

# Religious Organizations Oppose New Threats to Civil Liberties

October 30, 2003

Dear Representative:

We, the undersigned religious organizations, strongly oppose the expansion of Department of Justice powers included in:

The Terrorist Penalties Enhancement Act H.R. 2934, which would expand federal death penalty eligibility to “terrorism-related” crimes that result in death.

The Antiterrorism Tools Enhancement Act (H.R. 3037), which would grant federal law enforcement officials the power to issue administrative subpoenas in investigations of terrorist activities.

The Pretrial Detention and Lifetime Supervision of Terrorists Act H.R. 3040, which would deny bail for those accused of domestic or international terrorism, even in cases of non-violent crimes.

We urge you to oppose these bills and, in doing so, show your commitment to protecting the civil liberties of United States citizens and residents.

Our opposition to this legislation is centered in our belief that the religious liberty and the rights of vulnerable minorities have already been seriously compromised by the USA PATRIOT Act and other changes in federal and local policies since September 2001. Far too many people have been harassed and denied fair treatment by various law enforcement agencies under existing laws and regulations. Indeed, current measures are already being used by the Department of Justice to target common criminals rather than real terrorist threats.

## **The Terrorist Penalties Enhancement Act H.R. 2934:**

Under the Terrorist Penalties Enhancement Act, offenses that would otherwise warrant a minimal sentence could result in the death penalty if the Department of Justice deems activities merely *surrounding* that offense to be “terrorism-related”. As religious people, we consider it antithetical to our beliefs to support any attempt to expand the category of crimes punishable by death. In our traditions, we are taught that meeting violence with violence never offers a solution to conflict. In particular:

The death penalty is not a deterrent to people who are already willing to die; its use would be merely symbolic and spiteful. We fear that using the death penalty against foreign nationals would only increase resentment of the United States, encourage martyrdom, and lead to further international conflict.

The death penalty is currently under widespread scrutiny for its disproportionate application against racial minorities and persons who are innocent. Given the amount of secrecy surrounding terrorism investigations, it is highly unlikely that an expanded death penalty could be applied without errors and adequately overseen.

## **The Antiterrorism Tools Enhancement Act H.R. 3037:**

The Antiterrorism Tools Enhancement Act would allow the use of administrative subpoenas by federal law enforcement. Using an administrative subpoena, Department of Justice officials need not seek grand jury or judicial approval. Without court review, witnesses can be subjected to intimidation and coercive interrogation. The proposed revision would also allow for subpoena of personal records protected by the First Amendment, including medical and travel records, from a suspect or from a third party. The

government can currently obtain documents and other tangible evidence through its normal investigative powers or through powers outlined in the Foreign Intelligence Surveillance Act of 1978.

**The Pretrial Detention and Lifetime Supervision of Terrorists Act H.R. 3040:**

If passed, the Pretrial Detention and Lifetime Supervision of Terrorists Act, would allow federal law enforcement officials to deny bail for someone who fits the legislation's open-ended definition of "terrorist." Under current criminal law, the prosecution may move for denial of bail for a suspect if he or she is a danger to the community or poses a flight risk. The defense can rebut this motion by demonstrating a lack of either risk.

Definitions of "domestic terrorism" and "terrorism-related activity" in the USA PATRIOT Act of 2001 and in the proposed legislation outlined above are vague and excessively broad. Specifically, under H.R. 3040, motions to deny bail could be applied in cases of legitimate forms of political protest that, through no fault of the organizers, turn violent. Our country was founded upon and thrives on principles of free thought and expression. We must be vigilant in ensuring that our effort to prevent terrorism does not undermine the very freedom that makes America worth celebrating and protecting. In particular, as people of faith, we maintain that the inalienable right to freely express our beliefs must not be abridged.

We recognize the real and legitimate need to prevent further terrorist attacks. We believe, however, that no new powers should be granted to federal law enforcement officials until there is meaningful Congressional oversight of the USA PATRIOT Act and other recent law enforcement policy changes. Furthermore, until the Justice Department has presented clear and convincing evidence that existing laws are inadequate, no new laws should be enacted.

Our religious traditions affirm in each person's right to privacy, fair treatment and due process of law. We believe that the restoration and protection of civil liberties in America is critical for the future of our nation. We urge you to oppose these unwise and unnecessary pieces of legislation.

In Faith,