

Rough Draft

In October 2001, Congress passed the controversial USA PATRIOT Act, a "backronym" standing for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001¹." The act was quickly passed in reaction to the 9/11 attacks the previous month, but many question the judgment and constitutionalism of the act. It was purportedly a counter-terrorism bill, but as it allowed an increase in wiretapping and looser regulations on warrants, it can easily be seen as a breach of constitutional rights. As well, critics argue that it has actually not lead to a single terrorist being caught — that is, one that was not already under investigation resulting from existing and classic sources. As such, it can be said that the USA PATRIOT Act of 2001 is in a nearly direct violation of fundamental civil liberties, as well as an ineffective and inefficient bill.

The biggest breach by far is that of the 4th amendment. The 4th amendment gives the right to be protected against searches and seizures without valid cause or a warrant². However, the USA PATRIOT act allows law enforcement to search houses and properties without a fully valid warrant, or even the notification of the owner of the premises. As well, the USA PATRIOT act permits bulk data collection³, both being a violation of the fourth amendment.

However, these transgressions could be possibly excused if not for the fact that the USA PATRIOT act is extremely inefficient in what it does. Despite hundreds of millions of dollars being allocated for its purposes, not a single terrorist arrest or conviction has resulted from its programs. As well, out of over 192,000 NSLs (National Security Letters), a form of subpoenas, only a single conviction resulted, a 0.0005% success rate.

As well as enabling the transgression of the 4th amendment, the USA PATRIOT act gives grounds to violate the 1st as well. The 1st amendment gives the freedom of speech and expression. The USA PATRIOT act enables what are known as "gag orders," which forbid and censor any speech against a specified topic or subpoena, a clear violation of the 1st amendment, which protects free speech and expression.

Overall, we can see that not only was the USA PATRIOT Act of 2001 a failure in terms of effectiveness, it was also a breach on our constitutional rights. With the PATRIOT Act being rushed through congress, the full legitimacy can even further be debated, with the broad wiretapping almost a direct violation of the 4th. Throughout, the USA PATRIOT Act was a panic-driven bill aimed at taking American's fundamental rights and liberties, opening the door for similar bills; in a way, almost pivoting the USA Govt. into the position of terrorists themselves.

1 US Congress. "107th Congress Public Law 56." United States Government Publishing Office. United States, 2001. Web. 03 May 2016.

2 US Const. amend. IV. Print

3 ACLUwebsite.pdf