

A provision in the “PATRIOT Act” creates a new federal police force with the power to violate the Bill of Rights. You might think that this can’t be true, as you have not read about it in newspapers or heard it discussed by talking heads on TV.

Go to House Report 109-333 USA PATRIOT Improvement and Re-authorization Act of 2005 and check it out for yourself. Sec. 605 reads: ***“There is hereby created and established a permanent police force, to be known as the ‘United States Secret Service Uniformed Division.’”***

This new federal police force is “subject to the supervision of the Secretary of Homeland Security.” The new police are empowered to “make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.”

The new police are assigned a variety of jurisdictions, including “an event designated under section 3056(e) of title 18 as a special event of national significance (SENS).”

“A special event of national significance” is neither defined nor does it require the presence of a “protected person” such as the president in order to trigger it. Thus, the administration, and perhaps the police themselves, can place the SENS designation on any event. Once a SENS designation is placed on an event, the new federal police are empowered to keep out and arrest people at their discretion.

The language conveys enormous discretionary and arbitrary powers. What is “an offense against the United States?” What are “reasonable grounds?” You can bet the Alito/Roberts court will rule that it is whatever the executive branch says.

The obvious purpose of the act is to prevent demonstrations at Bush/Cheney events. However, nothing in the language limits the police powers from being used only in this way. Like every law in the U.S., this law also will be expansively interpreted and abused. It has dire implications for freedom of association and First Amendment rights. We can take for granted that the new federal police will be used to suppress dissent and to break up opposition. The Brown Shirts are now arming themselves with a Gestapo.

Many naïve Americans will write to me to explain that this new provision in the Re-authorization of the “PATRIOT Act” is necessary to protect the president and other high officials from terrorists or from harm at the hands of angry demonstrators: “No one else will have anything to fear.” Some will accuse me of being an alarmist, and others will say that it is unpatriotic to doubt the law’s good intentions.

Americans will write such nonsense despite the fact that the president and foreign dignitaries are already provided superb protection by the Secret Service. The naïve will not comprehend that the president cannot be endangered by demonstrators at SENS at which the president is not present. For many Americans, the light refuses to turn on. In Nazi Germany, did no one but Jews have anything to fear from the Gestapo? By Stalin’s time, Lenin and Trotsky had eliminated all members of the “oppressor class,” but that did not stop Stalin from sending millions of “enemies of the people” to the Gulag.

It is extremely difficult to hold even local police forces accountable. Who is going to hold accountable a federal police protected by Homeland Security and the president?

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