Social Policy Analysis Paper

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**Introduction**

The USA Patriot Act was signed into a law on October 26, 2001 in response to the terrorist attacks from September 11, 2001 (Appalachian State University, 2014). The law was established to better detect and prevent terrorism in the United States. Since its implementation, the USA Patriot Act has devoted large amounts of the President’s Budget to counterterrorism defense (The White House, 2014). A common debate surrounding this law questions whether privacy or safety is more valued by the American citizens.

**Policy Formulation**

A social problem that exists in the United States is terrorism (Department of Justice, 2014). The United States Federal Bureau of Investigation (2014) defines terrorism as “Appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.” The population that is affected by terrorism in the United States is the American citizen (Department of Justice, 2014). While all citizens may be at risk for terrorism, research has found that there is a higher risk to citizens who live in cities with a high population (Trimble, 2013). The terrorist attacks on September 11th created an intense ideology within the American people that terrorism needed to be stopped (Mayeux, 2004). This ideology was based on fear and anger. Consequences of the terrorist attacks were the death of several American citizens and the overall loss of feeling safe (Mayeux, 2014). On September 11th alone there were 2,752 citizen deaths at the World Trade Center, 189 deaths at the Pentagon, and 45 deaths resulting from the plane crash in western Pennsylvania (Standler, 2013). The consequent fear that is instilled in the targeted populace is the focus of terrorism thus making the terrorists the only group benefiting from the continuation of terrorism in the United States.

The attacks that took place on September 11, 2001 were carried out by the terrorist group known as Al Qaeda, and their leader, Osama Bin Landen. Soon after the attacks, President George W. Bush declared America was at war with terrorism and deployed troops to Afghanistan. The causes of Al Qaeda’s attacks on the United States had to do with the United States involvement in the Middle East (Evans, 2002). The United States has had a presence in the Middle East for years prior to the attacks and Al Qaeda did not agree with the United States’ international policies (Evans, 2002).

Prior to the terrorist attacks that took place in 2001, the makings of the USA Patriot Act were already in Congress. Law enforcement had been trying to gain more power in the laws that restricted their investigation abilities in order to protect the citizens’ privacy (Mayeux, 2004). When the bills were presented to Congress they were denied based on being “overly intrusive and possibly unconstitutional” (Evans, 2002). After the attacks, Attorney General John Ashcroft presented the Bush administrations counterterrorism bill to Congress which closely resembled these prior bills that had failed (Evans, 2014).

With a large support for a legislation to increase protection from terrorism, the USA Patriot Act was passed only a month after September 11th (Standler, 2008). There was a strong pressure for the Senators and Representatives to pass the bill and opposition at the time was negatively viewed and labeled as an enemy to national security. The final version of the bill was only debated in the Senate for one day before being passed and Congress saw fit to be just as expeditious by also voting quickly in its favor (Evans, 2002). The country feared that terrorists had already entered the country prior to the attacks and were therefore planning another attack (Standler, 2013). Law enforcement was now able to use electronic surveillance against terrorism-related crimes (Department of Justice, 2014). After the passage of the law, law enforcement was allowed to investigate without tipping off the criminals because they no longer had to immediately let the criminal know when they obtained search warrants (Department of Justice, 2014).

**Policy Content**

The objectives of the USA Patriot Act were to “To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools” ([Appalachian State University](http://www.appstate.edu/), 2014, p.2). One of the indirect goals of the USA Patriot Act was to increase communication between the United States federal agencies by encouraging them to share information regarding terrorists/terrorism ([Appalachian State University](http://www.appstate.edu/), 2014). It is clear however, that the primary goal of the USA Patriot Act was to protect the United States from future terrorist attacks by making it easier to investigate terrorist plans (Department of Justice, 2014). The USA Patriot Act has improved the United States counterterrorism efforts in four major ways: it allows investigators to use advanced surveillance tools, share information between federal agencies, use updated technology to fight terrorism, and increased the penalties for individuals found guilty of terrorism (Department of Justice, 2014).

The benefit of the USA Patriot Act is the increased focus on national security that has protected the United States from more terrorist attacks. The law has increased law enforcement’s ability to investigate, prevent, and prosecute terrorists (Department of Justice, 2014). Another benefit of the USA Patriot Act is the increased funding towards national security. With more funding, the agencies have more resources to track and stop terrorists before they attack. Also, the USA Patriot Act has allowed American law enforcement agencies to investigate terrorists without them knowing which has allowed them to gather more information without the threat of terrorists fleeing, killing witnesses, or taking other actions to avoid arrest (Department of Justice, 2014).

Soon after the USA Patriot Act was signed the Attorney General was given more power to detain noncitizens suspected of being a threat to national security. The attorney general was now legally allowed to detain these people with little judicial review or due process (Standler, 2008). A major problem with this procedure was that a majority of the people detained were Muslim and/or Arab which indicates that there was discrimination in the process (U.S. Commission on Civil Rights, 2012). The three agencies that are part of implementing the USA Patriot Act within American law enforcement are the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), and Central Intelligence Agency (CIA).

The DHS, the FBI, and the CIA are all funded through the President’s Budget (The White House, 2014). Therefore, the USA Patriot Act is directly funded by the Federal Government. Since the purpose of the DHS is to protect Americans against acts of terrorism, it is consequently allotted the largest budget of $38.2 billion dollars from the President’s Budget for the 2015 Fiscal Year (The White House, 2014). The FBI has a department referred to as the Counterterrorism Division Unit and receives $2.6 billion dollars from the President’s Budget. Finally the National Intelligence Program, which is funded by the President’s Budget at $42.2 billion dollars, budgets an undisclosed amount to fund the CIA (The White House, 2014). The USA Patriot Act has resulted in billions of dollars being spent on counterterrorism on a yearly basis (The White House, 2014).

**Recommendations**

After researching the USA Patriot Act, I have concluded that the law infringes on rights guaranteed in the Bill of Rights. While the section of the Patriot Act that facilitates information sharing between the federal agencies has been effective, how the law is currently written is unconstitutional. The government should not be able to use surveillance on its citizens with such ease. Also, the law allows the government to arrest foreigners that are labeled as threats to national security and detain them without public awareness. I believe this section of the law needs to be taken out because this is a power that could easily be abused by the government or the agencies implementing the law. I also believe that the law lacks protection against profiling as evidenced by the many Muslims and Arabs that have been harmed by this policy and the way that it has been implemented by law enforcement.

**Conclusion**

The USA Patriot Act was rushed through Congress after the shocking terrorist attacks that took place on September 11, 2001 (Standler, 2008). While the country was in a state of panic, a policy was passed that has directly harmed the American Muslim and Arab populations (U.S. Commission on Civil Rights, 2012). Since the law was passed, law enforcement has used the law to discriminate against these populations and other immigrant populations (U.S. Commission on Civil Rights, 2012). The USA Patriot Acts was developed in a time of need to prevent terrorism in the United States. While terrorism has decreased since the USA Patriot Act was passed, the large amount of budget currently allotted to the policy is enormous (The White House, 2014). Currently the USA Patriot Act lacks a balance between privacy and safety; therefore, the law needs to be revaluated. Also, it is important that amends are made to the people that have suffered from the profiling caused directly by this law.

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