrast, Congress usually spends more time on other bills, which don't contradict the Constitution. According to Robert A. Levy,

Congress' so-called deliberative process was reduced to this: Closed –door negotiations; no conference committee; no committee reports; no final hearing at which opponents could testify; not even an opportunity for most of the legislators to read the 131 single-spaced pages about to become law. In deed, for part of the time, both the House and Senate were closed because of the anthrax scare; congressional staffers weren't able to access their working papers.

Probably, if Congress had spent more time to read and discuss the matter, and also hear presentations of opponents of the act, congressmen and congresswomen would have realized that giving such a great power to the law enforcement agencies could lead to misusing the Patriot Act. Not only the Patriot Act should be repealed because it was accepted in unusually short time with limited work, but also because authorities misuse the power given them by the act.

Congress passed the Patriot Act as a bill that would help to fight against terrorism, but unfortunately there are facts of misusing the bill. Mr. Kenneth Jost stressed, “After September 11, 2001, the government rounded up more than 750 Arab residents, the so-called 9/11 detainees, and refused to release their names. It held many of them for weeks or month and deported hundreds after secret immigration hearing – all without charging any in connection with the attacks” (Jost). On top of that, not only Arab residents are suffering from the bill, but also the citizens of the USA can be terrorism suspects. The most astonishing example of an U.S. citizen, who suffers from the Patriot Act, is Jose Padilla. The New York Times in April this year publicized the recent information about Jose Padilla, who is considered a so-called “an enemy combatant” and has been held for over three years now. On April 3, 2006, he had a chance to take his case to the Supreme Court. In the election, the opposition had one vote more than people who were for Mr. Jose Padilla being able to take his case to the Supreme Court; consequently, Mr. Jose Padilla's situation still remains undecided (Greenhouse A1). It is impossible for people to imagine how it feels like to be in this emotionally difficult, unfair, and unsolvable position of Mr. Jose Padilla, to be captured for over three years with no permission to hear the case in the court, not being

able to have contact with any of the relatives, friends, or even attorneys (Jost 895). Mr. Jose Padilla wrote a letter asking for permission to take his case to the court or to be able to leave the jail (Greenhouse A1). It is a shame that he is still being held; his letter had no effect, and there is no reasonable explanation from the authorities why he is still being held. Mr. Jose Padilla's case is the fact of misusing the Patriot Act. The act is supposed to be an antiterrorism act, not the act that works against citizens of the USA.

Although, many people are advocates of the antiterrorism act, and they believe that the act was a necessity for the period after the 9/11 tragedy, they don't realize that it has been five years after the disaster, and the country has no longer a need for such a cruel act. Robert A. Levy's article stated that temporary changes in law, which violate citizen's freedom, must be reviewed constantly. Those changes occur due to urgent situations that put the USA in danger. After a brief period of time, when there is no reason to have those changes any more, they should inevitably expire. Originally, the end of the Patriot Act was planned on December 31, 2005. According to Mr. Dimond, who published his article, "House OKs Bill That Would Make Patriot Provisions Permanent," in the USA Today, "In a 251-174 vote, the House of Representative passed a compromise House-Senate version of a bill that would make 14 of the 16 parts of the original law permanent, extend the other two, and start seaport and transit security programs." Apparently, not only the Patriot Act became permanent, which means that there is no end to this bill, but also its power was expanded by adding to it the "seaport and transit" safety plans.

People who are pro Patriot act think that there is no harm in it for citizens of the USA, especially, if they don't do anything wrong, but those people simply haven't read the text of the Patriot Act. Based on the facts of violation of the Constitution and misusing of the act by authorities described above, people can make up their own mind about the issue. If those facts don't affect them, and they still think that "We are citizens who closely follow the law; therefore, we will never be targets of those investigations," they should remember the old saying "Never say never." The last thing I would like to point out is the fact that everybody has the right to a fair trial in the U.S. doesn't apply for Mr. Jose Padilla's case today, and some day it might happen that it will not be applicable for those people's cases also.

In conclusion, the statement of Mr. Levy more than enough expresses the point of view of the people who appreciate civil liberties:

If you think that the Bill of Rights is just so much scrap paper, and the separation of powers doctrine has outlined its usefulness, then the USA Patriot Act, passed overwhelmingly on Oct. 25, is the right recipe to deal with terrorists. On the other hand, if you are concerned about Fifth Amendment protection of due process, and Fourth Amendment safeguards against unreasonable searches and seizures, then you should be deeply troubled by the looming sacrifice of civil liberties at the altar of national security.

Don't let the promising name of the Patriot Act make you believe that it is the "a magic pill" against terrorism. Make up your own point of view based on the facts.

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April 28, 2006