

*Local Voices: Citizen Conversations on Civil  
Liberties and Secure Communities*

**Discussion Guide  
for facilitators and participants**



A project of the  
**League of Women Voters Education Fund**

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## INTRODUCTION

The League of Women Voters is pleased to provide this opportunity for people across the country to engage in public dialogue on civil liberties and homeland security. We thank you for adding your voice to this important discussion.

### **Background information:**

The world and our country have changed since September 11, 2001. We feel more vulnerable. We define safety and security differently, and in some cases, we have changed our priorities. Some of these changes occurred quickly and others have taken years, but it is clear that they will be with us for the foreseeable future.

These changes have forced us to address the issue of domestic national security, now often called homeland security, and how that new worry affects our daily lives. One issue that has come to the forefront of this discussion is the relationship between government methods that try to keep us safe and the extent to which those methods may undermine our basic civil liberties.

This is not the first time that a threat to our safety has led our nation's leaders to place limitations on the rights or freedoms of its citizens. We experienced the Alien and Sedition Acts during our undeclared conflict with France in 1800 and Lincoln's suspension of habeas corpus and imprisonment of southern sympathizers during the Civil War. During World War I, we saw the imprisonment of Eugene Debs and the notorious Palmer Raids against those who opposed the war. In response to the bombing of Pearl Harbor during World War II, this country created concentration camps for aliens and non-aliens, especially those of Japanese descent. Of the 120,000 internees, 70,000 were American citizens. Then, in the 1950s we saw members and sympathizers of the Communist Party targeted by McCarthyism during the Cold War. After the Oklahoma City bombing in 1995, many Arab Americans erroneously became targets of our outrage. The Supreme Court found that sweeping government interpretations of laws passed in response to the bombing were unauthorized and raised serious constitutional questions.

However, military conflicts and acts of terrorism have also stimulated an increase in protections of civil rights and liberties. During the Revolutionary War, soldiers refused to fight until they were granted voting rights. This sentiment re-appeared during the Vietnam War, when the voting age was lowered to 18. Abraham Lincoln justified the Emancipation Proclamation by explaining it as a military necessity. In 1918 President Wilson used the example of women's contribution to the war effort to justify extending the right to vote to them.

This conversation is part of an effort to affect the direction in which our nation will turn. Americans of widely differing political perspectives and experiences can, and must, respect a set of general principles that preserve our individual rights even as we protect our safety.

Civil liberties and homeland security (which we define more clearly below) are two topics that we read about in the news and hear about constantly. They are both important to the preservation of our society. However, some people argue that they come into conflict with one another. Today we explore where the balance is between these two as we work to ensure the safety of our community, our country, and our way of life.

**The Local Voices Project:**

This guide was developed as part of a project called Local Voices. In partnership with the League of Women Voters Education Fund, local Leagues in 10 communities across the U.S. held public forums in the summer of 2005. Recommendations collected from participants at each site will form the basis of a national report that the League will release to Congress (and to the country) in fall 2005.

A number of other local Leagues have held, or are now planning to hold, public forums that will give even more people a chance to address civil liberties and homeland security. These issues will continue to play a significant role in decision making at the local, state, and federal levels. The forums can help us ensure that policy makers at all levels of government understand the basic principles or values that we, the public, want them to uphold.

The goal of the Local Voices project is to learn what you think about these important issues. You will meet together in small discussion groups. Each group will have a facilitator and notetaker. The notetakers will try to capture the themes from the discussion. No one will be quoted; no names will be used.

**The focus of our discussions:**

In the course of our discussions, we will explore where the balance lies between protecting our civil liberties and maintaining the security of our homeland. During the conversation, we'll consider many perspectives. And we'll talk about how we can have an impact on these issues at federal, state, and local levels. We come to the table as interested members of the community, not as experts, to learn more about how our government works and to try to find some level of comfort with regard to these two issues.

The USA PATRIOT Act was passed shortly after the September 11, 2001 attacks. Because the legislation was passed so quickly, and because there was some question about how long it would be needed, some pieces of the legislation had 'end-dates' or dates when they would either have to be renewed or would expire. These sunset provisions of the Patriot Act are under debate in 2005.

While this conversation is not meant to focus too narrowly on the Patriot Act, it is important for us to be aware of it. It is one of the most significant actions taken by Congress in response to the September 11 attacks. And parts of it have become a lightning rod for the debate about how to balance civil liberties and homeland security. You can see more information about this Act on page 22 of this discussion guide.

As the government introduces more tools to fight terrorism, there are rising concerns about individuals' rights and liberties guaranteed by our Bill of Rights, including freedom of speech, freedom of the press, freedom of religion, freedom from unusual searches and the right to confront your accuser. The Bill of Rights, along with the Declaration of Independence and the US Constitution, are the founding documents of our nation. Together these documents describe the basic values and laws that govern us to this day. You can see more information on the Bill of Rights at the back of this guide on page 17.

While much of what is done to fight terrorism and to safeguard our civil liberties occurs at the federal level, it is important for each of us to know how these efforts affect us in our daily lives.

And that is another goal of this roundtable discussion – to explore the intersection of security and liberty, and decide how we can incorporate both priorities into our lives and the life and governance of our communities.

Policy makers at all levels of government are now being confronted with decisions about how to achieve the balance of civil liberties and homeland security. These are difficult questions, their application in the post 9/11 era is new and the specific issues evolve over time. Community members have a vital role in understanding what these decisions are and how they impact our lives. And, perhaps more importantly, all of us share a responsibility for assisting these public policy makers (and the community in general) to maintain this important balance between preserving our liberties and maintaining secure communities.

As such, at the end of the discussion, each of you will be asked to complete a questionnaire about these issues and this event. This will help to ensure that every participant's voice is heard and included in the national report the League will compile and present to the Congress. We appreciate your cooperation with this.

Before we get started with today's program, it is important that we all have some common understanding of what we'll be discussing today.

Let's start with civil liberties. Civil liberties are freedoms from government intrusion, protecting such things as freedom of speech so that the government does not constrain these freedoms. A copy of the Bill of Rights is included in the back of this discussion guide on page 17. This document is the basis for our civil liberties.

Homeland security is another large issue of conversation. We are all likely familiar with the color codes that the government uses to measure threat levels. And anyone who has traveled by airplane in the past few years understands the changes that have been put in place to keep our airports safe. But, homeland security is much broader than this. The term homeland security includes programs that prepare to prevent or minimize the damage and ensure recovery from terrorist attacks, and to maintain the integrity of our borders.

Everyone's opinion is important! We do not know what the outcomes of this discussion will be, nor is it our intent to lead you to a particular conclusion. We want to hear from everyone and, once again, we thank you for taking part.

## SESSION 1 – HOW DO THESE ISSUES AFFECT US? (60 minutes)

Most of our opinions about politics and policies are based on what happens to us in our daily lives – now, and in our past experiences. This session provides an opportunity to share our backgrounds, stories, and ideas relating to civil liberties and homeland security. It will lay the foundation for the rest of the sessions, and set the tone for open, thoughtful discussion.

### ***PART 1 – SETTING THE GROUND RULES (5-10 minutes)***

Setting a few ground rules will help the discussion run more smoothly. Below is a list of examples. Are there others you want to add?

- Listen with respect.
- Each person gets a chance to talk.
- One person talks at a time. Don't cut people off.
- Speak for yourself, and not as the representative of any group.
- If someone says something that bothers you, say so, and say why.
- It's OK to disagree, but personal attacks are not allowed.
- Help the facilitator keep things on track.
- Unless the group decides otherwise, what is said in the session is confidential.
- Speak up – don't be shy!

#### ***Tips for the facilitator (and the group)***

- Welcome everyone, and explain that both you and the notetaker will remain impartial in these sessions: you will be minding the process and not offering information or your opinions.
- Divide the session into three parts, and use the time suggested for each as a guide.
- On the first question, go around the circle and make sure everyone has a chance to answer.
- Take the rest of the questions in whatever order you wish – you don't need to cover them all!
- Note that the "Glossary" section (p. 17) may be helpful for informing the discussion.

### ***PART 2 – EXPERIENCES WITH THESE ISSUES (35-45 minutes)***

1. Introduce yourself. What brought you to this forum? Why are these issues important to you?
2. Some of the civil liberties we'll be focusing on today are: freedom of speech, freedom of religion, and "due process" (the right to a fair trial and fair treatment by law enforcement).
  - Have you ever been in a situation where you felt your civil liberties – or those of someone close to you – were not being respected? Explain.
  - Have you ever been in a situation where you noticed that your civil liberties were being upheld? Explain.
3. We will also be focusing on issues of homeland and hometown security.
  - Do you feel adequately protected from terrorism? Why or why not?
  - Have you ever been in a situation where you felt particularly vulnerable to some form of terrorism? Explain.
4. Over three years have passed since September 11<sup>th</sup>, 2001. How do you think what happened then continues to affect our lives today?

***PART 3 – WRAPPING UP THE SESSION (10-15 minutes)***

- [For the notetaker:] What do you think were some of the main themes from the discussion? Were there any action ideas mentioned?
- [For the group:] Were there any other themes or action ideas that should be listed in the group record?
- What did you like best about how the group process worked? What would you add or change?

## SESSION 2 – WHAT VALUES SHOULD WE UPHOLD? (75 minutes)

In deciding what to do about civil liberties and homeland security, it may be helpful to talk about the basic values we want to uphold. By sorting out these beliefs, we can understand each other better, find common ground, and come up with a shared set of ideas that will guide our opinions about public policy.

### ***PART 1 – CONSIDERING A RANGE OF VIEWS*** (60 minutes)

The list below is intended to help the group consider a range of viewpoints about the values we should uphold when considering the balance between civil liberties and homeland security. This list is not comprehensive; it is meant to represent the opinions that are commonly heard when discussing these issues.

As the group discusses these views, you may find yourself agreeing with more than one of them. Feel free to combine views, and to describe new views that are not on this list.

#### ***Tips for the facilitator (and the group)***

- Remember to use the ground rules the group set in the first session.
- Divide the session into two parts, and use the time suggested for each as a guide.
- Ask for volunteers to read each view aloud (title and paragraph), and then ask the discussion questions that follow the views.
- The Glossary section (p. 16) may be helpful for informing the discussion.

#### **View 1 – People must be able to speak and worship as they wish, without fear that the government will strike back.**

*According to this view*, freedom of speech and freedom of religion are two of the essential liberties that inspired the founding of our country. Many in America are now afraid that our government will target them and discriminate against them if they say the “wrong” things, or if they are of the “wrong” faith. Longstanding religious and community organizations have been targeted as “extremist” organizations. Innocent people find themselves not being allowed to board airplanes. If our fears of terrorism cause us to give up our basic rights, then the terrorists will have taken away part of America’s identity.

#### **View 2 – In the war on terror, we have to make sacrifices if we want to maintain our safety and defeat our enemies.**

*According to this view*, one reason why the war on terror is so difficult is that it isn’t always clear who our enemies are. Some of them could be living among us. In order to fight terrorism effectively, our government will have to watch people carefully, and act quickly to apprehend them. The new powers given to law enforcement have aided in the arrest of terrorists in Portland, Oregon, and outside Buffalo, New York. In some cases, innocent citizens will be singled out (perhaps because of their religion or race), or have their civil liberties taken away, but that is a price we have to pay.

#### **View 3 – Our government should not intrude into the private lives of law-abiding citizens.**

*According to this view*, law-abiding Americans should be treated with openness and respect by our government. We should not allow law enforcement officials to secretly monitor our medical records, examine our school transcripts, or find out what kinds of books we borrow from the library. Under the Patriot Act, the government has expanded rights to search our private records, and it is illegal for people holding those records, such as doctors, teachers, or librarians, to let us know when the government has requested them. These are our private affairs, and our government has no right to gather this information without our permission. If we allow government to operate secretly, the potential for abuses is simply too high.

**View 4 – The majority of the people must be protected from those at the extremes.**

*According to this view*, the vast majority of the residents in any community – and throughout the world, in fact – are decent, law-abiding people. But there are always individuals who act in a way that undermines the quality of life for everyone else. Left unchecked, these instigators may even provoke violence, such as when neo-Nazi groups convince their followers to commit hate crimes. When we allow those voices at the extremes to dominate public dialogue and threaten public safety, we take civil liberties too far.

**View 5 – Our government works best when we preserve the checks and balances within it.**

*According to this view*, it is critical that we maintain the separation of powers established in our constitution. In our government, the three branches (executive, legislative and judicial) share power, and each branch is able to monitor (and, when necessary, challenge) the actions of the other two. This is what our system of “checks and balances” is about. Since 9/11, we have given more authority to law enforcement, and weakened the oversight powers of judges. It is now much easier, for example, for law enforcement officers to conduct secret searches of our homes. This kind of dangerous precedent interferes with the Constitutional principle that has safeguarded our rights for two hundred years.

**View 6 – We trust our public officials and law enforcement professionals to do the right thing.**

*According to this view*, trust in government is directly connected to public safety. Citizens and law enforcement need to be able to work together to make our communities secure. In order to keep us safe, police and other law enforcement officials put their lives on the line on a regular basis. The nature of anti-terrorist work requires that much of it be kept secret; if we want law enforcement professionals to be effective at tracking down terrorists, we need to give them some freedom to maneuver. They entered this profession because they had a strong sense of right and wrong, and by serving us they have earned our trust and respect.

***Discussion questions on the views:***

1. What other views would you add?

2. Which of these views are most important to you? Why?
3. Look at each view in turn. For each view, ask:
  - Are there aspects of this view that you find especially valuable?
  - Are there aspects that worry you?
4. When you compare the views, what are the trade-offs?
5. Can you think of situations where the trade-offs would be particularly troubling? How should we handle those situations?

***Tip for the facilitator  
(and the group)***

- After discussing each view in turn, the group may begin to focus on two or three in particular. If this happens, you may want to ask questions 4 and 5 in a way that gets to the trade-offs between those 2-3 views, rather than all the views. Or there may be a need to examine the trade-offs *within* a particular view.

***PART 2 – WRAPPING UP THE SESSION (15 minutes)***

- [For the notetaker:] What do you think were some of the main themes from the discussion? Where were there areas of agreement? Of disagreement? Were there any action ideas mentioned?
- [For the group:] Were there any other themes or action ideas that should be listed in the group record?
- How well did the group process work? Is there anything you would add or change?

***Optional: Presentation by local speaker(s).***

### **SESSION 3A – PROMOTING SECURITY AND LIBERTY AT THE COMMUNITY LEVEL** (45 minutes – *The difference between Sessions 3A and 3B is that 3B is longer and includes a section on action planning.*)

The discussion of what values we want to uphold has implications at a number of levels – on national, state, and local policy, and even on our individual behavior. There are many ways to make an impact on issues of civil liberties and homeland security. This session will focus primarily on how we can make an impact locally.

Though the national debate usually gets the most attention, there are many decisions about civil liberties and homeland security that are being made and implemented at the local level. These issues are new to policy makers, and many of the related policy decisions are difficult and deserve citizen input. This session is designed to examine some of these approaches to local action.

#### ***Tips for the facilitator (and the group)***

- Remember to use the ground rules the group set in the first session.
- Ask for volunteers to read each approach aloud (title and paragraph), and then ask the discussion questions that follow the approaches.

### ***PART I - APPROACHES FOR LOCAL ACTION***

The list below is intended to help you consider a range of ideas about how to move forward. You may find yourself agreeing with more than one approach. Some approaches that are important to you may not be on the list. Feel free to combine approaches, or add new ones.

#### **Approach 1 – Determine whether civil liberties are being adequately protected.**

Upholding rights and liberties is not just a matter of law: people have to know what those freedoms are, and they have to know where to turn when they feel their freedoms have been taken away. People often don't know enough about how these issues work at the local level. Especially if civil liberties are being limited, it is important to give more funding and support to government entities like human rights commissions and nonprofit organizations that protect rights. These groups inform people about the privileges of citizenship, and help them advocate for their interests.

##### *Possible action ideas for this approach:*

- Form, support, or serve on a human rights commission.
- Create “court watcher” and other projects which monitor the justice system.
- Volunteer for, or donate money to, nonprofit human rights organizations.
- Support curricula for schools that educate students about civil liberties.

#### **Approach 2 – Support law enforcement and help keep watch on our community.**

Watchful members of the public are essential for preventing all kinds of crime, including terrorism. According to one recent study, crime rates are more dependent on whether residents know one another and work together than on any other factor. Some believe that recent terrorist

attacks could have been prevented if more people had reported what seemed like suspicious activity.

*Possible action ideas for this approach:*

- Form neighborhood watch groups.
- Support adequate funding for local police and fire departments, so that they can fight terrorism effectively.
- Support ways for the community to take stock of how homeland security or intelligence measures are being designed and implemented locally.

### **Approach 3 – Evaluate whether we are fully prepared for any attack.**

No matter what we do, it is unrealistic to expect that we will be able to completely prevent terrorism. Therefore, we must be prepared for all kind of attacks, taking steps to protect our most

#### **Making your voice heard in D.C.**

There are a number of ways to provide input to federal officials:

***Call or write your elected representatives*** to convey your ideas. You can find contact information for all Members of Congress at [www.senate.gov](http://www.senate.gov) and [www.house.gov](http://www.house.gov) and [www.lwv.org](http://www.lwv.org).

***Meet with your elected representatives*** to let them know what you are thinking. Forming a small delegation made up of people representing different organizations usually works best.

***Write a letter to the editor of your newspaper.*** This could be a summary of this forum discussion and the main conclusions reached by your group.

***Call or write the White House*** to relay your opinion: (202) 456-6213, [president@whitehouse.gov](mailto:president@whitehouse.gov), or The White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500.

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vulnerable targets (airports, schools, government buildings, etc.), and making plans to limit the damage that may be done to our community.

Some communities may not be adequately prepared, and in many others, members of the public don't know the procedures they will need to follow in an emergency.

*Possible action ideas for this approach:*

- Advocate for new security equipment, such as cameras, metal detectors, and fingerprint checks, at potential targets.
- Take part in local disaster preparedness planning.
- Support new training for “first responders” – police, fire, ambulance personnel – who will be on the front lines in any disaster.

### **Approach 4 – Work to keep racial or religious bias from eroding our civil liberties.**

Cultural differences play a major role in how civil liberties and security measures work at the community level. People make assumptions about each other based on religion, race, and other differences, and those stereotypes can become especially damaging when they emerge in the context of law enforcement. If the people

who work to enhance security, or defend civil liberties were trained to work effectively with people who are different from themselves, the whole community would be better off.

*Possible action ideas for this approach:*

- Promote dialogue around racial and religious differences, police-community relations, and other related issues.
- Ensure that law enforcement professionals and other public employees are able to work effectively in multicultural environments.
- Establish police review boards, strengthen human rights commissions, or find other ways to protect the civil liberties of all kinds of people.

### **Approach 5 – Take stock of the local resources necessary to achieve our goals.**

Local governments are being forced to take on a much greater burden, and many of them lack the resources they need to do the job. Many of the homeland security provisions are left to local law enforcement officials, most of the disaster preparedness work must be done at the community level, and efforts to protect civil liberties sometimes fall to local agencies as well. We need to determine whether our community has the resources – financial and otherwise – to meet all these challenges. We also need to understand how the new expenditures affect other budget priorities.

#### *Possible action ideas for this approach:*

- Mobilize community members to address local budget decisions.
- Attend city council and other local government meetings to stay abreast of budgetary issues.
- Encourage local media to investigate and report on local budgetary issues.
- Advocate for state and federal funding to help communities meet state and federal mandates.

#### *Discussion questions on the approaches:*

1. What other approaches would you add? What is missing?
2. Which of these approaches seem the most promising to you? Why?

### **PART 2 - WRAPPING UP THE SESSION**

- [For the notetaker] Were there any areas of agreement on the approaches? Which ones?
- [For the group] Were other action ideas suggested for any of the approaches? What were they?

### **PART 3 (OPTIONAL) – CONCLUDING PLENARY**

#### *At the concluding plenary:*

All of the participants will come back together in a large group, and the facilitators will share some feedback (2-3 strongest issues) from each group's discussion.

**SESSION 3B – PROMOTING SECURITY AND LIBERTY AT THE COMMUNITY LEVEL**  
(90 minutes – *The difference between Sessions 3A and 3B is that 3B is longer and includes a section on action planning.*)

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**PART 1 – APPROACHES FOR LOCAL ACTION**  
(45 minutes)

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*Possible action ideas for this approach:*

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- Support curricula for schools that educate students about civil liberties.

**Approach 2 – Support law enforcement and help keep watch on our community.**

***Tips for the facilitator  
(and the group)***

- Time is short – divide the session into two parts, and use the time suggested for each as a guide.
- Ask for volunteers to read each approach aloud (title and paragraph), and then ask the discussion questions that follow the approaches.
- For setting priorities in Part 2, you may want to use a simple voting process (this is up to you and the group).

*Voting process:*

- Each person gets three colored stickers.
- Each person puts stickers on the chart paper next to the ideas he or she likes best. You can use all three votes on one idea, or can spread them around.
- Choose the 2 or 3 ideas that have the most votes.
- Post the final ideas in the main hall under the most relevant issue areas.

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- Advocate for state and federal funding to help communities meet state and federal mandates.

***Discussion questions on the approaches:***

1. What other approaches would you add? What is missing?
2. Which of these approaches seem the most promising to you? Why?

***PART 2 – THINKING ABOUT WAYS TO MAKE A DIFFERENCE (40-45 minutes)***

Break into groups of two or three people.

1. Think about action ideas that you believe would work for your community. You might talk about ideas that were mentioned in one of the sessions, or you might invent new ideas.
2. Of all the ideas, which ones seem best? Why? Try to settle on two or three, and write them clearly on a piece of chart paper.

Come back together in the whole group (i.e. 8-participant break-out group). Post the list of ideas from each small group.

3. Start by looking at the action ideas you have listed. If some of the ideas are nearly alike, combine them.
4. Narrow down the list to no more than three ideas, either by talking it through or by using a voting process (see box on p.13).
5. Write each of the final 2-3 ideas on separate pieces of chart paper, and bring them to the main hall or auditorium for the concluding plenary.

***PART 3 – CONCLUDING PLENARY***

*At the concluding plenary:*

Bring the 2-3 action ideas agreed upon by your group to the concluding plenary; each idea should be on an individual sheet of paper. The ideas will be sorted and posted according to the approaches listed in Session 3. Participants will be able to see common areas of potential action, and League leaders can encourage individuals to come together or form a “priority team” to take action on the issue that interests them most.

## GLOSSARY

The following terms and pieces of information, organized in alphabetical order, may be helpful for discussion:

### The Bill of Rights

These are the first ten amendments to the US Constitution and became law in 1789.

#### **Amendment I**

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**

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**

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**

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**

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 offence 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**

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 defense.

#### **Amendment VII**

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**

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

#### **Amendment IX**

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

#### **Amendment X**

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.

### Checks and Balances

A principle of the American constitutional system known as the Separation of Powers. The U.S. Constitution created three branches of government and power is shared between them. There are specific ways that the powers of one branch can be challenged by another branch. This is what the system of checks and balances is all about. First, the Legislative branch makes the law. Second, the Executive branch executes the law. Third, the Judicial branch interprets the law. Each branch has an effect on the other. For example, the president may veto legislation passed by Congress; the Senate must confirm major executive appointments; and the courts may declare acts of Congress unconstitutional.

Other applications of this term could refer to checks on power within each branch of government. For example, the reservation of rights to the states not specifically identified as federal powers in the Constitution is a check on federal powers, and balances power between states and the federal government. The difference in Congressional representation in the U.S. House and U.S. Senate balances power within Congress by giving small states a more significant presence in the Senate and states with large populations a stronger voice in the House.

### Civil Liberties

Freedoms from interference in one’s life by the government. They are most commonly defined as the first 10 amendments to the U.S. Constitution contained within the Bill of Rights. Some examples are freedom of speech, freedom of religion and the right to a speedy trial. (See Bill of Rights for the complete definition and list). Many people also include the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> amendments, which were passed after the Civil War and extend full rights of citizenship to all Americans, regardless of their race, as well as the 19<sup>th</sup> amendment which extended the right to vote to women in 1920.

### Civil Rights

Individual freedoms that are protected by the government. They protect each person’s right to participate equally in government and not to be discriminated against. Some examples of civil rights are the right to vote, the right to be protected from crimes based on race or religion, the right to live where one chooses regardless of race, religion, ethnicity or disability.

The following chart helps differentiate between civil liberties and civil rights.

Civil Liberties	Civil liberties are freedoms from government constraints – protecting such things as freedom of speech, freedom of religion, freedom from imprisonment without due process.	Civil liberties are considered inalienable freedoms that can not be taken away. (These are similar to human rights.)
Civil Rights	Civil rights are protections provided by the government on behalf of the people, such as protection from discrimination based on gender, ethnicity or disability.	Civil rights are protections created by government on behalf of the people.

The Bill of Rights does not include just civil liberties or civil rights, but covers both the powers of the government to protect rights as well as the allowances which are given to the people which are not under governmental jurisdiction. (Amendments 1, 2, 3, 4, 5, 8, and 9 are basic civil liberties. Amendments 6 and 7 are part of the basis for civil rights.)

### **Department of Homeland Security (DHS)**

Federal agency set up in the aftermath of 9/11 to consolidate national intelligence and security efforts. The DHS's mission is to lead a unified national effort to prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation.

### **Discrimination**

Treating one person unfairly over another due to factors unrelated to their ability or potential, such as age, disability, sex, or national origin.

### **Due Process**

The right to a fair trial and fair treatment by law enforcement, as protected under the Fifth Amendment.

### **Executive Branch**

Administers the laws and other affairs of the government; exists at all three levels of government. At the federal level, it includes the President (also called the Chief Executive), the President's staff, executive agencies (the Office of Management and Budget, the National Security Council, etc.) and Cabinet departments (like the State Department, the Dept. of Defense, the Dept. of Agriculture, etc.). At the state level, it includes the governor, attorney general and state treasurer. At the city or local level it includes the mayor or city manager.

### **First Responders**

Firefighters, police, ambulance personnel, emergency medical technicians (EMTs), paramedics, doctors, or others with training in emergency situations.

### **Freedom of Religion**

Protected by the First Amendment, which guarantees that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

### **Freedom of Speech**

Protected by the First Amendment: "Congress shall make no law...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."

### **Homeland Security**

Includes programs that prepare to prevent or minimize the damage caused by and ensure recovery from terrorist attacks, and to maintain the integrity of our borders. Appropriately engaging citizens and communities in preparedness and response to acts of terrorism is an important way to maintain homeland security.

### **Hometown Security**

Applying the concepts of Homeland Security to the local level, dealing with local governments, local police, and local issues that affect security, such as gang control and fire department setup and preparedness.

### **Human Rights Commissions**

Organizations generally housed within a government, dedicated to protecting human rights and

fighting discrimination in areas such as employment, housing, and bias-related harassment. They investigate complaints filed by citizens and citizen groups. They are also often paired with police departments as a means of enforcing the protection of rights. Sometimes called Civil Rights or Human Relations Commissions.

### **Judicial Branch**

Settles disputes and administers justice. One of the three branches of government. The judicial branch is made up of the court system, including U.S. District Courts, Federal courts, the U.S. Court of Appeals (also called the Federal Circuit Courts), and the Supreme Court. This branch also exists at the state and local levels, such as state appellate courts and municipal courts.

### **Judicial Review**

Authority of the courts to review laws passed by Congress or other official acts of a government employee or agent. This is the doctrine, outlined in the Constitution, which permits the Federal courts to declare unconstitutional, and thus null and void, acts of the Congress, the executive, and the states.

### **Legislative Branch**

Makes the laws and appropriates funds. The Legislative Branch includes the U.S. Senate and House of Representatives (plus congressional staffs and committees) plus support agencies (like the General Accounting Office, the Congressional Budget Office, the Library of Congress, etc.). State legislatures are the states' equivalent to the Congress at the state level.

### **Probable Cause**

A reasonable belief that a crime has been committed or is in the process of being committed. In most instances, law enforcement officers must show probable cause in order to obtain a search warrant from a judge before searching a suspect's home, person or belongings.

### **Representative Democracy**

A form of government in which power is held by the people and exercised indirectly through elected representatives who make decisions. This is the system used in the United States.

### **Separation of Powers**

Three branches in the United States government as established by the Constitution – executive, legislative, and judicial. The Legislative branch makes the law. The Executive branch executes the law. The Judicial branch interprets the law. Each branch has an effect on the other.

### **“Sneak and peek”**

Shorthand for a “covert entry search warrant” or a “surreptitious entry search warrant” – a search warrant authorizing law enforcement officers to enter private premises without the owner's or the occupant's permission or knowledge, and to secretly search the premises. Usually, this requires a stealthy breaking and entering. The term is used to refer to a provision in the USA PATRIOT Act that allows this type of search.

### **Sunset (as in provisions in legislation)**

Provides that a section or provision of a law is automatically repealed on a specified date, unless Congress or other legislative body acts to extend that provision.

**Terrorism**

An act of violence carried out by an individual or group of individuals to achieve a political or policy change. Terrorists may come from the country that they are attacking, as in the Oklahoma City bombing in 1995, or they may be from other countries, as in the attacks of September 11, 2001.

**Transparency (also referred to as ‘openness in government’)**

The ability of ordinary citizens to get information about how their government operates. Transparency helps people to know what elected officials at all levels of government are doing, and thereby helps the public hold those officials accountable for their actions and decisions.

### USA PATRIOT Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) was passed in direct response to the September 11<sup>th</sup> terrorist attacks in order to “deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purpose.”

“The Act gives federal officials greater authority to track and intercept communications, both for law enforcement and foreign intelligence gathering purposes. It vests the Secretary of the Treasury with regulatory powers to combat corruption of U.S. financial institutions for foreign money laundering purposes. It seeks to further close our borders to foreign terrorists and to detain and remove those within our borders. It creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists. Although it is not without safeguards, critics contend some of its provisions go too far. Although it grants many of the enhancements sought by the Department of Justice, others are concerned that it does not go far enough.” (Source: *The USA PATRIOT Act: A Sketch*, Congressional Research Service, Library of Congress, April 18, 2002.)

#### **The provisions of the Patriot Act set to expire in December, 2005:**

- Authority to intercept wire, oral, and electronic communications relating to terrorism.
- Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
- Authority to share criminal investigative information.
- Roving surveillance authority under the Foreign Intelligence Surveillance Act [FISA] of 1978.
- Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
- Seizure of voice-mail messages pursuant to warrants.
- Emergency disclosure of electronic communications to protect life and limb.
- Pen register and trap and trace authority under FISA.
- Access to records and other items under FISA.
- Interception of computer trespasser communications.
- Foreign intelligence information.
- Nationwide service of search warrants for electronic evidence.
- Civil liability for certain unauthorized disclosures.

#### **The provisions of the Patriot Act which are permanent, or non-expiring:**

- Authority to share criminal investigative information.
- Designation of judges.
- Scope of subpoenas for records of electronic communications.
- Clarification of scope [privacy provisions of cable act overridden for communication services offered by cable providers (but not for records relating to cable viewing.)]
- Authority for delaying notice of the execution of a warrant [sometimes called “sneak and peek”]
- Modification of authorities relating to use of pen registers and trap and trace devices.
- Single-jurisdiction search warrants for terrorism.
- Assistance to law enforcement agencies.

## SUGGESTIONS FOR FURTHER READING

Paul Berman: Terror and Liberalism. April, 2003.

Matthew Brzezinski: Fortress America: On the Frontlines of Homeland Security--An Inside Look at the Coming Surveillance State. August, 2004.

David Cole and James K. Dempsey, eds: Terrorism & The Constitution - Sacrificing Civil Liberties in the Name of National Security. January, 2002.

Katherine B. Darmer, Robert M. Baird & Stuart E. Rosenbaum, eds.” Civil Liberties vs. National Security in a Post 9/11 World. October, 2004.

Amitai Etzioni: How Patriotic is the Patriot Act?: Freedom Versus Security in the Age of Terrorism. November, 2004.

Stephen Flynn: America the Vulnerable: How Our Government is Failing to Protect us from Terrorism. August, 2004.

Richard C. Leone and Greg Anrig, Jr., eds., The War on Our Freedoms: Civil Liberties in an Age of Terrorism. May, 2003.

National Commission on Terrorist Attacks: The 9/11 Commission Report: The Final Report of the National Commission on Terrorist Attacks upon the United States. July, 2004.

Bruce Schneier, Beyond Fear: Thinking Sensibly About Security in an Uncertain World. July, 2003.

## ABOUT THE LOCAL VOICES PARTNERS

### **League of Women Voters and League of Women Voters Education Fund** **[www.lwv.org](http://www.lwv.org)**

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase the understanding of major public policy issues, and influences public policy through education and advocacy. Founded in 1920, the League's enduring vitality and effectiveness comes from its unique decentralized structure: a national organization with a vibrant grassroots network of 900 state and local Leagues.

The League of Women Voters Education Fund, established in 1957, is the League's citizen education and research arm. It provides research, publications, and conferences on public policy issues and disseminates information and training that help citizens, in the United States and abroad, to thoughtfully engage in the democratic process.

The League and the Education Fund tackle important issues of the day at every level of government, while remaining true to our essential purpose: to make democracy work for all.

### **Lake Snell Perry Mermin and Associates** **[www.lspa.com](http://www.lspa.com)**

Lake Snell Perry Mermin & Associates (LSPMA) is a public opinion research and strategy firm with offices in Washington, DC and Oakland, CA. The firm specializes in understanding public perceptions on complex policy issues and identifying the core values that underlie their opinions. LSPMA works on many social issues including poverty, health care, education, civic involvement, the environment, and more.

### **The Study Circles Resource Center** **[www.studycircles.org](http://www.studycircles.org)**

The Study Circles Resource Center (SCRC) is a national organization that helps communities develop their own ability to solve problems. Since 1989, it has worked with over 400 communities, pioneering ways for all kinds of people to think, talk, and work together to create social and policy change. SCRC helps communities pay particular attention to the racial and ethnic dimensions of the problems they address. SCRC enjoys partnerships with organizations, such as the League of Women Voters, on projects of national scope and impact. SCRC is a project of The Paul J. Aicher Foundation—a nonprofit, nonpartisan, operating foundation dedicated to advancing deliberative democracy and improving the quality of public life in the United States.