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Rights for All

Most Americans believe that a victory in the war against terrorism will require certain inconveniences. Most Americans are also willing to accept inconveniences such as longer waits at airports and more invasive searches before boarding. Disagreement only begins when the inconveniences impinge on the civil liberties granted in the Constitution and Bill of Rights.

The USA Patriot Act is already being challenged by congress members, news organizations, and the American public on the grounds that it steps too far into civil liberties in an attempt to prevent future terrorist attacks. Passed in great haste after the events of September 11, the USA Patriot Act gave law enforcement agencies many new, and unprecedented, legal powers. Although the goal of the legislation was to preserve freedom in the face of fear, many worry that the law has the potential to damage American freedom much more than terrorism ever could.

However, even among the opponents of the USA Patriot Act there exists some dissension. This comes from varying definitions of what American freedom really is and who should be able to take advantage of it. Much of what has been written about the USA Patriot Act focuses exclusively on the rights of American citizens, while other writers choose to focus on what is being done to Arab non-citizens residing in the United States following September 11. These viewpoints overlap in both their defense of civil liberties and their challenges of the USA Patriot Act, but the reasoning behind the two viewpoints differs greatly.

Those that defend the absolute Constitutional rights of American citizens do so with

relatively solid backing. Few people in America want to appear to go against the freedoms presented in the Bill of Rights. Searches without warrants, imprisonment without charge or evidence, and guilt by association all go strongly against the beliefs of most Americans. However, by focusing only on American citizens, the much larger issue of civil liberties for all people is missed. David Keene, chairman of the American Conservative Union, clearly showed the problem with this narrow view of American freedom with his statement:

This is not to say we should be foolhardy. [...] Suspected terrorists should be targeted for surveillance and the rest, but that doesn't mean we ought to run roughshod over the rights of Americans whose only crime is that they become the targets of future terror attacks.

In this statement, Keene very clearly puts great importance on the civil liberties of American citizens, but at the same time he diminishes the importance of civil liberties for “suspected terrorists,” presumably Arab non-citizens residing in the United States.

The status of civil liberties in a country should not be judged by the civil liberties granted to most people, but should instead be judged on the civil liberties taken away from the most unfortunate. If in a certain case it is acceptable to take civil liberties from a certain group, then civil liberties become meaningless for all. The freedoms granted in the Constitution were absolute principles. If they are broken for one person, they can no longer be trusted for anyone.

According to Matthew Craft of “The Village Voice”, after the events of September 11 over a thousand people were taken into custody. They were taken without notice and without charges against them. These people were merely suspected of having possible links to the terrorists, and for that crime they have been forced to serve indefinite periods of detention. While Keene may find this behavior acceptable in the case of non-citizens, it still goes against a previous Supreme Court decision against “detaining aliens indefinitely.” The justification given by

Attorney General John Ashcroft is even more disturbing. Ashcroft's reasoning was that "it is difficult for a person in jail or under detention to murder innocent people or to aid or abet in terrorism." This is an undeniably true statement.

Ashcroft has found a sure way to prevent terrorism, but the solution is worse than the problem ever was. Ashcroft's solution would imply that the Bill of Rights is only for American citizens and an acceptable way to stop terrorism is to reduce the rights of non-citizens. However, the practice of finding ways around the Constitution is inherently dangerous.

The government is already finding ways around the rights of US citizens. As noted during an address to the Senate, Senator Russ Feingold said that the passage of the USA Patriot Act "means that the fourth amendment rights will be significantly curtailed in many investigations of terrorist acts." This is completely unacceptable and is still compounded by the fact that terrorism investigations are often conducted with less evidence than traditional criminal or civil investigations.

In order to insure that the United States remains a free nation for all, we must be extremely careful how we treat those we suspect the most and trust the least. If we cannot guarantee them their rights, the rights of US citizens will be the next to go. The USA Patriot Act and similar legislation must be repealed in order to ensure that the United States truly has "liberty and justice for all."