

# Bill of Rights Day

## December 15, 2003

212 years ago today, our nation's founding fathers acted to protect our essential liberties by passing The Bill of Rights.

On the anniversary of that event, we honor and celebrate this vital document, and the freedoms which it is designed to guard.

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### **Amendment I - Freedom of Religion, Press, Expression.**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### **Amendment II - Right to bear arms.**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### **Amendment III - Quartering of soldiers.**

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### **Amendment IV - Search and seizure.**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### **Amendment V - Trial and Punishment, Compensation for Takings.**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### **Amendment VI - Right to speedy trial, confrontation of witnesses.**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to 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 defence.

### **Amendment VII - Trial by jury in civil cases.**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

### **Amendment VIII - Cruel and Unusual punishment.**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### **Amendment IX - Enumeration of Rights.**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

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### **Amendment X - Powers not Delegated.**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

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**Please see the reverse side to read how the above rights  
are being threatened by our federal government.**

# Warning: Your rights are under attack!

## The Perpetrators:

- **President George Bush**— President Bush has been wielding dangerous Executive Orders, employing war powers without a declaration of war by Congress, and pursuing vast increases of power for his partner, top law enforcement officer John Ashcroft.
- **Attorney General John Ashcroft and the Department of Justice**— Mr. Ashcroft has authorized the detention of hundreds of people in connection with the terrorism investigation, but as far as we have been told, only a handful have actually been charged with crimes. Some of these people have been detained for months without being charged, and some are being denied access to attorneys & their family. Ashcroft also partnered with President Bush to compel Congress to pass the “USA PATRIOT Act.”
- **Congress & the “USA PATRIOT Act”**— The “USA PATRIOT Act” (the name is an acronym for “Uniting and Strengthening America by Providing Appropriate Tools required to Intercept and Obstruct Terrorism”) was signed into law by President Bush on November 26th. In a rush to give Bush and Ashcroft the power they were demanding to fight terrorism, Congress hurriedly put together one of the most sweeping and significant pieces of legislation in the last 60 years, and passed it with only one hour of debate. Most members of Congress never even saw a copy of this law before voting almost unanimously for it. Many of the provisions of this bill have been debated in Congress before, and have failed to pass after thorough deliberation. Most of the 342-page law has little to do with terrorism.

## The Victims:

- **The 4th Amendment**— The 4th Amendment guarantees our right to be free from unreasonable searches and seizures, and outlines the requirements for search warrants.

The “USA PATRIOT Act” (hereafter called “The Act”) authorizes the use of the Carnivore internet wiretap tool, which unnecessarily (and unreasonably) searches the electronic communications of innocent people while searching that of the suspect. The Act also authorizes “roving wiretaps,” which allow law enforcement to tap an unspecified number of lines— any lines which can somehow be thought to be connected to the suspect. This violates the 4th Amendment provision which requires search warrants to “particularly describe the place to be searched, and the...things to be seized.” Furthermore, The Act downgrades the requirement for many warrants from “probable cause” to “reasonable suspicion,” even though the 4th Amendment insists that there should be no warrants issued “without probable cause.” As if that wasn’t enough, The Act makes a truly fundamental change to our system, by allowing state and federal prosecutors to approve warrant requests— effectively doing away with the standard judicial review.

Ashcroft and the Department of Justice (DOJ) have also assaulted the 4th amendment by spying on the attorney-client conversations of some of the hundreds of detainees from the “terror investigation.”

- **The 5th Amendment**— The 5th Amendment says that “no person shall be...deprived of life, liberty, or property, without due process of law.”

Ashcroft and the DOJ have admitted that a large number of the people who were detained in the terror investigation have been held for days or weeks without any charges being filed— without a bail hearing, without seeing an attorney, without being told what they are being held for, and so on. The primary justification used to defend such acts is that most of the “suspects” being held are not American citizens— but the 5th Amendment doesn’t say “no American citizen...”, it says “no person...”, and courts have repeatedly held that 5th Amendment protection is not restricted to citizens, but instead is meant for any person who enters our legal system.

- **The 6th Amendment**— The 6th Amendment guarantees, in all criminal prosecutions, “a speedy and public trial by an impartial jury of the State and district” where the crime was committed, as well as many other guidelines, generally known as “due process.”

President Bush’s executive order authorizing military tribunals for suspects in the “war on terrorism” is likely to result in an unprecedented constitutional crisis. The suspects in the war on terrorism are not military combatants in any traditional sense. Other terrorism suspects, such as Timothy McVeigh, Ted Kaczynski, and the 1993 World Trade Center bombers, were prosecuted through criminal courts, in compliance with the 6th Amendment. By invoking the “laws of war” and preparing to hold military trials (which abandon most of the provisions of the 6th Amendment), Bush could be leading us into a constitutional quagmire. Military tribunals have been used before, but only in wars that were declared by Congress, in accordance with the Constitution. The “war on terrorism” is not a “war” as defined by the Constitution.. Invoking military tribunals during this vague, undeclared war is a truly unprecedented act in our nation’s history.

**These are dangerous times. Get informed. Get involved.**

For more information contact the Coalition for Our Constitution at 274-2474 or 265-2850