

#### **Civil Liberties**

Whether it be repealing parts of the Patriot Act, repealing the military's Don't Ask Don't Tell policy, preventing bullying in our children's schools, or preventing torture on the battlefield -- protecting civil liberties is a cornerstone of American democracy, and it is among the most important work we do as a Congress.

#### The PATRIOT Act

On May 26th, I voted against a bill (S. 990) providing for a fouryear reauthorization of three troubling provisions of the PATRIOT Act when it came up for a vote in the House, as I have voted against similar reauthorizations in the past. Unfortunately, the bill passed by 250-153, and has been signed into law.

One particularly disturbing provision of the PATRIOT Act that has now been reauthorized is the so-called "library provision" that allows the FBI to acquire records about what books a person checks out from the library. The other two provisions allow roving wiretaps and the collection of information on "lone wolves" who are not connected to terrorist organizations or governments.

This reauthorization will last until June 1, 2015. I will continue fighting for substantial reform of the PATRIOT Act.

In February, I also voted for an amendment which would prevent the federal government from obtaining a person's library records under the "Library Provision." The amendment was offered during the debate on the Full Year Continuing Appropriations Act for FY 2011 (H.R. 1), which would fund the federal government for the rest of the fiscal year. Despite my support, this amendment did not pass. The final vote was 196 to 231.

I am confident that we can keep this country safe while also protecting Americans from unwarranted intrusions of privacy.

## **Ending Don't Ask, Don't Tell**

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On December 22, 2010, President Obama signed into law the *Don't Ask, Don't Tell (DADT) Repeal Act*, which I strongly supported. According to the law, the repeal of DADT would only be fully effective 60 days after the Secretary of Defense received a review from the Department of Defense on the implementation of the repeal, and the President, Secretary, and Chairman of the Joint Chiefs of Staff certified to the congressional defense committees that the implementation of the DADT repeal is consistent with standards of military readiness and effectiveness. On July 22nd , the necessary certifications were made. Therefore, DADT will finally be repealed on September 20th .

Repealing DADT is a great national victory for the causes of civil rights and equality. Any qualified American who wishes to serve will finally be able to do so without fear.

## **Protecting Students from Bullying**

Our children and students deserve particular vigilance from the government in protecting them from all types of pernicious discrimination. Many LGBT students face daily harassment from their peers and even teachers. This harassment has devastating effects. Recently, a number of gay students or students perceived as being gay have committed suicide following school-based bullying incidents.

As a step to help prevent such tragedies in the future, **I have again joined with my colleague Rep. Jared Polis to introduce the Student Nondiscrimination Act** (H.R. 998). This bill would prohibit public schools from excluding students from participating in, or subjecting students to discrimination under, any federally-assisted educational program on the basis of their actual or perceived sexual orientation or gender identity. Any student who has been discriminated against on these grounds can seek recourse in court. The bill is now being considered by the House Education and the Workforce Committee, and I will continue working with my colleagues to make sure that it becomes law.

## **Preventing Torture**

Our values and our Constitution, which guarantee the right to be free from cruel and unusual punishment, prohibit "waterboarding" and



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other forms of torture from being used in interrogations. That is why I have consistently supported legislation to prevent torture. Soon, I will again be joining with my colleague Rep. Jerrold Nadler to introduce the American Anti-Torture Act, which would prohibit all employees of the U.S. government (not only our military, but also the CIA, contractors, and all other federal employees) from using torture in interrogations. This legislation would explicitly include waterboarding and other techniques prohibited by the Army Field Manual.

## **Accountability of the Executive Branch**

No matter who holds the White House, citizens should be able to have their legal grievances with the federal government fairly adjudicated in a court of law. Under current law, the Federal government, when it is a defendant in a civil case, may assert a defense known as the "State Secrets Privilege". Under this privilege, the Executive Branch can make the judge dismiss any civil case, without even presenting any evidence, by claiming that the case involves classified information. In the 20th Century, this privilege was used sparingly. However, from 2001 through 2008, U.S. government agencies asserted it frequently to block a wide variety of private citizen lawsuits.

We must make sure the government asserts the "State Secrets Privilege" reliably and in a limited manner. **That is why I will again join with my colleague Rep. Jerrold Nadler to introduce the State Secret Protection Act.** This bill will enable judges to examine, in a secure area, the government's evidence in asserting the "State Secrets Privilege". And, it will allow the government to assert the privilege *only* if the government shows that public disclosure of the information that the government seeks to protect would be reasonably likely to cause significant harm to the national defense or the diplomatic relations of the United States.

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