



# your **Legal Rights** have changed

## **THREATS FROM POST-9/11 LAWS AND POLICIES**

### **CHANGES AFFECTING THE BILL OF RIGHTS**

The First Amendment guarantees **FREEDOM OF SPEECH**, but now the government can:

- ▶ Prosecute librarians or keepers of any other records who tell anyone that the government subpoenaed information related to a terror investigation.<sup>1</sup>
- ▶ Prosecute you if you contributed or provided other support to an organization, even if you were not aware the organization is on the State Department list of foreign terrorist organizations, or if you made the contribution long before the terrorist designation was made.<sup>2</sup>

The First Amendment guarantees **FREEDOM OF ASSOCIATION**, but now:

- ▶ FBI may monitor religious and political institutions without suspecting criminal activity to assist terror investigation.<sup>3</sup>
- ▶ Government may use the new crime of “domestic terrorism” against activists whose protests “appear to be intended ... To influence the policy of a government by intimidation or coercion.”<sup>4</sup>

The Fourth Amendment guarantees **FREEDOM FROM UNREASONABLE SEARCHES**, now:

- ▶ FBI may secretly demand your private records from libraries or other third-parties and may search and seize your papers and effects without probable cause to assist terror investigation.<sup>5</sup>

The Fifth Amendment guarantees the **RIGHT TO LIBERTY**, but now:

- ▶ You may be jailed without being charged or being able to confront witnesses against you.<sup>6</sup>
- ▶ Government’s secret “no fly list” may curb your ability to travel via air without offering you a reason or a procedure for clearing your name.<sup>7</sup>

The Sixth Amendment guarantees the **RIGHT TO LEGAL REPRESENTATION**, but now:

- ▶ Government may monitor federal prison jailhouse conversations between attorneys and clients, and deny lawyers to Americans accused of crimes.<sup>8</sup>

The Sixth Amendment guarantees the **RIGHT TO A SPEEDY AND PUBLIC TRIAL**, but now:

- ▶ Government may jail you indefinitely as an “enemy combatant” without a trial.<sup>6</sup>

### **CHANGES AFFECTING THE FREEDOM OF INFORMATION ACT**

Ensures the protection of the public's **RIGHT TO ACCESS PUBLIC RECORDS**, but now:

- ▶ Government has closed once-public immigration hearings.<sup>9</sup>
- ▶ Government has secretly detained hundreds of people without charges.<sup>6</sup>
- ▶ Government has encouraged bureaucrats to resist public records requests.<sup>10</sup>

<sup>1</sup> USA PATRIOT Act section 215 <sup>2</sup> 1994 and 1996 Anti-Terrorism laws amended by USA PATRIOT Act section 805 <sup>3</sup> Attorney General's Investigative Guidelines, May 2002 <sup>4</sup> USA PATRIOT Act section 802 <sup>5</sup> USA PATRIOT Act sections 203, 206, 215 and 218 expanding use of secret Foreign Intelligence Surveillance Court and section 505 expanding the FBI's ability to issue secret National Security Letters. <sup>6</sup> Dept. of Justice Interim regulation 66 FR 183 at 48334, Sept. 20, 2001; President Bush's order designating “enemy combatants.” <sup>7</sup> Transportation Security Administration's “no fly list” <sup>8</sup> Dept. of Justice issued Bureau of Prisons interim regulation 66 FR 211, at 55062, Oct. 31, 2001 <sup>9</sup> Creppy memo to “All Immigration Judges; Court Administrators, Sept. 21, 2001 <sup>10</sup> Attorney General's “Memorandum for Heads of all Federal Departments and Agencies,” October 12, 2001.

Sources: Associated Press, Bill of Rights Defense Committee, Lane County Bill of Rights Defense Committee