

History of the USA Patriot Act

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The USA Patriot Act is a law that aims to strengthen our national security and broaden the powers of law enforcement to identify and stop terrorists. However, at the same time, the Patriot Act erodes civil liberties and many rights that are protected by the Constitution. There has been an on-going debate about whether this trade-off of democratic freedoms for security is wise.

The Patriot Act was signed into law by President Bush six weeks after the 9/11 terrorist attacks. It is a broad law that covers many things: strengthening border security, cutting off funding for terrorists, building a shared information network across law enforcement agencies, and increasing surveillance (wiretapping, searching homes, etc.) of people suspected of being or having connections to terrorists. Specifically, the Patriot Act allows the government to:

- freeze bank assets of organizations suspected of supporting terrorist groups
- ban foreigners with suspected ties to terrorist organizations
- monitor foreign students
- gather personal information and records in secret from doctors, libraries, banks, travel agents, phone companies, and other institutions without having to show a judge any evidence of criminal behavior

Know Your Acronyms

“USA PATRIOT” stands for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. It is commonly known as the Patriot Act.

- obtain search warrants to search homes without informing the residents until up to 18 months later
- imprison suspected non-citizens indefinitely and without charge
- expand its power to wiretap suspects and to monitor e-mail messages

Support for the Act

Supporters of the Patriot Act say that the fact that there has not been a successful terrorist attack on U.S. territory since the act was signed into law shows that it is a success. They note that the law has enabled law enforcement to find and stop terrorist groups in Portland, Oregon; Lackawanna, New York; and Northern Virginia.

Criticism of the Act

Critics of the Patriot Act say that the law threatens our liberties in ways that seriously undermine our democracy. They are most concerned that the law:

- allows the secret gathering of information by the government
- allows detention without charges, abandoning the right to due process
- allows the government to collect information based on suspicion rather than evidence

The government is now allowed to collect information about citizens without any evidence that those people have acted illegally. Before the Patriot Act, the government had to show “probable cause” that a suspect would engage in criminal activity before invading their privacy.

The government can now get surveillance orders based, in part, on the books people read, Web sites they visit, or a letter to the editor they have written. Before the Patriot Act, these free speech activities were not justification for surveillance.

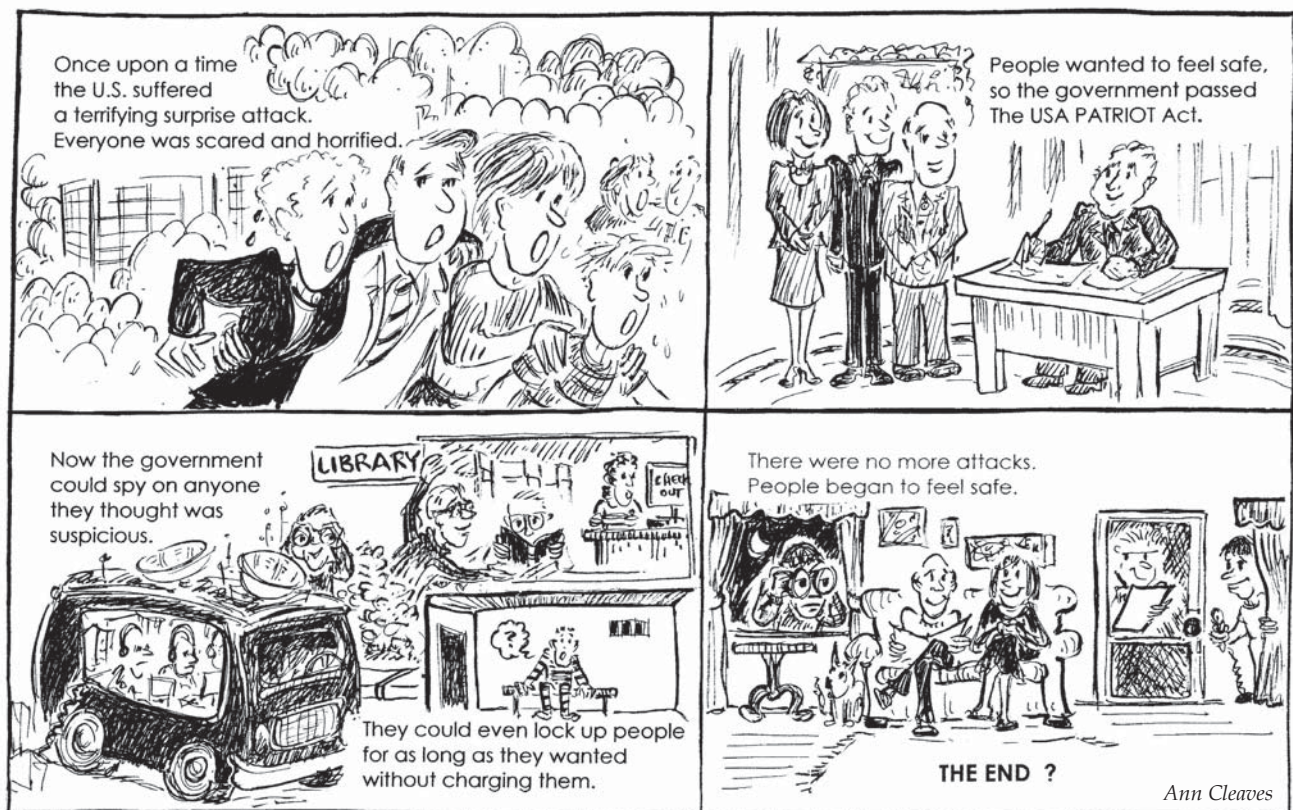
Now, a person or organization (such as a doctor, internet provider, bank, etc.) that is forced to turn over your records to the government is prohibited from telling anyone that the search has occurred. As a result of this gag order, the subjects of surveillance never find out that their personal records have been examined by the government. Before the Patriot Act, individuals were told about such searches and could challenge them in court.

The government can now hold suspected terrorists indefinitely without charging them. Before the Patriot Act, we followed the Constitutional right to *habeas corpus*. Habeas corpus is the right to appear before a court to be charged and to challenge whether that detention is lawful.

Today

The Patriot Act has been reauthorized three times: in 2006, 2010, and 2011. Each time, some lawmakers have proposed restrictions on when the FBI can use its surveillance powers. Others have proposed greater monitoring and public reporting about how these powers are being used. But Congress and Presidents Bush and Obama have continued to reauthorize the law, for the most part, without adding protections for civil liberties.

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Study the cartoon. Why does the cartoonist use a question mark after “The End”?

What freedoms and rights would you be willing to give up to feel more secure?

Read further on balancing security and liberty on pp. 48-49.