

Social Patriotism

1 Governmental power has drastically increased over the past decade. Much of the growth of
2 power is due to acts of terrorism that have hugely impacted the nation. One of the most devas-
3 tating acts of terrorism that the United States has seen is the attack on the world trade center on
4 September 11, 2001. As a result, the government passed the USA PATRIOT act, also known as
5 the Patriot Act. Many of the provisions in the Patriot Act grant the government the ability to avoid
6 due process. Under the Patriot Act, the government is given excessive power to bypass the law;
7 Kantian ethics provide an insight that can help determine whether or not use of the liberties granted
8 to the government are ethically sound.

9 Section 6.6.6 of the text presents a situation in which a British news magazine, known as *The*
10 *Guardian*, published an article describing how the FBI indirectly requested that Verizon turn over
11 all of its phone records. A key tenant of Kantian ethics is that others should never be used as a
12 means to an end. The FBI's intention was never revealed, so it is hard to say whether or not they
13 were using the phone records for personal gain or not. However, this fact alone is a breach of
14 Kantian ethics; the FBI wanted to have access to private information, but refused to divulge the
15 reason. Under the Categorical Imperative, moral actions should be able to be applied universally.
16 The FBI did not release their private information, so, under the Categorical Imperative, the should
17 not have taken others private information.

18 The power over communications granted to the FBI is greatly increased by the Patriot Act.
19 Section 6.6.2 discusses the use of National Security Letters (NSLs), namely in regards to the Library

20 Connection of Connecticut. In this scenario, the FBI used a provision of the Patriot Act to demand
21 a user's browser history from a library computer. It follows from the argument made about the
22 FBI requesting Verizon phone records that NSLs are a breach of Kantian ethics; the FBI prohibits
23 individuals and companies that receive NSL's to reveal that the FBI had contacted them in the first
24 place. This scenario differs from the Verizon scenario in that the FBI wanted the information of
25 only one individual. The use of the NSL aside, the FBI's actions are still unethical under Kantian
26 analysis. The agency requested that the Library Connection hand over information about another
27 individual. In doing so, the FBI was using the Library Connection as a means to an end, which
28 violates the Categorical Imperative. In this scenario, as well as the last, it is difficult to completely
29 analyze the situations using Kantian analysis, since the FBI's intention is not actually know.

30 The third scenario presented by the text involves Brandon Mayfield, an attorney from Portland,
31 Oregon. The FBI was presented with a partial fingerprint recovered from a terrorist attack in Spain
32 that was linked back to Mayfield. The FBI then proceeded to investigate Mayfield, going as far as
33 entering his home and seizing private information without proper legal authorization. This scenario
34 differs from others in that the FBI's actions were directly aimed at Mayfield. They did not use
35 anyone as a means to an end, as they did in other scenarios. However, they still violated Kant's
36 Categorical Imperative. Kantianism focuses on the idea that moral laws should be able to be willed
37 into universal laws, and as such, no party involved should be able to opt-out. Following this logic,
38 Mayfield, as well as anyone else who wanted to, would be able to take information without legal
39 basis from the FBI. This scenario differs from the previous two in that the FBI's intention is known.
40 The agency sought to bring a suspected terrorist into custody. The methods used to reach that goal
41 were not ethical however, which makes their actions unethical.

42 It appears that under Kantian analysis, many of the actions taken by the FBI are unethical. The
43 Patriot Act allows for the government to interfere with the lives of the American population with
44 little regard for the law, but the legality of an action does not necessarily determine whether that
45 action is ethically right or wrong. It is hard to say whether or not the Patriot Act itself is ethical or
46 not, but many of the ways in which law enforcement has interpreted and used it are unethical.

Works Cited

Quinn, Michael J. *Ethics for the Information Age. 6th Edition*. Boston: Pearson/Addison-Wesley, 2013.