**The USA PATRIOT Act**

“Those who would give up essential liberty, to purchase a little temporary safety, deserve neither Liberty or Safety,” Benjamin Franklin, Feb 17, 1775. What comes to mind when you hear about the USA PATRIOT Act of 2001, a clever acronym for the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act*? Many people seem to have a strong opinion one way or another regarding this monumental piece of legislation, but the overwhelming majority of people seem to have a remedial comprehension of what the Patriot Act even implicates. I believe it is important that everyone understands how their constitutional rights are being tampered with because this law affects every single person living in the United States.

I was around on October 25th, 2001, when the USA PATRIOT Act, better known as “the Patriot Act,” was signed into legislation. I have heard both sides of the debate, extreme liberals, conservatives, and everyone in between. Since this law is so controversial and affects everyone living in the United States, I decided to do my own research. In order to understand the controversy surrounding the Patriot Act, you must first know the stated purpose of the act, how it is being inappropriately used, and how it directly infringes upon our constitutional freedoms and civil liberties.

The USA PATRIOT Act was submitted to Congress by the Bush Administration on September 24th, 2001, just 13 days after the 9/11 terrorist attacks. This hastily written, 342 page bill was then passed by Congress on October 25, 2001, capitalizing on the fears of the American people. According to the United States Department of Treasury, “The purpose of the USA PATRIOT Act is to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and other purposes.” How’s that for ambiguity; it would seem that the first two parts of this statement are included merely to mislead the public into believing this law is to protect us from terrorism while the “…other purposes” part allows this law to essentially be used for whatever purpose the government desires, substantially overriding our *Bill of Rights*. The Library of Congress eloquently defines the Patriot act by stating,

“The Act gives federal officials greater authority to track and intercept communications, both for law enforcement and foreign intelligence gathering purposes. It vests the Secretary of the Treasury with regulatory powers to combat corruption of U.S. financial institutions for foreign money laundering purposes. It seeks to further close U.S. borders to foreign terrorists and to detain and remove those within its borders. It creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists.”

This definition would lead any reader to believe that the Patriot Act is not only intended for, but that its sole purpose is to protect us from terrorism, but in reality the Patriot Act is primarily being used to spy on American citizens who have absolutely no associations to terrorism.

The problem with the Patriot Act is that many of the controversial provisions contain far too broad of definitions which allow for gross misusage. Stipulations in the Patriot Act allow the FBI and local law enforcement indiscriminant access to any personal information and documents; i.e. telephone, bank, credit card, business, medical, and library records. According to the Rutherford Institute, in just the first year following the September 11 attacks, there were at least 545 libraries coerced into ponying up the names of books their patrons had checked out. I’m not exactly sure how this could possibly be interpreted as protecting the American people from terrorism; then again, what if the government’s definition of a “domestic terrorist” is so loosely defined that it can include people who simply disagree with various aspects of how the U.S. government operates and this disagreement can be reflected in the books they check out at their local library.

Other controversial stipulations in the Patriot Act allow for “Roving wire taps,” tracking citizens’ locations via GPS, and “sneak and peek” searches, where law enforcement can break into your home and search without you ever knowing they were there. These are all widely abused provisions which desecrate our constitutional rights, and, under the guise of “the war on terror,” are conducted without providing a court ordered warrant or probable cause. A report from the Administrative Office of the U.S. Courts says that in 2008, only 3 of the 763 “sneak-and-peek” requests in the fiscal year actually involved terrorism cases. Not to mention, Sprint disclosed that law enforcement made 8 million requests in 2008 alone, for its customers’ cell phone GPS data for purposes of locational tracking. If less than half a percent of the time the Patriot Act is used to override the *Bill of Rights* is in cases involving terrorism, then it would seem that anyone who dissents or practices their right to “freedom of religion” may be at risk of losing their right to privacy.

A classified FBI intelligence memorandum leaked to the media revealed that the FBI has actually directed police to target and monitor lawful political demonstrations under the rubric of fighting terrorism. According to a recent report by the ACLU, there have been 111 incidents of illegal domestic political surveillance since 9/11 in 33 states. The report shows that, “Law enforcement and federal officials work closely to monitor the political activity of individuals deemed suspicious.” This seems vaguely remnant to the Communist scare during the Cold War.

According to former Republican Representative Ron Paul, the Patriot Act violates several constitutional protections and defines a “terrorist” as anyone who opposes a federal government program or policy. If Ron Paul is correct, then I believe I can safely say that anyone living in the United States could theoretically be considered a “terrorist.” In the same interview, Ron also said that “The USA Patriot Act was not available to read or study before it was voted on and passed.” How could such a monumental bill, which affects our constitutional freedoms in so many ways, be so incompetently passed by our chosen lawmakers?

The Fourth Amendment of the United States Constitution clearly states,

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Section 215 of the Patriot Act allows for searches and seizures of personal and business records without providing probable cause. This also allows for seizures of quote, “All tangible things.” This is yet another ominous ambiguity that essentially allows for anything, with the exception of maybe your thoughts, to be seized, potentially without probable cause. The Patriot Act clearly violates the 14th amendment with the supposed purpose of deterring terrorism, but also allows for citizens, not involved in terrorism, to be targeted due to its broad definition. It should be noted that the Foreign Intelligence Surveillance Act of 1978, already gave authority to law enforcement to conduct searches and surveillance of suspected terrorists and spies without a warrant. If there was already a law that allowed for the surveillance of suspected terrorists, then why did the Patriot Act need a clause for this anyway?

The First Amendment is also clearly overreached by the Patriot Act. It states that, “Congress shall make no law ... abridging the freedom of speech ...” Any coworker, friend, librarian or, essentially anyone who keeps records of any kind, who is subpoenaed for information under the Patriot Act, potentially faces prosecution for breaking the, so-called “gag order,” if they speak to anyone about their experience. This seems like a very unnecessary breach of the “freedom of speech,” and why is such secrecy even necessary?

The First amendment also states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” This becomes problematic when authorities are, not only allowed to, but directed to monitor and provide surveillance of religious and political institutions or lawful political demonstrations. People should embrace their right to dissent, not fear their government; these are rights America was founded on. This is not the first time in history that a law has been passed directly following a terrorist attack which allowed for excessive levels of surveillance and searches without probable cause, as well as, the loss of inherent freedoms of the citizens during a time of national emergency. It almost seems as though the Nazi’s *Enabling Act* of 1933 was used as a direct reference when writing certain parts of the so-called “Patriot Act;” the parallels are uncanny.

Milton Friedman once said that there is “nothing so permanent as a temporary government program.” Unless we stand up for our constitutional rights, who knows when we will get them back.

There are several things that we, collectively, can do to change the outcome of this piece of Orwellian legislation. Since Congress solely holds the power to repeal a law, writing your local House Representatives and Senators to voice your opinion is the best way to be heard.

Another option is supporting new legislation that is targeted towards amending the Patriot Act opposed to completely abolishing it. Some bills that have been brought up by congress aim at forcing the Patriot Act to comply with the US Constitution. This would essentially limit law enforcement to only utilize the Patriot Act for the “primary purpose” of conducting terrorist investigations and the gathering of foreign intelligence information. The key to both of these options is bringing awareness to the issue because many people voicing their opinion is the only way to bring a change.

As the title would suggest, the Patriot Act should be used for, “Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.” That is how it has been marketed towards the American people but it seems that our government has profoundly misled the public. Senator Russell Feingold said, on October 12, 2001, “Preserving our freedom is the reason that we are now engaged in this new war on terrorism. We will lose that war without firing a shot if we sacrifice the liberties of the American people.”

**References**

Abramson, Larry, & Godoy, Maria. (2006). *The Patriot Act: Key Controversies.* NPR. Retrieved from http://www.npr.org/news/specials/patriotact/patriotactprovisions.html

American Civil Liberties Union. (2010, June 29). *New ACLU Report And Web Hub Reveal Rise in Political Spying Across United States.* Retrieved from http://www.aclu.org/free-speech-national- security/new-aclu-report-and-web-hub-reveal-rise-political-spying-across-united

Bankston, Kevin. (2009). *Surveillance Shocker: Sprint Received 8 MILLION Law Enforcement Requests for*

*GPS Location Data in the Past Year.* Electronic Frontier Foundation. Retrieved from https://www.eff.org/deeplinks/2009/12/surveillance-shocker-sprint-received-8-million-law

Feingold, Russell. (2001). Stated “Preserving our freedom is the reason that we are now engaged in this new war on terrorism. We will lose that war without firing a shot if we sacrifice the liberties of the American people.”

Foreign Intelligence Surveillance Act, The (FISA) of 1978 § 50 U.S.C. § 1809

Franklin, Benjamin. (1775). Stated “Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

Friedman, Milton. (1993). Stated “Nothing so permanent as a temporary government program.”

Hardin, James A. (2002, March 11). Ron Paul: Patriot Act Was Not Available to Read or Study Before it Was Voted. Message posted to http://thecounterpunch.hubpages.com/hub/Ron\_Paul\_Patriot

\_Act\_was\_not\_available\_to\_read\_or\_study\_before\_it\_was\_voted

Ross, Brian, & Walter, Vic. (2007). *Report Says FBI Violated Patriot Act Guidelines.* ABC News. Retrieved from http://abcnews.go.com/blogs/headlines/2007/03/exclusive\_repor/

Support New Legislation to Fix the PATRIOT Act. (n.d.). *American Civil Liberties Website.* Retrieved February 25, 2014, from http://www.aclu.org/support-new-legislation-fix-patriot-act

United States Department of the Treasury. (2001). USA PATRIOT Act (Financial Crimes Enforcement Network). Retrieved from http://www.fincen.gov/statutes\_regs/patriot/

Washington, DC: Administrative Office of the United States Courts (2009). *Report of the Director of the Administrative Office of the United States Courts on Applications for Delayed-Notice Search*

*Warrants and Extensions*

Whitehead, John W. (2011). *Renewing the Patriot Act: Who Will Protect Us from Our Government?* The Rutherford Institute. Retrieved February 20, 2014, from https://www.rutherford.org/Publica tions\_resources/john\_whiteheads\_commentary/renewing\_the\_patriot\_act\_who\_will\_protect \_us\_from\_our\_government