



PAUL LACHINE

# THE SILENCE OF FRIENDS

CAUTION: READING THIS MAY BE HAZARDOUS TO YOUR HEALTH.

BY KATE O'NEAL

The Rules have changed. We have a brand new crime called *Domestic Terrorism*, the definition of which is so broad that it effectively covers all forms of dissent and those supporting such dissent. By reading the following seditious article you may be committing a crime.

Before we get into the really nasty stuff let's take a quick glance at the big guns behind "Big Brother," the *Office of Homeland Security*. The ultimate police state body, it was created solely by an Executive Order from George W. Bush and supersedes all other agencies, even the judiciary. There is no oversight on its activities or budget except for that of the President himself. It is a huge new entity that essentially combines all police, FBI, NSA and CIA agencies with the military forces. Services that have always been used for foreign spying, assassinations and waging wars are now to be turned upon us! The conservative columnist, William Safire, wrote, "...the President of the United States has just assumed what amounts to dictatorial power."

If you think you're safe, that this isn't going to make a difference in your life because you're a good person who doesn't commit crimes, think again: the "USA PATRIOT ACT" (HR 3162) nullifies our First, Fourth, Fifth, and Sixth amendments to the Constitution. Now that's nasty and it just may make a difference in your life.

When Abraham Lincoln suspended one of the Amendments (the writ of *habeas corpus*, for war protesters) during the Civil War, the Supreme Court stated:

"The Constitution of the United States is a law for rulers and people equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government." - *Ex parte Milligan* (1866).

The First Amendment, in our Bill of Rights, guarantees freedom of speech, the press and the right of the people to "peaceably...assemble, and to petition the government for redress of grievances". Under the new law, such *coercion* can be legally called terrorism! (That's what the President's Press Secretary, Ari Fleischer, meant when he said, "People had better start watching what they say...") Section 802 of HR 3162 defines domestic terrorism as "activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States: ...and "appear to be intended to intimidate or coerce a civilian population," or "to influence the policy of a government by intimidation or coercion..." This law has already been used against nonviolent antiwar demonstrators who were

arrested for marching in Hartford, Connecticut on Oct. 25. They were charged not with the usual misdemeanor offenses common in these instances but with felonies carrying multi-year prison terms on conviction. Now, you may not be a nonviolent activist yourself, but should they really be locked up? Will it make us safer?

The Second Amendment guarantees "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, (and) shall not be violated, and no warrants shall issue, but upon probable cause." The new "Sneak & Peak" provision allows for any law enforcement officer to come into your home or business without a warrant, when you're not there and, without ever telling you, search through all your things. Then, if you find out about it and tell anyone, you can be arrested just for that! This is one of the majority of new laws that do not have a "sunset provision", an automatic termination date. If you take as little as \$5,000 out of your bank account this is legally considered "suspicious activity" and is supposed to be reported to the feds. Your e-mail can be searched as well as your business and even health records. All without probable cause and without your knowledge. All without even the suspicion of your being guilty of a crime. You need not have committed a crime; it's enough to cook your goose if they think you may in the future commit some crime! I'm not exaggerating and you can understand the rationale: should you be thinking about committing a crime, you can be prevented from carrying it out. (Remember the old idea about being "innocent until proven guilty"? Well, now you don't even need to be guilty!)

The Fourth Amendment states no person "shall be deprived of life, liberty, or property, without due process of law." So far, and so far as we know, only immigrants and foreign visitors to our fair land of liberty are being held without these rights. (We really don't know, though, they haven't told us who the approximately 1,200 people are that they've got locked away in interrogation rooms. We only have the name of one who died.)

The Sixth Amendment guarantees a "speedy and public trial by an impartial jury" and that "the accused be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." Under the new rules, some will be tried under a military tribunal with the power of execution and without appeal. Only two of the three military judges need agree on guilt; the decision need not be unanimous. Those accused will not even be able to speak to their lawyers in private now. (Although that's not written into the law it has been decreed to be so.) Even in open court, the accused is no longer entitled to know what the charges are, or of the evidence to be used against him if it is claimed the disclosure would "violate national security".

The Eighth Amendment, specifically the part about "cruel and unusual punishments", is in great peril, too, as "those who know what's best for us" debate the use of torture. *Torture!* They are seriously considering making it legal under U.S. law! That

it is illegal under international law doesn't seem to bother these people. Who are these guys, anyway?

If we allow the dismantling of our Constitution, what's left that makes our country great? What's to fight for? What's to protect? Are we really going to be safer now that we don't have these rights? How would these new laws have protected us from the September 11 attack? Benjamin Franklin, no dummy, once said "...if we give up our essential rights for some security, we are in danger of losing both."

The "Office of Homeland Security" was created solely by Presidential edict and I don't know what we can do about it, but the USA PATRIOT ACT was voted on and passed both the House and the Senate with little opposition in the end. How on earth could that happen? Besides the sense of urgency created by the terrorists and the President, one factor was that our elected representatives didn't even read the bill before it was voted on! The House and Senate versions were being cobbled together in committee until a few hours before the vote, and the 325 pages, consisting of 51 separate bills, weren't even printed up by vote time!

The good news is now that some of our representatives have read the bill, they, too, are appalled at what they've done. After all, when they took their oath of office they swore to uphold the Constitution. (Representative Ron Paul [R] of Texas, after reading the bill, told Kelly O'Meara of the *Washington Times' Insight* magazine, "Our forefathers would think it's time for a revolution. This is why they revolted in the first place... They revolted against much more mild oppression.") This piece of legislation is unconstitutional as all get-out and it doesn't take a rocket scientist to see it. There's a growing movement to get the stinking thing repealed and if "We the People" can find the time to give our representatives a call and tell them we expect them to do it, we may just save our democracy yet. At least we can try. For the sake of our children if not for ourselves.

"In the End, we will remember not the words of our enemies, but the silence of our friends." (Dr. Martin Luther King, Jr.)

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