

San Mateo County Times

Tom LANTOS

Fixing the Patriot Act

Thursday, February 12, 2004 - IN his recent State of the Union address, President Bush stated that the so-called USA Patriot Act needs to be made permanent. He has also pushed for an expansion of investigative powers under this post-Sept. 11 anti-terrorism law.

His attorney general shares this position; last year, John Ashcroft conducted a public relations campaign in defense of the Patriot Act, lashing out against its critics and saying their concerns for civil liberties in this country were merely "castles in the air ... held aloft by hysteria."

I could not disagree more. The Patriot Act's brief history has been scarred by abuse after abuse, as Ashcroft's agents have used expanded powers to push to the limits of the Constitution, and perhaps beyond. FBI agents have conducted "sneak and peek" searches to enter homes and businesses without presenting warrants. The American Civil Liberties Union reports that hundreds of noncitizens may have been detained for months at a time – their rights disregarded – and thousands interrogated, often without evidence of criminal behavior.

These and other actions are not merely "castles in the air." They are legitimate, serious threats to our civil liberties, and they must be addressed without delay. In the immediate aftermath of Sept. 11, the Patriot Act was supposed to make us safer. The terrorists' attacks exposed significant flaws in America's security infrastructure, and the new law – which included numerous mechanisms to strengthen cooperation among federal, state and local law enforcement agencies – was designed to fix these problems. That is why 357 members of the House and 98 members of the Senate voted in favor of the bill, with Democratic and Republican leaders united in support.

But included in the Act, among these needed reforms, were other provisions with far more insidious consequences. In addition to expanded sneak and peek searches and detentions without charge, the Patriot Act allowed law enforcement officials to demand access to personal records – including an individual's medical history, Internet-use patterns and book purchases – even if the individual is not suspected of criminal activity.

The House and Senate are currently considering a number of measures that would deal with the Patriot Act's problems. The bipartisan Security and Freedom Ensured (SAFE) Act would strengthen the role of judges in approving warrant-delayed sneak and peek searches, using the power of Constitutional checks and balances to keep the administration from violating our civil liberties. The Freedom to Read Protection Act, with more than 140 cosponsors in the House of Representatives, would prevent federal agents from forcing librarians and booksellers to provide them with information about an individual's book-reading activities. Finally, the soon to be introduced End Racial Profiling Act would enable local law enforcement agencies to fund anti-profiling training and technology, and would mandate data collection to monitor progress in eliminating racial profiling.

These bills would maintain useful provisions of the PATRIOT Act while reducing abusive ones. They have the full support of the American Civil Liberties Union and other civil liberties organizations. Other thoughtful measures now being sponsored in the Senate also deserve serious consideration.

There were strong reasons in the wake of Sept. 11 for House Democratic Leader Nancy Pelosi, hundreds of our colleagues and me to vote for the Patriot Act. And while parts of this legislation have been helpful in prosecuting the war on terrorism, we should not have to give up our most sacred Constitutional protections in the pursuit of our security. Ben Franklin said it best: "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." Our history and our heritage demand that we apply this wisdom today and into the future.

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