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The Hull-Richter Family

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IT COULD HAPPEN TO YOU

by Natasha H. (age 12)

"When the government fears the people, you have liberty. When the people fear the government, you have tyranny." - Thomas Jefferson.

No charges are filed and bail is set at \$825,000.

Imagine you are a pacifist, an environmentalist, an organizer of peace rallies. Imagine that, as you drive towards home from a peace rally, you notice that you are followed by five suspicious looking cars. You pull into your local police station. You are told that the people following you are federal agents and that the police cannot help you. Suppose you then go home and people who care about you try to ask the federal agents why they are following you.

Suppose they react by taking you into custody, even though you know you have violated no law, and they order everyone who lives in your house outside while they wait until the next night to obtain a search warrant. Suppose the items they eventually do grab are school papers, computers and so forth but no evidence of any wrongdoing on your part.

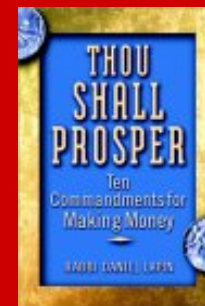
Even though no charges are ever filed, bail is set at \$825,000. Suppose you are suspected of an act which is totally in violation of all your principles and which is harmful to the environment. Suppose you can conclusively prove where you were at the time the act occurred. Suppose that a videotape proves they got the wrong person. Suppose that after approximately four days in custody, they release you because they have no evidence to link you to the incident.

Josh Connole does not have to imagine. The above scenario actually happened to him. Peace protesters across the U.S. are now asking "Could this happen to me?"

Given the complete lack of charges, was \$825,000 excessive bail? Both the Eighth Amendment to the U.S. Constitution and Article I, Section 12 of the California Constitution have provisions against excessive bail. Under the California Constitution, the charges are a primary factor to be taken into account when setting bail. Josh's lack of priors and his strong ties to the community, also factors under the California Constitution, didn't help him. The two constitutions didn't seem particularly relevant to those handling this matter.

Is the federal government out of control? Given that there was no evidence to link Josh to the incident of which he was accused, what was the real reason he was taken into custody? Did his work in organizing peace

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rallies play any part?

Comparatively, what happened to Josh is not a surprise. To so many Americans, the world seems very different than it did prior to December 12, 2000. Prior to that time, most people had faith in the court system. Vincent Bugliosi's book, "The Betrayal of America," summed up the sense of so many disillusioned Americans who suddenly felt they had been transported to some post-coup third world country.

After George W. Bush took over, America started changing. Suddenly tax cuts for the super-rich became priority and protesters were crowded into First Amendment zones. Two women, one a grandmother, were arrested for holding anti-Bush placards at a ticketed rally where signs were allowed, they had tickets and those with pro-Bush signs were left alone. A Los Angeles woman received a visit from the Secret Service for a message she posted to an Internet group expressing her feelings about Bush. A student in Texas also received a visit from the Secret Service because of a "Texecutioner" poster she had in her room.

After 9/11, the world really went crazy. More fear occurred when the head of the Senate Judiciary Committee, Democrat Patrick Leahy, then Democratic Senate Majority Leader Tom Daschle and others received envelopes containing anthrax, which it was later learned was manufactured at a U.S. military installation in Texas.

Despite a strong opposition led by Congressman Dennis J. Kucinich in the House of Representatives, Congress passed a bill known as the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism" (USA PATRIOT) Act. Though Kucinich got 65 of his fellow Congressmen and Congresswomen to vote against the bill, only one Senator, Russ Feingold, opposed it, to the dismay of shocked constituents. Under USA PATRIOT, the government was allowed to spy on its own citizens, to sneak into their homes and peak into their private papers and then arrange everything back so those whose homes were searched had no idea they were being watched, and to detain individuals without charges and without notification of relatives or access to counsel. The act contains hundreds of pages of restrictions on civil liberties and provisions for intrusion into the private lives of American citizens and others living in this country.

And it was not just Congress that had gone crazy. In Vermont, The Rutland Herald, on Sept 14, 2001, carried a report that their then-Governor Howard Dean had stated that the attacks and their aftermath would require a re-evaluation of the importance of our civil liberties.[1] The news media perpetuated the problem with a barrage of news reports scaring the American people into thinking the next terrorist attack was just around the corner. Michael Moore's Academy Award winning documentary, "Bowling For Columbine," exposed the kind of frenzy the American news media has created among the people living in the United States.

The rounding up of Arab-Americans after 9/11 resembled the rounding up of Communists after the German Reichstag fire in 1933. The Reichstag fire was used as an excuse to suspend civil liberties in the same way 9/11 was used as an excuse for USA PATRIOT. As in Germany, this rounding up did not stop as the country moved past the event.

Many Americans felt safe, mistakenly believing their government would only go after foreigners. But then in April, 2002, Jose Padilla, an American citizen from Brooklyn, New York, was taken into custody and then transferred to detention. The government sidestepped the issues of habeas corpus and right to counsel by initially designating him as a material witness and later re-designating him as an enemy combatant, thereby getting around the small number of procedural and Constitutional requirements afforded a material witness. Without a trial, it could not be proven one way or another whether that designation in any way fit him. For a long time he was held incommunicado and not even permitted access to his family or to counsel but a district court eventually ruled that he must be granted the access to his lawyer. Currently, he sits uncharged in a Navy

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brig in North Carolina.

Jose Padilla is not the only U.S. citizen to be deprived of his rights, without charges, under this enemy combatant designation. All that is required for this designation is an affidavit, which is not subject to any type of examination or challenge. Then all the Constitutional protections (such as speedy trial, confrontation of witnesses, etc.) no longer apply and the government can then theoretically hold these individuals forever or, if it chooses, try them before military tribunals and execute these U.S. citizens without any Constitutional protections.

The protection of the Writ of Habeas Corpus was considered so fundamental by the founders of this country that it was written right into Article I of the U.S. Constitution, even though other fundamental rights had to wait until a Bill of Rights could be drafted and approved. What would be the founding father's reaction to the loss of this right?

In October of 2002, a man was arrested for holding a "No war for oil" sign outside a building where Bush was speaking. Later that year, a man was arrested under USA PATRIOT for taking pictures in his own hometown of Denver around a hotel where Dick Cheney was staying.

In 2002, Congress also passed the Homeland Security Act, which further jeopardized the rights of U.S. citizens to engage in lawful public dissent, free association and free speech as well as rights under the Fourth, Fifth and Sixth Amendments. The department would have considerable authority for data collection and analysis. A rider to the bill limited the liability of pharmaceutical companies for vaccinations contaminated by mercury that were given to children. Dennis Kucinich once again led the opposition. This time, he was joined by 120 other members of the House of Representatives, including Dick Gephardt. Nine members of the Senate, Daniel Akaka, Robert Byrd, Russ Feingold, Ernest Hollings, Daniel Inouye, Jim Jeffords, Edward Kennedy, Carl Levin and Paul Sarbanes opposed the bill. However, the majority of Senate Democrats joined the Republicans in supporting the bill when it passed the Senate on November 19, 2002.

The Total Information Awareness Project, a part of the Defense Advanced Research Projects Agency's Information Awareness Office, was to be headed by Iran-Contra figure Admiral John Poindexter. A database was to be developed which would allow the U.S. Government to track the activities of American citizens, even down to keeping a national database of credit card purchases made by people living in this country, which would even have included the brand of toothpaste people purchased. Although Poindexter has resigned, only a lack of funding and technology are standing in the way of the full realization of this Orwellian database.

In March, 2003, attorney Stephen Downs was arrested for wearing a T-shirt with the words "Give peace a chance" and "Peace on Earth" in Guilderland, New York in the Crossgates Mall where he had purchased the shirt. In April of 2003, hundreds of women, men and children protesting for peace and dockworker bystanders were fired on with rubber bullets and tear gas in Oakland, CA.

Watch lists and "no fly" lists are currently being used at airports to limit the travel of human rights activists.

Is it any wonder that the string of federal abuses finally led to the doorstep of peace activist Josh Connole? The real surprise is all the peace protestors and humanitarians who have not yet undergone the same type of treatment Josh received.

However, there is a bright light that is emerging in this darkness.

The Commerce Bill, which passed the House of Representative this summer by a veto-proof majority, included Dennis Kucinich's amendment repealing the "sneak and peek" provisions of the USA PATRIOT Act.

On September 24, 2003, Dennis Kucinich introduced the first comprehensive bill to repeal undesirable sections of USA PATRIOT. The Kucinich bill (HR3171), backed by 20 members of Congress, is called the "Benjamin Franklin True Patriot Act."

"They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." - Benjamin Franklin.

[1] <http://rutlandherald.nybor.com/News/Story/33681.html>

[Bio: 12 year old Natasha is the co-founder of the popular performing group, the Superstars of the 21st Century®. She is the author of a poetry book and of the comic series, "The Continuing Adventure of Cowardly Tom and Bully George." She is a model, dancer, choreographer and actress who has appeared in over a dozen TV shows and movies and is currently a student with John Hopkins University's Center for Talented Youth. Despite her young age, she has attended the last four annual conventions of the State Bar of California.]

[Archives for the Hull-Richter Family](#)

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Leslie S. Comments:

I am wondering to myself if there have been warnings to employers not to hire people who have been involved recently with protests.

I was affected by the extensive "re-structuring" in the telecom and networking industry and while I am now getting a lot of possible employment first contacts and do well with them by the time the next level of interviews comes around all of the sudden the company no longer is interested in talking to me.

Its like they have an interest in interviewing me for a position, I do very well in the intake interview, then they do some background research and are no longer interested.

I do not have a criminal past.

I also have an excellent employment history, except for this period of steep downturn in the networking and telecom industries, and I know that many of my former co-workers have been similarly affected.

I would like to know if the Bush administration, if Ashcroft have been putting a chill on hiring practices relative to a citizen exercise of first amendment rights.

Jackie B Comments:

Excellent!!! I am printing your letter out and I will be including it with my Christmas cards this year. Thank you so much.

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