

Statement on Anti-Terrorism Measures

The preamble to the Constitution states that our democratic form of government was designed, among other things, to ensure justice, provide for the common defense, and secure the blessings of liberty. In the aftermath of the tragic events of September 11, 2001, the Jewish Community Council of Greater Washington recognizes the need for providing law enforcement the tools it needs to wage an effective battle against terrorism, and supports the recently enacted legislative changes on intelligence gathering and criminal justice. With appropriate oversight and accountability, our security and law enforcement agencies can and should be given the latitude necessary to prevent terrorist activity and find the terrorists operating in our midst, without abandoning the core ideals of the individual liberty and freedoms that make us a great nation and a free society.

On those occasions where acts of war have resulted in abridgments of the right to a speedy and public jury trial, the exceptions have been specific and were limited in time and scope. We must ensure that our political and legal systems operate to safeguard our civil liberties. Any order providing exceptions to the normal judicial process should be carefully and narrowly drafted. Both Congress and the Judiciary should have a role in the process. Congress should be consulted and there should be appeal rights outside of the executive branch. The framers of our Constitution protected against tyranny by separating the federal government into three branches: executive, legislative, and judicial. Each would check abuse by the others and from the beginning, Americans have refused to rely on the benevolence of our leaders. Instead we rely on the rule of law. That is what John Adams meant when he said we have “a government of laws, and not of men.” Our fight against terrorism should operate within, and not outside of, our system of checks and balances.

Deuteronomy 16:20 instructs: “*Tzedek, tzedek, tirdof* – Justice, justice shall you pursue.” Guided by that standard, this Council has consistently stated that our society must be just in its pursuit of justice and its means must be as just as its ends. We are concerned that certain unilateral law enforcement actions, such as non-consensual monitoring of communications between those generally suspected of being connected to terrorism and their attorneys, holding secret military trials of non citizens without the protections and guidelines of the Uniform Code of Military Justice and with no right of independent appeal, and the indefinite detention, without charges or judicial oversight, of non citizens suspected of being a threat to national security with no evidence to support that suspicion, undermine basic freedoms and protections for everyone. We must ensure that protections are not swept aside for anyone in this country who might fit vague definitions of aiding terrorism. Government actions based on a presumption of guilt, without any supporting evidence, threaten all of us. Members of specific religious, racial and ethnic groups should not be profiled and targeted by law

enforcement without factual evidence. Even when faced with the significant threat of international terrorism, this Council remains sensitive to the potential for exaggerated responses in times of crisis, such as the internment of Americans of Japanese descent during World War II. The Jewish community is acutely aware of this danger.

Therefore, the Jewish Community Council of Greater Washington:

1. Supports the recently enacted legislative changes on intelligence gathering and criminal justice, known as “The USA PATRIOT Act,” in order to provide additional resources for the battle against terrorism, and believes that with appropriate oversight and accountability, our security and law enforcement agencies can and should be given the latitude necessary to prevent terrorist activity and find the terrorists operating in our midst. The Council also supports a sunset provision in this and any future legislation in order to provide the nation with an opportunity to see and evaluate the implications of these extraordinary measures.
2. Emphasizes that any extraordinary measures removing individuals from the normal protections of the judicial process should be narrowly drawn, specifically defined, and limited in scope and time. Congress should be a full partner in the process, and independent appeal rights outside of the Executive Branch should be provided to anyone tried in any tribunal or court.
3. Reaffirms, in conformity with the fundamental principles of balance of powers in the United States Constitution, that the Executive Branch should be accountable to Congress and should report periodically to the Congress on all measures and actions taken pursuant to legislation and orders that permit removing individuals from the normal protections of the judicial process.
4. Underscores the applicability of these principles to measures that may be considered at the State and local levels.

adopted by the Council's Board of Directors Jan. 9, 2002

