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Bill of Rights Under Attack: A Timeline

Wednesday, December 05 2007 @ 11:41 AM MST

Contributed by: [BMcDonald](#)

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Mondo Global
December 4, 2007

2001

January

Presidential directive delays indefinitely the scheduled release of presidential documents (authorized by the Presidential Records Act of 1978) pertaining to the Reagan-Bush administration. [Link](#)

Bush and Cheney begin process of radically broadening scope of documents and information which can be deemed classified. [Link](#)

February

The National Security Agency (NSA) sets up Project Groundbreaker, a domestic call monitoring program infrastructure. [Link](#)

Spring

Bush administration order authorizes NSA monitoring of domestic phone and internet traffic. [Link](#)

May

US Supreme Court rules that medical necessity is not a permissible defense against federal marijuana statutes. [Link](#)

September

In immediate aftermath of 9-11 terror attacks, Department of Justice authorizes detention without charge for any terror suspects. Over one thousand suspects are brought into detention over the next several months. [Link \(pdf\)](#)

October

Attorney General John Ashcroft announces change in Department of Justice (DOJ) policy. According to the new policy DOJ will impose far more stringent criteria for the granting of Freedom of Information Act requests. [Link](#)

September-October

NSA launches massive new database of information on US phone calls. [Link](#)

October

The USA Patriot Act becomes law. Among other things the law: makes it a crime for anyone to contribute money or material support for any group on the State Department's Terror Watch List, allows the FBI to monitor and tape conversations between attorneys and clients, allows

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the FBI to order librarians to turn over information about patron's reading habits, allows the government to conduct surveillance on internet and email use of US citizens without notice. The act also calls for expanded use of National Security Letters (NSLs), which allow the FBI to search telephone, email and financial records of US citizens without a court order, exempts the government from needing to reveal how evidence against suspected terrorists was obtained and authorizes indefinite detention of immigrants at the discretion of law enforcement and immigration authorities.

NJ Superior court judge and civil liberties scholar Anthony Napolitano, author of A Nation of Sheep, has described the law's assault on first and fourth amendment principles as follows, "The Patriot Act's two most principle constitutional errors are an assault on the Fourth Amendment, and on the First. It permits federal agents to write their own search warrants [under the name "national security letters"] with no judge having examined evidence and agreed that it's likely that the person or thing the government wants to search will reveal evidence of a crime... Not only that, but the Patriot Act makes it a felony for the recipient of a self-written search warrant to reveal it to anyone. The Patriot Act allows [agents] to serve self-written search warrants on financial institutions, and the Intelligence Authorization Act of 2004 in Orwellian language defines that to include in addition to banks, also delis, bodegas, restaurants, hotels, doctors' offices, lawyers' offices, telecoms, HMOs, hospitals, casinos, jewelry dealers, automobile dealers, boat dealers, and that great financial institution to which we all would repose our fortunes, the post office. [Link 1](#) | [Link 2](#)

November

Executive order limits release of presidential documents. The order gives incumbent presidents the right to veto requests to open any past presidential records and supercedes the congressionally passed law of 1978 mandating release of all presidential records not explicitly deemed classified. [Link](#)

2002

Winter

FBI and Department of Defense (DOD), forbidden by law from compiling databases on US citizens, begin contracting with private database firm ChoicePoint to collect, store, search and maintain data. [Link](#)

Spring

Secret executive order issued authorizing NSA to wiretap the phones and read emails of US citizens. [Link](#)

Spring

Transportation Security Administration (TSA) acknowledges it has created both a "No Fly" and a separate "Watch" list of US travelers. [Link](#)

May

Department of Justice authorizes the FBI to monitor political and religious groups. The new rules permit the FBI to broadly search or monitor the internet for evidence of criminal activity without having any tips or leads that a specific criminal act has been committed. [Link](#)

June

Supreme Court upholds the right of school administrators to conduct mandatory drug testing of students without probable cause. [Link](#)

November

Homeland Security Act of 2002 establishes separate Department of Homeland Security. Among other things the department will federally coordinate for the first time all local and state law enforcement nationwide and run a Directorate of Information and Analysis with authority to compile comprehensive data on US citizens using public and commercial records including credit card, phone, bank, and travel. The department also will be exempt from Freedom of Information Act disclosure requirements. The Homeland Security department's jurisdiction has been widely criticized for being nebulously defined and has extended beyond terrorism into areas including immigration, pornography and drug enforcement. [Link 1](#) | [Link 2](#)

2003

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February

Draft of Domestic Security Enhancement Act (aka Patriot Act 2), a secret document prepared by the Department of Justice is leaked by the Center for Public Integrity. Provisions of the February 7th draft version included:

Removal of court-ordered prohibitions against police agencies spying on domestic groups.

The FBI would be granted powers to conduct searches and surveillance based on intelligence gathered in foreign countries without first obtaining a court order.

Creation of a DNA database of suspected terrorists.

Prohibition of any public disclosure of the names of alleged terrorists including those who have been arrested.

Exemptions from civil liability for people and businesses who voluntarily turn private information over to the government.

Criminalization of the use of encryption to conceal incriminating communications.

Automatic denial of bail for persons accused of terrorism-related crimes, reversing the ordinary common law burden of proof principle. All alleged terrorists would be required to demonstrate why they should be released on bail rather than the government being required to demonstrate why they should be held.

Expansion of the list of crimes eligible for the death penalty.

The United States Environmental Protection Agency would be prevented from releasing "worst case scenario" information to the public about chemical plants.

United States citizens whom the government finds to be either members of, or providing material support to, terrorist groups could have their US citizenship revoked and be deported to foreign countries.

Although the bill itself has never (yet) been advanced in congress due to public exposure, some of its provisions have become law as parts of other bills. For example The Intelligence Authorization Act for Fiscal Year 2004 grants the FBI unprecedented power to obtain records from financial institutions without requiring permission from a judge. Under the law, the FBI does not need to seek a court order to access such records, nor does it need to prove just cause. [Link 1](#) | [Link 2](#)

March

Executive order issued which radically tightens the declassification process of classified government documents, as well as making it far easier for government agencies to make and keep information classified. The order delayed by three years the release of declassified government documents dating from 1978 or earlier. It also allowed the government to treat all material sent to American officials from foreign governments — no matter how routine — as subject to classification, and expanded the ability of Central Intelligence Agency (CIA) to shield documents from declassification. Finally it gave the vice president the power to classify information. [Link 1](#) | [Link 2](#)

March

In a ruling seen as a victory for the concentration of ownership of intellectual property and an erosion of the public domain, the Supreme Court in *Eldred v. Ashcroft* held that a 20-year extension of the copyright period (from 50 years after the death of the author to 70 years) called for by the Sonny Bono copyright Extension not violate either the Copyright Clause or the First Amendment. [Link](#)

April

In *Demore v. Kim*, the Supreme Court ruled that even permanent residents could be subject to mandatory detention when facing deportation based on a prior criminal conviction, without any right to an individualized hearing to determine whether they were dangerous or a flight risk. [Link](#)

Fall

The FBI changes its traditional policy of destroying all data and documents collected on innocent citizens in the course of criminal investigations. This information would, according to the bureau, now be permanently stored. Two years later in late 2005 Executive Order 13388, expanded access to those files for "state, local and tribal" governments and for "appropriate private sector entities," which are not defined. [Link 1](#) | [Link 2](#)

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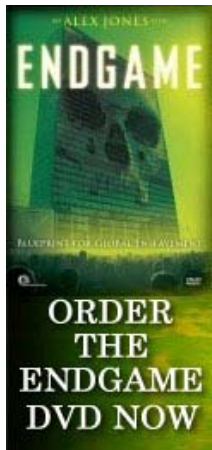
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Fall

As authorized by the Patriot Act, the FBI expands the practice of national security letters. NSLs, originally introduced in the 1970s for espionage and terrorism investigations, enabled the FBI to review in secret the customer records of suspected foreign agents. This was extended by the Patriot Act to include permitting clandestine scrutiny of all U.S. residents and visitors whether suspected of terrorism or not. [Link](#)

2004

January

The FBI begins keeping a database of US citizens based on information obtained via NSLs. [Link](#)

Spring

John Ashcroft invokes State Secrets privilege to forbid former FBI translator Sibel Edmunds from testifying in a case brought by families of victims of the 9-11 attacks. Litigation by 9-11 families is subsequently halted. [Link 1](#) | [Link 2](#)

June

Supreme Court upholds Nevada state law allowing police to arrest suspects who refuse to provide identification based on police discretion of "reasonable suspicion." [Link](#)

2005

January

Supreme court rules that police do not need to have probable cause to have drug sniffing dogs examine cars stopped for routine traffic violations. [Link 1](#) | [Link 2](#)

June

Supreme Court rules that the federal government can prosecute medical marijuana users even in states which have laws permitting medical marijuana. [Link](#)

Summer

The Patriot Act, due to expire at the end of 2005, is reauthorized by Congress. [Link](#)

Winter 2005

Senate blocks reauthorization of certain clauses in Patriot Act. [Link](#)

2006

March

Senate passes amended version of Patriot Act, reauthorization, with three basic changes from the original including: recipients of secret court orders to turn over sensitive information on individuals linked to terrorism investigations are not allowed to disclose those orders but can challenge the gag order after a year, libraries would not be required to turn over information without the approval of a judge, recipients of an FBI "national security letter" — an investigator's demand for access to personal or business information — would not have to tell the FBI if they consult a lawyer. New bill also said to extend Congressional oversight over executive department usage guidelines. Shortly after bill is signed George Bush declares oversight rules are not binding. [Link 1](#) | [Link 2](#)

June

Supreme court rules that evidence obtained in violation of the "knock and announce" rules can still be permitted in court. [Link](#)

September

US Congress and Senate approve the Military Commissions Act, which authorizes torture and strips non-US citizen detainees suspected of terrorist ties of the right of habeas corpus (which includes formal charges, counsel and hearings). It also empowers US presidents at their discretion to declare US citizens as enemy combatants and subject to detention without charge or due process. [Link 1](#) | [Link 2](#) | [Link 3](#)

October

John Warner Defense Authorization Act is passed. The act allows a president to declare a public emergency and station US military troops anywhere in America as well as take control of state based national guard units without consent of the governor or other local authorities. The law authorizes presidential deployment of US troops to round-up and detain “potential terrorists”, “illegal aliens” and “disorderly” citizenry. [Link 1](#) | [Link 2](#)

2007

May

National Security Presidential Directive 51 (NSPD-51) establishes a new post-disaster plan (with disaster defined as any incident, natural or man-made, resulting in extraordinary mass casualties, damage or disruption) which places the president in charge of all three branches of government. The directive overrides the National Emergencies Act which gives Congress power to determine the duration of a national emergency. [Link 1](#) | [Link 2](#)

June

In “Bong Hits for Jesus” case Supreme court rules that student free speech rights do not extend to promotion of drug use. [Link](#)

July

Executive Order 13438: “Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq, issued. The order asserts the government's power to confiscate the property “of persons determined to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.”

October

The Violent Radicalization and Homegrown Terrorism Act passes the House of Representatives 400 to 6 (to be voted on in the Senate in 2008). The act proposes the establishment of a commission composed of members of the House and Senate, Homeland Security and others, to “examine and report upon the facts and causes of violent radicalization, homegrown terrorism, and ideologically based violence in the United States” and specifically the role of the internet in fostering and disseminating extremism. According to the bill the term ‘violent radicalization’ means the process of adopting or promoting an extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change, while the term ‘ideologically-based violence’ means the use, planned use, or threatened use of force or violence by a group or individual to promote the group or individual's political, religious, or social beliefs.” [Link 1](#) | [Link 2](#) | [Link 3](#)

Other research sources

James Bovard, [Attention Deficit Democracy](#), 2007 Palgrave Macmillan

Elaine Cassel, [The War on Civil Liberties: How Bush and Ashcroft Have Dismantled t...](#), 2004 Lawrence Hill Books

Anthony Napolitano, [A Nation of Sheep](#), 2007 Thomas Nelson

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