

PATRIOT ACT VICTORY: An Update from Anthony Romero

Yesterday supporters of freedom won a significant Patriot Act victory. The House of Representatives unanimously approved a motion favoring a four-year expiration on some of the most controversial provisions of the Act. This "motion to instruct" the joint conference committee members won wide bipartisan support and signals that leaders are concerned about the secretive powers at the heart of the Patriot Act controversy.

While the motion is non-binding, it sends a powerful message just as the conference committee prepares to vote on the competing versions of the Patriot Act passed by the House and the Senate. It is a rebuke to the Bush administration and their effort to make all of the expiring Patriot Act powers permanent or extend them for ten years before the next review.

This vote shows that the ACLU, its bipartisan allies and supporters like you are genuine participants in the struggle to bring the Patriot Act in line with the Constitution. Many people thought renewal of the Patriot Act this year would be a quick slam dunk for the Bush Administration, but today Congress sent a different message. This achievement proves that we are winning this historic debate.

Among the alarming proposals getting renewed public attention are the Patriot Act expansions to the federal death penalty, including new jury rules that make it easier to push for executions and a threefold increase in the number of federal crimes that can be punished by death.



The ACLU is aggressively fighting these proposals. Already, Mary Jo White, the former federal prosecutor who has tried several al Qaeda suspects, publicly opposed the measure. As public outcry over Patriot Act powers grows, both The New York Times and the Washington Post have weighed in against the House death penalty expansions.

Our fight against secret records demands via "National Security Letters" is also making steady progress in the courts. Last week we presented oral arguments in our two federal cases challenging this inherently abusive power.

The first case reached the Second Circuit after a judge struck down one NSL power in the Patriot Act as entirely unconstitutional. The newer case involves an organization with library and Internet records whose identity we cannot disclose because of a government gag order. A lower court has already ruled that the gag violates the First Amendment, and we are now arguing on appeal to help our client to be heard right now, during Congress's critical Patriot Act debate.

We now know that 30,000 National Security Letters are issued by the government per year, a hundred-fold annual increase since the passage of the Patriot Act. Just this week, powerful Senators from both parties responded with alarm to the magnitude of these secret searches and rule change (by then Attorney General John Ashcroft) enabling the FBI to keep all records they gather during these secret searches, regardless of their ultimate relevance to the investigation or the finding of any actual wrongdoing.

Again, I thank you personally for your support. Without it, we could not have raised such a large and bipartisan chorus of voices in favor of reform.