

## Summary: Civil Liberties Restoration Act of 2004

At the core of the American value system is the belief that every human being is afforded certain inalienable rights. From guaranteeing every person a fair trial to providing equal protection under the law to all, respect for individual rights is the foundation of American democracy, and as we endeavor to protect these principles, we can promote unity at home and build credibility abroad. In the aftermath of the September 11th attacks, our nation has struggled to meet new security challenges while preserving fundamental values of liberty and fairness. The *Civil Liberties Restoration Act of 2004* (CLRA) would safeguard basic rights and promote our nation's safety. It would move the United States forward at this important time by demonstrating to the world that this country takes seriously the rights of people it detains. The CLRA includes the following provisions:

- **End Secret Hearings.** The CLRA would end the government's ability to issue a blanket order closing all deportation hearings to the public and to family members of detainees, while permitting the closure of hearings or a portion of hearings on a case-by-case basis to preserve the confidentiality of asylum applications or when national security interests so require. (*Sec. 101*)
- **Ensure Due Process for Detained Individuals.** The CLRA would provide minimum due process safeguards to individuals who are jailed on suspicion of immigration violations by giving them timely notice of the charges against them and assure that immigration authorities and judges make fair, individualized bond determinations. (*Sec. 201, 202 and 203*)
- **Establish Independent Immigration Court.** The CLRA would establish an independent immigration court within the Department of Justice and promote fair hearings by a competent, independent and impartial tribunal. (*Sec. 204*)
- **End Special Registration.** The CLRA would terminate the troubled National Security Entry-Exit Registration System while encouraging fairness and a concentrated focus on those who pose a threat to the national security or safety of Americans. (*Sec. 301 and 302*)
- **Make Penalties Commensurate with Violations.** The CLRA would assign reasonable penalties, commensurate to the technical nature of the violations, for non-citizens' failure to register or provide timely notification of address changes. (*Sec. 303*)
- **Require Accurate Criminal Databases.** The CLRA would facilitate better law enforcement practices by requiring that the National Crime Information Center database relied upon daily by state and local law enforcement complies with minimum accuracy requirements. (*Sec. 304*)
- **Ensure Access to Evidence.** The CLRA would ensure that people who are charged with a crime based upon national security surveillance under the Patriot Act would see the evidence against them in the same manner as people charged with a crime based upon other kinds of classified information. (*Sec. 401*)
- **Mandate Reports on Data-Mining.** The CLRA would require the government to submit a public report to Congress on data-mining activities in order to protect the privacy and due process rights of individuals and to ensure accurate information is collected and used. (*Sec. 402*)
- **Limit Secret Seizures of Records.** The House version of the CLRA would amend the USA PATRIOT Act to limit the secret seizure of private databases and individual records to cases where the government has shown there is a reasonable connection to a suspected terrorist or terrorist group. (*Sec. 403 in House version*)