

Patriot Act's Supposed Justification is Gone

By Peter Erlinder

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The storm of questions and criticism following revelations that the Bush administration had numerous warnings of an impending hijacking before the Sept. 11 tragedy have focused primarily on the Nixon-era mantra, "What did he know, and when did he know it?" But even if a congressional investigation agrees with Bush administration protestations that the warnings weren't specific enough to know what to do, administration policy after Sept. 11 is going to require some explaining, too.

The "lack of specific warnings" defense may justify a lack of action before the airliners hit the World Trade Center, but it can't explain away the lies that were told to Congress and the American people after Sept. 11 to justify the administration's war on civil liberties. The administration has been cynically using its own failure to act on intelligence developed under then-existing laws to justify vastly increasing its own power at the expense of civil freedoms.

Within a month of Sept. 11, Attorney General John Ashcroft packaged an old FBI wish list as the USA Patriot Act and demanded Congress pass it without discussion, because of the threat of yet another "Pearl Harbor-like attack." He told us the administration needed new "tools" to prevent unexpected terrorist attacks -- new wiretap authority; secret searches; the use of secret evidence; secret immigration hearings; taping lawyers' conversations; locking up "undesirables" on his command, and other measures.

No less an expert than Supreme Court Justice Sandra Day O'Connor told us that concerns about civil liberties and abuse of power had to be shelved because of the "unexpected" new threat. Members of Congress have been accused of being the next thing to traitors for questioning administration policy and have even been forcibly expelled from Ashcroft's secret immigration hearings. Thousands have been locked up and deported, though no terrorists have been found, and our allies object to our holding of prisoners in violation of international law.

By presidential decree, the press has been cut off from normal access to government information. Local law enforcement is being deputized for federal immigration duty and Ashcroft is indicting lawyers who represent alleged terrorists a bit too independently. Even at the state level, in places like Minnesota, local law enforcement has gotten on the bandwagon with state "antiterrorism" bills that ape the Ashcroft proposals.

All of this has been justified in the name of preventing another "surprise attack." The administration, however, had the right "tools" in place before Sept. 11. Those tools would have proved effective, if the administration had known how to use them.

Now we know that we were all deceived. Recent revelations about the Sept. 11 tragedy prove that existing investigative powers were effective. The Bush administration used its own failure to act on the warnings it had received to justify grabbing even more power, at the expense of our civil liberties, by deceiving Congress and the American people.

The USA Patriot Act became law in less than a month, without any hearings. Now that we know it was passed under false pretenses, Congress should repeal it just as quickly. And the Bush administration should rescind the policies that diminish our civil liberties, until we can get an honest assessment of what went wrong in the months before Sept. 11.

Peter Erlinder, a professor at William Mitchell Law School, is a past president of the National Lawyers Guild.

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