

**Excerpt from “‘A New Era of Discrimination?’: Why African Americans Should Be Alarmed About the Ashcroft Terrorism Laws” (September 2003)**

Terrorism and civil liberties abuses—two of the worst enemies of freedom—have tormented African Americans throughout much of the country’s history. Now, African Americans are under attack again—not just by potential acts of terror, but also by a government intent on stripping people of their hard-won rights.

Whether it has been enduring slavery, withstanding the horrible night rides of the Ku Klux Klan or overcoming the worst tactics of local police and the Federal Bureau of Investigation, the struggle for African-American freedom has been filled with battles against terror and abusive power in the long journey to become safe and free.

Given such a unique history in this country, African Americans understand as much as, if not more than, anyone the necessity of visible and vigorous protections against terror and the need to limit police power to protect the civil rights and civil liberties of the innocent. Overreaching police power has, after all, brought its own brand of terror against African Americans during some of our nation’s most shameful periods.

That is why many African-American leaders and others shudder at the roughshod way that U.S. Attorney General John Ashcroft has run the U.S. Justice Department. The Attorney General is trampling on constitutional rights of racial and religious minorities in the name of fighting terrorism, and his raw use of power threatens everyone in America, especially African Americans.

In fact, the notorious J. Edgar Hoover would be proud of how John Ashcroft is undoing the fundamental protections put in place after the excesses of Hoover’s FBI led to disgraceful spying against the Rev. Dr. Martin Luther King Jr. and wholesale efforts to discredit and undo his pioneering work against segregation.

That’s why leading voices in the African-American community, such as U.S. Rep. Elijah E. Cummings, now chairman of the Congressional Black Caucus, voted in October 2001 against giving Ashcroft’s Justice Department new sweeping authorities, expressing concern that new government investigative powers “would be so broad as to imperil civil liberties.” He specifically mentioned that one serious consequence was the government’s expanded and largely unsupervised authority to target people unconnected to criminal offenses for surveillance.

Julian Bond, Chairman of the National Association for the Advancement of Colored People, cautioned that Congress has a duty to ensure “that civil rights and civil liberties are not sacrificed in the fever of war.” The NAACP Board of Directors already had approved a resolution aimed at protecting civil liberties, urging lawmakers and the administration “to be mindful of the need to protect and strengthen the civil rights and civil liberties of all Americans.” Bond accused the FBI of racial profiling and “spying on law-abiding citizens.”

And Wade Henderson, Executive Director of the Leadership Conference on Civil Rights, warned: “History has shown us that, in past times of national calamity, civil rights and civil liberties fall victim to the crisis just as surely as the human victims whose loss we all grieve. We must not compound this tragedy by infringing on the rights of Americans or persons guaranteed protections under the Constitution.”

These African-American leaders understand perhaps better than most that immoral actions cannot be justified because they are adopted amid the frenzy of a crisis, which is why the internment of people of Japanese descent during World War II remains an abominable stain on American history.

The darkest stain ever on American society has been the plague of slavery. The institutional racism that followed shows that freedom compromised by unconstitutional measures is not freedom at all. It’s an enemy of a free society.

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