



# The Democratic Party: Protecting America, Defending Her Freedoms



"Every American should have the opportunity to succeed and to live the American dream. Discrimination has no place in a nation founded on the principles of freedom from persecution. While America has made great strides toward true equality, much remains to be done and too often the progress we've made comes under attack. "

—Democratic Presidential Nominee John Kerry

The Democratic Party has led the fight to pass every major piece of Civil Rights legislation to come before Congress including the Civil Rights Act of 1964, the Voting Rights Act of 1965, Civil Rights Act of 1991, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, and the Family Medical Leave Act of 1993.

Just 45 days after the September 11 attacks, with virtually no debate, Congress passed the USA PATRIOT Act. Many parts of this sweeping legislation take away checks on law enforcement and threaten the very rights and freedoms that we are struggling to protect. For example, without a warrant and without probable cause, the FBI now has the power to access your most private medical records, your library records, and your student records... and can prevent anyone from telling you it was done.

The Department of Justice is expected to introduce a sequel, dubbed PATRIOT II, that would further erode key freedoms and liberties of every American.

[US Patriot Act, [American Civil Liberties Union](#)]

"You're either with us, or you're with the terrorists."

—President George W. Bush, [White House Website](#)

"I tell you, freedom and human rights in America are doomed. The U.S. government will lead the American people and the West in general into an unbearable hell and a choking life."

[CNN's Wolf Blitzer Reports](#), 1/31/02

- Through U.S. Attorney General John Ashcroft, the Bush Administration Crushes Americans Constitutionally Protected Civil Rights and Civil Liberties.
- Four States and 279 Communities in 39 States Have Passed Resolutions Opposing Sections Of The USA Patriot Act; Calling to Protect Americans' Civil Rights and Civil Liberties.
- Democrats Fight To Defend and Protect America's Freedoms, Roll Back Parts Of Patriot Act
- Democratic Presidential Candidate John Kerry: 'End the Era of Ashcroft.'

The Democratic Party:  
A History of Protecting and Expanding Civil Rights in America

## Through U.S. Attorney General John Ashcroft, the Bush Administration Crushes Americans Constitutionally Protected Civil Rights and Civil Liberties.

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—Osama Bin Laden

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- Created Unprecedented Powers to Spy on Americans.
- A Justice Dept. Report Confirmed: the Bush Administration Uses Terrorist-Related Powers To Investigate Individuals, Initiate Wiretaps And Seize Millions In Assets—None Were Related to Terrorist Investigations.
- The Bush Administration Can Now Classify Traditional Political Dissent as 'Terrorism'.
- Justice Dept. Report Confirmed: Bush Administration Using Terrorist-Related Powers To Investigate Individuals, Initiate Wiretaps And Seize Millions In Assets—None Were Related to Terrorist Investigations.
- The Bush Administration Can Classify Traditional Political Dissent as 'Terrorism'.
- The Bush Administration is terrorizing immigrant populations, subjecting them to the fear of being detained indefinitely and deported in secret.
- Amnesty International, International Red Cross Condemn Bush Administration's Secret Deportation Policy.
- The Bush Administration Creates 'Enemy Combatant' Status, Secret Arrest Policy, Indefinite Incarceration.
- The Bush Administration's PATRIOT II: 'Protecting' Freedom By Abolishing It.
- Bush Threatens Veto If Congress Protects Americans Freedom, Scales Back Patriot Act.
- Bush Wrongfully Attacks Kerry on Patriot Act

### Created Unprecedented Powers to Spy on Americans.

- The Patriot Act expands secret searches and wiretaps beyond obtaining "foreign intelligence information."
    - "Under prior law, if the primary purpose of a search was to obtain "foreign intelligence information," the FBI could obtain a secret warrant through the court established by the Foreign Intelligence Surveillance Act (FISA) to conduct a physical search or wiretap without notifying the target of the search."
- ["PROTECTING CIVIL LIBERTIES" [People for the American Way](#) 10/28/03]
- The Bush Administration has substantially expanded federal powers and may now obtain private records, conduct secret searches, invade Americans' privacy,, and otherwise spy on Americans, without probable cause and traditionally meaningful judicial oversight to prevent governmental abuse.
    - Obtain Personal Records held by third parties including doctors, libraries, bookstores, universities, financial institutions, business, and Internet Service Providers.
      - The FBI need not show probable cause, nor even reasonable grounds to believe, that the person whose records it seeks is engaged in criminal activity. Normally, the government cannot effect a search without obtaining a warrant and showing probable cause to believe that the person has committed or will commit a crime. [ACLU, [Section 217 FAQ](#)]
      - When records are obtained, the Patriot Act legally gags everyone familiar with this from informing you that the government obtained the documents. (Section 215)
    - Conduct Secret Searches. The government can search your private property without probable cause and without notifying you. (Section 213)
    - Tap Phones without subpoena The Government can tap your phones, without probable cause by claiming that a "significant purpose" of the search is to gather intelligence. (Section 218)
    - Email Snooping without potential terrorism or criminal link. The Government can learn all the people with whom you communicate by e-mail, and the subject line of all messages, without having "probable cause" nor even "reasonable suspicion" that you have committed a crime. All that is required is that a law enforcement

agent certify to a judge, who cannot deny the request, that a warrant would be “relevant” to an ongoing criminal investigation. (Section 217)

[[USA Patriot Act of 2001](#); ACLU, [Section 217 FAQ](#)]

## A Justice Dept. Report Confirmed: the Bush Administration Uses Terrorist-Related Powers To Investigate Individuals, Initiate Wiretaps And Seize Millions In Assets—None Were Related to Terrorist Investigations.

USA Patriot Act literally stands for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001” and implies that it's supposed to be used against terrorism not against the neighborhood bookie. That the Bush Administration feels it can continually broaden government power to the use of the Patriot Act beyond terrorism –related investigations negates the protections every American expects from the U.S. Constitution and its Bill of Rights.

- Though the Administration has assured Congress and the American people that its expanded terrorist hunting powers would be used for terrorist-related criminal behavior only, a Justice Department report in September 2003 “cites more than a dozen cases not directly related to terrorism. In them, federal authorities have used their expanded power to investigate individuals, initiate wiretaps and seize millions in assets.” [Patriot Act has been invoked in a smorgasbord of investigations [The Charlotte Observer](#) 9/28/03]
- “The investigation of strip club owner Michael Galardi and numerous politicians appears to be the first time federal authorities have used the Patriot Act in a public corruption probe.” [PATRIOT ACT: Law's use causing concerns [Las Vegas Review Journal](#) 11/5/03]
- Two of Nevada's lawmakers blasted the FBI for employing the act in the Galardi probe, saying the agency overstepped its bounds. Sen. Harry Reid, D-Nev., said Congress intended the Patriot Act to help federal authorities root out threats from terrorists and spies after the Sept. 11, 2001, attacks. “The law was intended for activities related to terrorism and not to naked women,” said Reid, who as minority whip is the second most powerful Democrat in the Senate. “Let me say, with Galardi and his whole gang, I don't condone, appreciate or support all their nakedness. But having said that, I haven't heard anyone say at any time he was involved with terrorism.” [PATRIOT ACT: Law's use causing concerns [Las Vegas Review Journal](#) 11/5/03]

## The Bush Administration Can Now Classify Traditional Political Dissent as ‘Terrorism’.

- The Bush Administration's Patriot Act defines domestic terrorism so broadly that legally permissible political protest and dissent may now be classified as terrorism. The result can be a chilling effect upon the very freedoms that have made the United States a beacon of hope and democracy throughout the world.
  - “The law established a new crime of domestic terrorism, with a definition so broad as to include certain acts of political protest involving threats or dangers to human life. When political protest harms property or individuals, those particular harmful acts already are punishable under various criminal laws. Sometimes domestic political protest activity inadvertently escalates to violence. To allow such incidents to be treated as terrorism could have a stifling effect on dissent.”
  - “The new law permits information from grand jury proceedings to be shared with the CIA, without meaningful court oversight. Such information sharing has been abused in the past, as when the FBI routinely provided reports on domestic anti-Vietnam War activity to the CIA. Thousands of Americans who had engaged in political protests became the targets of CIA surveillance.” [“PROTECTING CIVIL LIBERTIES” [People for the American Way](#) 10/28/03]

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The Bush Administration is terrorizing immigrant populations, subjecting them to the fear of being detained indefinitely and deported in secret.

- In the immediate aftermath of 9/11, the Government detained over 1,100 internationals, most for minor immigration offenses or petty crimes. The Government has refused to disclose their names or their alleged offenses. The fate of most is unknown, although it is suspected that most have been deported. Deportation hearings for 611 of those detained were held in secret. ["Checking Our Balances" [American Lawyer Media's law.com](#) 7/23/03; "Hady Hassan Omar's Detention" *New York Times* 10/27/02]
- Of the over 1,100 international individuals that the U.S. government had arrested in the aftermath of 9-11, only 3 had been charged with terrorism-related indictments. ["Hady Hassan Omar's Detention" *New York Times* 10/27/02]
- Cynically, the Bush Administration has finally let some prisoners meet with a lawyer. To avoid Supreme Court review of their long detention without being charged, without having access to a lawyer or the chance to challenge their detention in court, and without having any contact with the outside world, the Bush Administration may release them to their home countries. "Australian Parents Have New Hope for U.S.-Detained Son" *New York Times* 1/19/04]

Amnesty International, International Red Cross Condemn Bush Administration's Secret Deportation Policy.

- When the Red Cross joins Amnesty International and the Justice Department's own inspector general in criticism, it is a sign we are perilously close to joining those nations where a knock on the door at night means to disappear. ["Abandoning human rights principles" *San Diego Tribune* 10/20/03]
- More than 5,000 foreigners have disappeared since Sept. 11, 2001, with only a few charged with any serious crime. Most are held in secret with no access to lawyers or the outside, a procedure that has drawn the complaint of the Justice Department's inspector general – who is independent of the attorney general. ["Abandoning human rights principles" *San Diego Tribune* 10/20/03]

Bush Creates 'Enemy Combatant' Status, Secret Arrest Policy, Indefinite Incarceration.

The Bush Administration believes it has the power to make secret arrests, even of American citizens, hold people indefinitely and without any outside communication, even to immediate family members, much less access to an attorney, simply by designating a person to be an "enemy combatant".

- Jose Padilla, an American citizen, was arrested on American soil and accused of plotting to detonate a "dirty bomb" that would spread radioactive material at a target site. He was arrested and handed over to military custody, where he has been held without any access to a lawyer or contact with the outside world. He has been held for 18 months and has never been charged with a crime. The Supreme Court is expected to hear his case later this year. ["Court: President cannot detain U.S. citizen as enemy combatant" *CNN* 12/22/03]
- Yasser Hamdi, an American citizen detained in Afghanistan, has been held incommunicado on U.S. soil for nearly two years. The Bush Administration recently said it would allow him to see a government-appointed lawyer, but they deny he has any right to challenge his detention or hear the charges against him. ["Terrorism Cases" *PBS Online Newshour* 12/30/03]

The Bush Administration's PATRIOT II: 'Protecting' Freedom By Abolishing It

The Bush Administration wants to erode our rights even further, with the introduction of the so-called "PATRIOT II" proposed legislation. PATRIOT II would codify some of the administration's most abusive practices. For example, this proposal would permit the Bush Administration to designate anyone as an 'enemy combatant' detaining us indefinitely, in secret, and without bringing charges against us, even an American citizen arrested on U.S. soil.

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- The government would no longer be required to disclose the identity of anyone, even an American citizen, detained in connection with a terror investigation—until criminal charges are filed, no matter how long that takes.
- Current court limits on local police spying on religious and political activity would be repealed.
  - Under this definition, political groups that engage in civil disobedience, such as Greenpeace or the World Trade Organization protestors may be considered terrorist organizations. The expanded powers would include wiretapping authority, civil asset forfeiture powers, new death penalties, and the unprecedented power to revoke American citizenship.
- The government would be allowed to obtain credit records and library records without a warrant.
- Wiretaps without any court order for up to 15 days after terror attack would be permissible.
- Release of information about health/safety hazards posed by chemical and other plants would be restricted.
- The reach of an already overbroad definition of terrorism would be expanded – individuals engaged in civil disobedience could risk losing their citizenship; their organization could be subject to wiretapping and asset seizure.
- Americans could be extradited, searched and wiretapped at the behest of foreign nations, whether or not treaties allow it.
- Lawful immigrants would be stripped of the right to a fair deportation hearing and federal courts would not be allowed to review immigration rulings.

[“Justice Department Contemplates Seeking More Sweeping Powers: Bill Would Further Erode Limits on Antiterror Powers” [California ACLU](#); Draft: Domestic Security Enhancement Act of 2003 viewed at [PBS](#)]

## Bush Threatens Veto If Congress Protects Americans Freedom, Scales Back Patriot Act

The Bush administration threatened to veto legislation in Congress that would scale back key provisions that take away Americans’ freedoms. [Ashcroft: Bush would veto bill scaling back Patriot Act, [San Francisco Chronicle](#), 1/29/04]

“The Security and Freedom Ensured Act, known as SAFE, “would modify so-called “sneak and peek” search warrants that allow for indefinitely delayed notification when a person’s property is searched, mandating such notice within a week’s time. In addition, warrants for roving wiretaps used to monitor a suspect’s multiple cell phones would have to make sure the target was positively identified and was present at the site being monitored before information could be collected. The legislation also would reinstate standards in place prior to passage of the Patriot Act regarding library and other business records by forcing the FBI to show it had reason to believe the person involved was a suspected terrorist or spy. The measure would impose expiration dates on nationwide search warrants and other Patriot Act terms, providing for congressional review.” [Ashcroft: Bush would veto bill scaling back Patriot Act, [San Francisco Chronicle](#), 1/29/04]

“The SAFE Act, which has not yet had a hearing in either the House or Senate, was introduced last fall by Sens. Larry Craig, R-Idaho; Dick Durbin, D-Ill.; and other lawmakers of both parties who say the Patriot Act has gone too far. “Attorney General Ashcroft’s response today is an unfortunate overreaction to a reasoned and measured effort to mend the Patriot Act,” Durbin said Thursday. “I believe it is possible to combat terrorism and preserve our individual freedoms at the same time.”” [Ashcroft: Bush would veto bill scaling back Patriot Act, [San Francisco Chronicle](#), 1/29/04]

## Bush Wrongfully Attacks Kerry On Patriot Act

*BUSH ATTACK: “On the war on terror: Weaken the Patriot Act used to arrest terrorists and protect America. And he wanted to delay defending American until the United Nations approved. John Kerry: Wrong on taxes. Wrong on defense.”*

FACT: You can sum up the problems with the Patriot Act in two words: John Ashcroft.

- John Kerry stands by his vote for the Patriot Act. In fact, he authored most of the money laundering provisions in the law. He even wants to strengthen some aspects of it relating to terrorism, such as improving intelligence information sharing.
- Kerry also supported a “sunset clause” in the law to see if it strikes the right balance between security and civil liberties. There are some places – such as unlimited ‘sneak and peek’ searches where Kerry believes we need stricter oversight and protections against invasions of privacy.
- But, the real problem with the Patriot Act is not the law, but the abuse of the law. John Ashcroft has used police powers in secret ways and for political purposes - authorized his agents to monitor church meetings and political rallies without any cause and without the need to get approval. Thirteen FAA employees and a high-tech Homeland Security tracking system were used to help Tom Delay track down Texas State Legislators who were resisting his plan to give Republicans more seats in Congress.
- Reforming the Patriot Act. The spirit of the law has been abused by the Ashcroft Justice Department, which has taken every opportunity to limit freedom and civil liberties. Given these abuses, John Kerry believes it is necessary to scale back several provisions in the Patriot Act and introduce a new law to assure our enhanced security does not come at the expense of our civil liberties, such as more oversight of sneak and peek searches.

[[John Kerry Presidential Campaign Press Release](#),  
“George Bush’s Credibility Problem: The Truth Behind His Attack Ad” 3/11/04]

## Four States and 279 Communities in 39 States Have Passed Resolutions Opposing Sections Of The USA Patriot Act; Calling to Protect Americans’ Civil Rights and Civil Liberties.

Maine Passes Statewide Patriot Act Resolution; Becomes Fourth State to Vote for Civil Liberties.

“The Maine resolution follows state-wide measures in Vermont, Alaska and Hawaii. Statehouses in New Mexico and several other states have considered similar pieces of legislation. Most urge the U.S. Congress to revisit the USA Patriot Act, passed in haste a mere eight weeks after the attacks, and try to prevent local authorities from engaging in racial profiling and other civil liberties abuses.

“Maine, like Alaska, has a strong conservative base, reflected in its two Republican Senators, Olympia Snowe and Susan Collins.

“As our polling has shown, when people, especially on the right, are informed about these issues, they get concerned,” said Charlie Mitchell, an ACLU legislative counsel. “Maine’s vote is a reflection of that dynamic.” [[American Civil Liberties Union](#) Press Release 3/23/04]

279 Communities In 39 States—including Four State-Wide Resolutions—Pass Resolutions Opposing Sections Of the USA Patriot Act and Calling to Protect Americans’ Civil Rights and Civil Liberties.

State and city legislative bodies in 279 communities in 39 states including four state-wide resolutions have passed resolutions against the Patriot Act . These communities represent approximately 49 million people who oppose sections of the [USA PATRIOT Act](#) . [American Civil Liberties Union, [List of Communities that Have Passed Resolutions](#) as of 4/2/04]

Click here for [Conservative Voices Against the USA PATRIOT Act](#).

Click here for [Conservative Voices Against PATRIOT Act II](#).

## Democrats Fight To Defend and Protect America's Freedoms, Roll Back Parts of Patriot Act.

Democratic Congressional leaders have introduced numerous bills that would enhance civil liberties protections by rolling back or limiting portions of the USA PATRIOT Act.

- Senator Ron Wyden (D-OR) introduced the Protecting the Rights of Individuals Act (S. 1552) to narrow the government's authority to conduct secret searches of homes and offices, to access business records and materials (including library and bookstore records); raise the standard of review for obtaining educational records, increases judicial review for telephone and internet monitoring, and prohibit data mining without prior congressional approval; narrows the definition of domestic terrorism so that those engaged in political protest are not labeled as terrorists.
- Senators Larry Craig (R-ID), Patrick Leahy (D-VT), Richard Durbin (D-IL), and Harry Reid (D-NV) introduced the PATRIOT Oversight Restoration Act (S. 1695) would limit the government's authority to conduct secret searches of homes and offices, to use "John Doe" roving wiretaps, and to access library, bookseller, and other business records without adequate judicial oversight.
- Senator Russell Feingold (D-WI) introduced The Library, Bookseller, and Personal Records Privacy Act (S. 1507) would require individualized suspicion as the basis for the application for a subpoena of such records and would require the Attorney General to inform the Judiciary Committee of requests for library, bookseller, and business records made pursuant to this section of the PATRIOT Act. Senator Russell Feingold (D-WI) introduced this bill on July 31, 2003.

[USA Patriot Act: Development in the 108<sup>th</sup> Congress [People for the American Way](#)]

Each bill is waiting for the Republican-controlled Senate Judiciary Committee to take action on the proposed legislation. [USA Patriot Act: Development in the 108<sup>th</sup> Congress [People for the American Way](#)]

## Democratic Presidential Candidate John Kerry: 'End the Era of Ashcroft.'

Former Prosecutor John Kerry's Plan to Restore Civil Rights for All Americans

From the [John Kerry Website](#):

"Every American should have the opportunity to succeed and to live the American dream. Discrimination has no place in a nation founded on the principles of freedom from persecution. While America has made great strides toward true equality, much remains to be done and too often the progress we've made comes under attack. John Kerry voted for every major piece of Civil Rights legislation to come before Congress since 1985, including the Civil Rights Act of 1991, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act. He voted for the Equal Rights Amendment, and supports the Employment Nondiscrimination Act."

Stop indefinitely detaining American citizens and give basic rights to those detained.

### Reasonable Approaches for Detainees

John Ashcroft's Justice Department has been so reckless and arrogant with detainees that even the Department's Inspector General has cried foul. The Inspector General criticized the Justice Department for detaining 762 Arab and Muslim non-citizens, sometimes for many months, regardless of lack of evidence. Some were arrested in chance encounters or on flimsy leads, but all were sucked into the FBI's September 11-related investigation. Most were never charged with a crime and not one was charged in relation to the terrorism probe. The average wait for the FBI to clear a detainee for deportation was 80 days, with some waiting as long as eight months. In numerous cases, people not accused of any crime were locked down 23 hours a day, sometimes in solitary confinement, and shackled when outside their cells.

- Stop Holding Detainees Indefinitely Without Cause.
- Right To Consult A Lawyer.
- No New Laws That Prevent Disclosing Information About Detainees.
- No Secret Monitoring Of Attorney-Client Conversations.

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Strengthen terrorism laws that work, including sharing information with local law enforcement.

#### Tough New Laws on Terrorism

The Bush's Administration war on terror has limited freedom and civil liberties, but has done little to actually prevent terrorism and increase security. In addition to his comprehensive plan to improve homeland security, John Kerry will champion strong new anti-terrorism measures that respect the Constitution, personal privacy, and our shared freedoms.

- Keep Provisions That Help The War On Terrorism.
- Enhance Efforts To End Money-Laundering.
- Improve Information Sharing Between The Intelligence Community And Local Law Enforcement.

[John Kerry for President Website [Plan to Protect Civil Liberties and Improve Security](#)]

Stop unreasonable sneak and peek searches, and ensure that there are reasonable safeguards on the use of roving wiretaps and the seizing of library and business records.

#### Stop the Ashcroft Abuses: Ensuring Terrorism Laws are Used for Terrorism

The Ashcroft Justice Department has abused his role as Attorney General and undermined the spirit of any new authority he was given in the wake of September 11th by using anti-terrorism authority to be used to stop anti-war protestors and aid political goals.

- Stop Allowing FBI To Attend Any Meeting Without Cause.
- Stop Using Terrorism Laws For Political Purposes
- Stop Using Terrorism As An Assault On Immigration.

[John Kerry for President Website [Plan to Protect Civil Liberties and Improve Security](#)]

Assuring that terrorism laws are used to combat terrorism and not in ordinary criminal cases, such as to send the FBI to churches or anti-war demonstrations or to help a political cause.

#### Prevent Unchecked and Unreasonable Invasions of Privacy

The Patriot Act took some important steps against terrorism in the wake of September 11th, including increasing information sharing among law enforcement and creating important tools and mechanisms to cut off terrorist financing. However the spirit of the law has been abused by the Ashcroft Justice Department, which has taken every opportunity to limit freedom and civil liberties. Given these abuses, John Kerry believes it is necessary to scale back several provisions in the Patriot Act to assure our enhanced security does not come at the expense of our civil liberties.

- More Oversight Of "Sneak And Peek" Searches.
- No Unwarranted Seizure Of Library Or Business Records.
- Stop Unchecked Roving Wiretaps.
- No Blanket Preemption Of Existing Checks On Local Law Enforcement.

[John Kerry for President Website [Plan to Protect Civil Liberties and Improve Security](#)]

Assuring government is transparent and information is available so that Congress and the public can hold the Justice Department accountable.

### All Information Available to the People - Unless It's a National Security Risk

A government for the people should make information available to the people. The Bush Administration has failed to provide basic information about the war against terror at every step. They have withheld information about 9/11 that would have provided us with critical information to prevent another attack. John Kerry will require that information be released unless it explicitly undermines national security or the war on terrorism.

- Bush Administration Has Failed To Release Critical Information About 9/11.
- Stop Withholding Information On Key Government Decisions.
- Regular Reporting On Anti-Terrorism Activities.
  - Mandate regular reporting to Congress of all anti-terrorism activities. He will protect privacy and security by following the protocols for classified information that the military and intelligence agencies follow when reporting to Congress.
  - No more will the Federal government's actions – and the actions of the Justice Department – be unchecked or shrouded in secrecy. Lawmakers will be equipped with information to protect against abuse.  
[John Kerry for President Website [Plan to Protect Civil Liberties and Improve Security](#)]



## The Democratic Party: A History of Protecting and Expanding Civil Rights in America

