

March 23, 2005

## Coalition Forms to Oppose Parts of Antiterrorism Law

By [ERIC LICHTBLAU](#)

**W**ASHINGTON, March 22 - Battle lines were drawn Tuesday in the debate over the government's counterterrorism powers, as an unlikely coalition of liberal civil-rights advocates, conservative libertarians, gun-rights supporters and medical privacy advocates voiced their objections to crucial parts of the law that expanded those powers after the attacks of Sept. 11, 2001.

Keeping the law intact "will do great and irreparable harm" to the Constitution by allowing the government to investigate people's reading habits, search their homes without notice and pry into their personal lives, said Bob Barr, a former Republican congressman who is leading the coalition.

Mr. Barr voted for the law, known as the USA Patriot Act, in the House just weeks after the Sept. 11 attacks but has become one of its leading critics, a shift that reflects the growing unease among some conservative libertarians over the expansion of the government's powers in fighting terrorism.

He joined with other conservatives as well as the American Civil Liberties Union on Tuesday in announcing the creation of the coalition, which hopes to curtail some of the law's more sweeping law-enforcement provisions.

But Bush administration officials on Tuesday affirmed their strong support for the law as an indispensable tool in tracking, following and arresting terrorist suspects. As one of his top legislative priorities, President Bush has prodded Congress repeatedly to extend critical parts of the law that are set to expire at the year's end.

The coalition of liberals and conservatives said it had no quarrel with the majority of the expanded counterterrorism tools that the law provided, some of which amounted to modest upgrades in the government's ability to use modern technology in wiretapping phone calls and the like.

But the group said it would focus its efforts on urging Congress to scale back three provisions of the law that let federal agents conduct "sneak and peek" searches of a home or business without immediately notifying the subject of such searches; demand records from institutions like libraries and medical offices; and use a broad definition of terrorism in pursuing suspects.

The group, calling itself Patriots to Restore Checks and Balances, asked Mr. Bush in a letter Tuesday to reconsider his "unqualified endorsement" of the law.

"We agree that much of the Patriot Act is necessary to provide law enforcement with the resources they need to defeat terrorism," the letter said, "but we remain very concerned that some of its provisions go beyond its mission and infringe on the rights of law-abiding Americans, in ways that raise serious constitutional and practical concerns."

Although Congressional action is still probably months away, both sides are already girding for an intense debate. Previous efforts to curtail parts of the law have won significant support in Congress, but the administration and Republican leaders have ultimately beaten back the challenges. Mr. Barr said he considered the debate "the single most important issue" facing Congress.

The Bush administration has offered a sharp rebuttal to growing attacks on the law in the last two years, saying that federal agents have used their new powers sparingly and judiciously.

Administration officials note that the Justice Department's inspector general and other groups that have examined the law have not documented any abuses of power.

Critics, however, counter that because most aspects of the law's use in terrorism cases remain classified, it has been very difficult to assess how it is being utilized.

Attorney General Alberto R. Gonzales has indicated that he is open to a dialogue on the future of the law and possible changes, and his chief spokeswoman, Tasia Scolinos, affirmed that pledge Tuesday. "The Department of Justice has spearheaded the call for active discussion and meaningful dialogue on the reauthorization of the Patriot Act," she said.

Justice Department officials said they believed that the coalition's apparent acceptance of all but three elements of the law signaled that the two sides could find room for negotiation on the remaining areas of disagreement.

But coalition members said that the Bush administration's commitment to a dialogue struck them as somewhat half-hearted. Paul Weyrich, who is chairman of the Free Congress Foundation and a prominent conservative who joined the coalition, said he thought the administration, and in particular the former attorney general, John Ashcroft, had adopted an "absolutist" defense of the law.

Mr. Weyrich said he took offense at comments by Mr. Ashcroft suggesting that if people raised concerns about the law, "you were aiding and abetting terrorists. I don't think my colleagues here ought to be put in that position."

Other conservatives who voiced concerns Tuesday included Grover Norquist, president of Americans for Taxpayer Reform; David Keane, chairman of the American Conservative Union, and leaders of the Second Amendment Foundation and other gun-rights groups.

Mr. Barr said that the group hoped "to compete with the bully pulpit of the White House" in prompting a more complete airing of the issues.

"Missing from the debate has been a substantial discussion and analysis about restoring the checks and balances in the Constitution" while fighting terrorism, he said.

March 22, 2005

President George W. Bush  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

We are writing to express our concerns about your recent statements asking Congress to make all of the temporary Patriot Act powers permanent (and, indeed, to expand the Act's powers), without any recognition of the serious reservations many Americans have about secret searches of their homes and their possessions by federal agents, as well as other far-reaching provisions.

We agree that much of the Patriot Act is necessary to provide law enforcement with the resources they need to defeat terrorism, but we remain very concerned that some of its provisions go beyond that mission and infringe on the rights of law-abiding Americans, in ways that raise serious constitutional and practical concerns. The emergence of international terrorism on our shores cannot be allowed to dissolve the carefully constructed structural foundations for preserving our liberty that are required by the Constitution, that very document our soldiers have sacrificed and continue to sacrifice their lives to protect.

When Congress passed the Patriot Act, just 45 days following the horrific attacks on September 11, 2001, a majority in Congress voted to make certain that the most extraordinary provisions of the Act would be subject to congressional review and would expire in December 2005. Now is the time for Congress to review and consider amending these provisions to protect Americans' most fundamental freedoms, and bring the law in-line with the checks and balances demanded by the Constitution.

We urge you to reconsider your unqualified endorsement of the most intrusive, unchecked powers temporarily granted by the Act such as:

- Section 213, which allows government agents to secretly search through people's homes and businesses and seize their personal property without notice for days, weeks, months or perhaps ever.
- Section 215, which allows government agents to collect personal data on law-abiding Americans – such as the books they buy or borrow, their personal medical history, or even records of goods they purchase, such as firearms – without strong evidence connecting the person or their records to the commission of a crime or to a foreign terrorist agent.
- Section 802, which defines terrorism to reach any state or federal crime involving dangerous acts intending to influence the government or citizens.

We believe it is wise to review such powers thoroughly and regularly to ensure the resources of the fight against acts of terrorism are not being squandered, diluted or abused by sweeping in innocent Americans and sweeping away our inalienable rights.

Sincerely,



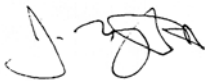
Bob Barr  
Chair  
Patriots to Restore Checks and  
Balances



David Keene  
Chairman  
American Conservation Union



William Westmiller  
National Chairman  
Republican Liberty Caucus



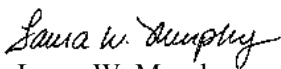
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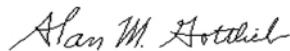
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Private Citizen, Inc



Laura W. Murphy  
Director, Washington Legislative Office  
American Civil Liberties Union



Grover Norquist  
President  
Americans for Tax Reform



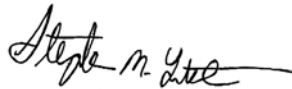
Alan Gottlieb  
Founder  
Second Amendment Foundation



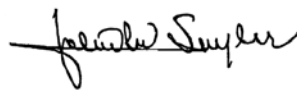
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Paul M. Weyrich  
President and CEO  
Free Congress Foundation



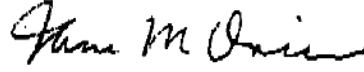
Chuck Muth  
President  
Citizen Outreach



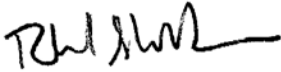
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