

ACTION ALERT: Fighting for Our Rights

BY LYNN McNICOL

In the aftermath of the airplane attacks of September 11, 2001, it is understandable that stricter security measures would be enforced. But the Patriot Act and other national "security" provisions allow law enforcement to go far beyond protecting this country from such attacks.

The U.S.A. Patriot Act allows secret government searches of and seizures from your home; access to records of any kind about you without probable cause or disclosure; seizure of business records, including membership lists; and monitoring of your email subject lines and what you look at online.

Like other disenfranchised or marginalized groups – racial minorities, the poor, and the disabled – members of the LGBT community are particularly vulnerable to the excesses of these laws.

Sunset provisions of the Patriot Act are currently being debated in Congress. In a victory for all citizens, the House last month (November 9) abandoned its more conservative bill and instead chose to follow the Senate's lead. The Senate bill provides for greater Congressional control over some of the Patriot Act's more extreme measures. But we still have far to go to make provisions of the law reasonable and fair to all.

"The Patriot Act opened the floodgates for the government to use these sweeping powers in fishing expeditions," said Lisa Graves, a Legislative Counsel for the ACLU's Washington Legislative Office. "As members of Congress reconcile competing bills to renew the Patriot Act, they must make sure the personal records of ordinary Americans are protected. The Patriot Act should be used to prevent terrorist attacks, not collect private data of people that haven't been accused of any wrongdoing."

Another national security-related law passed this spring, the "Real ID Act," purports to prevent terrorist attacks but threatens to further undermine the rights of U.S. citizens. Included in a military funding measure, the Real ID Act forces states to "link their databases – containing every licensed dri-

ver's personal information – with other states, with no guidelines as to who will have access to that information," the ACLU said. The ACLU further charged that the law "rolls back asylum laws, attacks immi-

The National Center for Transgender Equality and the Transgender Law Center charge that the 'Real ID Act' will prevent transgender immigrants from entering the U.S.

grants and sets the stage for a national ID."

The National Center for Transgender Equality and the Transgender Law Center charge that the Real ID Act, only recently signed into law, will prevent transgender immigrants from entering the U.S.

"Hundreds of transgender people who suffered persecution in their home country and/or who would suffer persecution if they were returned to their home country have been granted asylum in the last five years. However ... the Real ID Act further narrows who can qualify for asylum," the NCTE and TLC said in a written statement. The groups also express concern that the national standards could have "unintended consequences" for people seeking documents that reflect their chosen gender identity. The law requires states to verify and copy documents used to obtain ID cards. That requirement could include documents used to change a person's name or gender on the card.

"We're opposed to the Real ID for everybody," said Allen Gilbert, Executive Director of ACLU-Vermont. "We think this is an unwarranted intrusion into people's privacy." It's "ineffective" as far as national security is concerned, he added.

"The copying and storage of confidential information should be of concern to everyone," Gilbert continued. "And this is true whether we're talking about new laws such as the Real ID, or existing ones such

as Vermont's law that allows law enforcement to go into any pharmacy in the state and ask to see anyone's prescription records – without a warrant or subpoena. Privacy is a very, very hard thing to protect in the age of technology and at a time of fear."

The Real ID Act also gives the Department of Homeland Security authority to build barriers along the U.S. border, "placing private property in the hands of federal agents for a 'land grab' for national security purposes," according to the ACLU.

The Real ID Act does not affect existing identification documents, as it's slated to go into effect in three years. That leaves some breathing room for working toward fair enforcement of the law when it does go into effect.

But there's far less time to limit provisions of the Patriot Act. As Congress continues to debate the law, senators and representatives will be hearing from citizens across the country. They may vote at any time to change – or keep – provisions of the sweeping law affecting every one of us.

In order to support our rights and the rights of generations to come:

- ▼ Contact your senators and representatives. Tell them what you think of the Patriot Act and the Real ID Act, and urge them to continue the fight for our rights.
- ▼ Talk to friends and neighbors. Tell them about the rights we have all lost and are working to regain.
- ▼ Write a letter to the editor of your local paper. Contact radio and TV stations. The ACLU has a user-friendly website with lots of advice on how to be an effective advocate.
- ▼ Support organizations such as Mountain Pride Media/Out in the Mountains, R.U.1.2? SafeSpace, and Outright. All these groups continue working for your rights on a daily basis. ▼

For more information, visit: www.aclu.org, www.nctequality.org, and www.transgenderlawcenter.org.

Lynn McNicol is a freelance writer who lives in Burlington.



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