



URL: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=13371&c=206>

**ACLU Says Justice Dept.'s PATRIOT Act Website Creates New Myths About Controversial Law**  
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**NEW YORK – A new Justice Department website purporting to “dispel the myths” about the controversial PATRIOT Act in fact creates fresh myths about the law and gives new life to old ones, according to analysis released today by the American Civil Liberties Union.**

**FOR IMMEDIATE RELEASE**

NEW YORK – A new Justice Department website purporting to “dispel the myths” about the controversial PATRIOT Act in fact creates fresh myths about the law and gives new life to old ones, according to analysis released today by the American Civil Liberties Union.

“It is inexcusable that Attorney General Ashcroft is using this website to further mislead the public about controversial portions of the law,” said ACLU Executive Director Anthony D. Romero. “The American people are entitled to a more honest account.”

The website was announced last week in conjunction with the launch of Ashcroft’s multi-city public relations “roadshow” to promote the PATRIOT Act and perhaps lay the groundwork for further expansions of executive power. The ACLU is a major focus of the website, which includes a section titled, “Dispelling the Myths.”

But the ACLU said the website only repeats the Justice Department’s now-familiar practice of misrepresenting the scope and impact of the law. In noting the misrepresentations, the ACLU is far from alone. As Utah’s conservative *Deseret News* reported about Ashcroft’s Salt Lake City whistle-stop on Monday, “groups spanning the political spectrum from the ACLU to the Eagle Forum dispute Ashcroft’s interpretation of the Act.”

In a report issued last month, the ACLU documented a consistent pattern of factually inaccurate assertions by the Justice Department in statements about the PATRIOT Act to the media and Congress. For instance, Justice Department spokespeople have repeatedly – and mistakenly – said that Section 215 of the law, which vastly expands the power of FBI agents to secretly obtain records and personal belongings of innocent people, does not apply to United States citizens and permanent residents. The new DOJ website fails to correct this mistake. That report is available online at <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=13099&c=207>

The Justice Department website is more of the same, the ACLU said. Specific instances of DOJ online spin-doctoring, detailed further at [www.aclu.org](http://www.aclu.org), include:

*DOJ Myth:* Section 215 of the PATRIOT Act can only be used to obtain “business records.”

*Reality:* The FBI can use Section 215 to demand “any tangible thing,” including books, letters, diaries, library records, medical and psychiatric records, financial information, membership lists of religious institutions, and even -- as Attorney General Ashcroft himself conceded in testimony before Congress -- genetic information.

*DOJ Myth:* Before the Patriot Act, “the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists.”

*Reality:* The FBI has *always* had the authority to wiretap terrorists, both under the ordinary criminal laws and under the Foreign Intelligence Surveillance Act.

*DOJ Myth:* The “sneak-and-peek” provision (Section 213) is necessary to allow the FBI to conduct investigations “without tipping off terrorists.”

*Reality:* The FBI already had the authority to conduct “sneak-and-peek” searches of terrorists. Under the Foreign Intelligence Surveillance Act, the FBI is empowered to conduct sneak-and-peek searches in intelligence investigations involving foreign powers and their agents. A “foreign power” includes any group “engaged in international terrorism or activities in preparation therefor.” Section 213 authorizes sneak-and-peek searches in run-of-the-mill criminal investigations, not just in foreign-intelligence investigations involving terrorists.

*DOJ Myth:* The PATRIOT Act “provided for only modest, incremental changes in the law.”

*Reality:* The PATRIOT Act made dozens of significant changes to the law, including a handful that are truly radical. For more details on how the PATRIOT Act undermines the constitutional rights of *everyone* living in the United States, go to <http://www.aclu.org/safeandfree/>

“The PATRIOT Act described on the Justice Department’s website bears only a passing resemblance to the actual PATRIOT Act,” said Jameel Jaffer, an ACLU staff attorney who analyzed the DOJ website. “It’s unfortunate, because what the public needs is accurate information about the scope and nature of the Act, not a snow job.”

To read the ACLU’s analysis, go to <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=13376>.

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