



## **Protecting Americans' safety -- and rights:[Chicago Final Edition]**

*Harvey Grossman, Legal director, American Civil Liberties Union of Illinois. Chicago Tribune. Chicago, Ill.: Oct 9, 2003.*

We commend the Chicago City Council for supporting a resolution condemning the so-called USA Patriot Act. Its primary flaw is its broad expansion of the federal government's surveillance powers during terrorism investigations.

All of us want the federal government to take assertive action to prevent violence.

But the sweeping surveillance powers granted by the act do little to make us more safe, while doing much to make us less free.

Terrorism is different than other crimes because an element of the offense is ideology.

As a result, government investigations of terrorism contain the inherent danger of subjecting innocent people to highly intrusive surveillance based solely on their unpopular beliefs or their membership in unpopular political or religious organizations.

Such surveillance chills and deters people from engaging in lawful expressive activity, which undermines the very fiber of our democratic society.

On numerous occasions in our history, investigation of terrorism and other national security threats have led to rampant civil liberties abuses. In light of the inherent potential for abuse, it is critical that we place appropriate limits on government surveillance directed toward ideologically motivated crime.

In two critical ways, the Patriot Act is a giant step down the road toward government surveillance without limitation.

First, the act creates an overly broad crime of "domestic terrorism," which includes all acts that are intended to influence government policy and are dangerous to human life--whether or not anyone is actually harmed and whether or not the accused intended to cause harm. This definition is so vague that the government could designate lawful advocacy groups as terrorists, and then subject members and supporters of these organizations to invasive surveillance in the name of preventing future terrorism.

Second, the Patriot Act allows the FBI to obtain personal records about anyone from anyone (including libraries, Internet service providers, hospitals or businesses), merely by asserting that the items are sought for an ongoing terrorism investigation. The FBI need not show probable cause--or any reason at all--to believe that the person in question has done anything wrong or has any connection whatsoever to terrorism.

The Patriot Act allows the indefinite detention of any non-citizen based upon no more than the attorney general's untested certification that he has reasonable grounds to believe that the non-citizen is a threat to national security. This violates basic American norms of due process and the separation of powers.

Also the Patriot Act dramatically expands "sneak and peek" searches, under which law-enforcement officials enter homes and businesses without providing the owners with notice or an opportunity to challenge the search in court.

This violates basic American norms of open government and the sanctity of private property.

We urge the repeal of these and related provisions of the Patriot Act. An effective means to do so would be the prompt enactment of a pending bipartisan federal bill known as the Benjamin Franklin True Patriot Act, which would ensure a proper balance between improving our safety and protecting our rights.