“We hold these truths to be self evident, that all men are created equal, that they are endowed by their creator certain unalienable rights, that among these are life, liberty and the pursuit of happiness… that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it” (Declaration of Independence, 1776). In a way this is an aspect of the morals to which our country is expected to live by. Citizens of the United States have always held their freedom at a high priority and would fight for what they were rightly given. However the day of September 11th came upon these citizens and not only were they attacked by devastating acts of terrorists but also by another act, a 394 page bill passed by Congress and signed into effect on October 26, 2001 by President Bush.

With a clever name like the USA PATRIOT Act, who wouldn’t think the intentions within this act were devised to be dignified and solely for the protection of United States citizens? The hidden truths behind this vast act begin with its title. All capital letters are not to emphasize its nobility of patriotism. It is an acronym which in fact has nothing to do with patriotism. *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.*

The USA PATRIOT Act was implemented six weeks after the attack of September 11th, 2001. In the morning hours of this day hijackers took control of four airplanes. The first plane crashed into the north tower of the World Trade Center (WTC) in New York City at 8:45 a.m. Nearly fifteen minutes later, a second plane was flown into the second WTC tower. The city of New York was frantic, the sights and horror of the two towers smoldering… too much for words. But this all did not stop there. Approximately thirty minutes following the second attack, a third plane was flown into the Pentagon in Washington D.C. Soon the south WTC tower collapses. A fourth and final hijacked plane crashes into a field in Pennsylvania (thought to have been taken back over by the
The north WTC tower plummets to the ground, killing several hundred (September 11th: Chronology of Terror, 1).

The events that transpired to mastermind these terrible acts of violence were obviously created by sick and disturbing individuals or groups of people. One main group was identified as the Al-Qaida. Almost entirely comprised of Arabs, the Al-Qaida was established by Usama Bin Ladin in the 1980s. This extremist group has been behind such criminal attacks that involved bombings of various US Embassies in 1998, a 2000 attack of the USS Cole killing 17 US Navy members. They are also thought to have been part of various strikes that targeted US troops in previous incidents.

The United States had never seen such a form of violence on its own territory. The threat of terrorism has migrated from domestic to international. New forms of terror campaigns have emerged and are breeding a new threat for our nation. Terrorism is on a new threshold, where innovative violence has a market, and all that can be imagined is a possible reality. After September 11th, 2001, we became aware of these forms of terrorism. Because of a lack of surveillance and only a small amount of security checks, terrorists like Al-Qaida had been able to enter into the United States with ease in the past. The terrorist members who completed this attacked lived and trained in the U.S. for many previous months before September 11th. The large amounts of capital funded by the associates of Al-Qaida, created easy access to threaten our freedom and safety. Our deficit of surveillance on groups like the Al-Qaida lead to the attack on September 11th and previous others. So in a sense there was necessity for reforms of surveillance, but there are many way to go about this task without violating the U.S. citizen’s civil rights.

It was too late in one sense, but something had to be done to infiltrate the terrorist activity that became present in our country. This is when Congress drafted the USA PATRIOT Act. At the time is seemed appropriate. However the factor that was overlooked when signing this act into
effect was the fact that the “time” was a highly emotional one for all American citizens including those men and women in Congress. With close to a 400-page bill in front of each of them, it would have been easy to over look it and submit their vote for what they were told was for the countries betterment.

There was little debate over the passing of this bill by Congress, which is curious when some of the issues are studied. The amount of information that is held in the USA PATRIOT Act is questionable when the time period of which it was drafted and passed is taken in to account. Could it be possible that this had been partially drafted before these terrorist activities took place? This question is rational. If anyone would have thoroughly read the entirety of this act, there would be no question of passing it. It for starters outright violates the United States Constitution.

As the proposed way to protect against future terrorist attacks, the USA PATRIOT Act has put pressure on Constitutionality in the United States. The fourth amendment 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.”

The U.S. Constitution states these rights above. This Act is obviously in violation of these rights. Not only does the USA PATRIOT Act violates the fourth amendment, but also the fifth and sixth.

With an extreme amount of changes to our nation’s surveillance and search rights, the USA PATRIOT Act gives the government a substantial amount of rights regarding citizens privacy. Such implements of roving wiretaps, nationwide search warrants, “sneak and peak” searches, lower standards for surveillance, the Bank Secrecy Act (BSA), stricter surveillance of the internet,
easy access to personal records and files held by third parties, sharing of personal information, and various other matters have been enforced (National Legal Aid and Defender Association, 1). Now it is even easier to intrude on citizen’s privacy.

A large act such as the USA PATRIOT Act has more than a few effects on society. It is detrimental in some aspects. By addressing the certain issues within the act the United States government’s power over lawmaking is revealed. The way in which policy makers implemented this act during an emotional national time and its violations towards civil rights, cause law abiding citizens to be personally violated. It is important for these citizens to realize what is at stake in this act. They should be concerned that an undertaking of such by the government is not only obstructing our Constitutional rights but unnecessary restrictions are being implemented. It is the duty of citizens, in the opening of the Declaration of Independence, to fight to protect their “unalienable rights” granted to them as citizens and under the United States Constitution.

**Sections II and III**

United States citizens have always valued their freedoms. Throughout history they have battled for it, not only with the British but with each other. These are new times. These are the times where it is never known from whence an attack may come; these are times when the unseen enemy often attacks from the inside. These are times of insecurity. In order to deal with these changing times and restore a sense of national security, there has been the passage of many new laws, such as The USA PATRIOT Act. This law in particular is a response to these turbulent times, and allows for closer surveillance of the American people so as to halt another attack from the inside of our “secure” zone. Knowing that the government is watching over them is a great security to many people, and few stop to ever ask at what cost is this new protection coming to them. It may come at the cost of civil liberties. While this law has very noble purposes, every American must ask himself; which is more important: one’s sense of security or the sense of one’s self?
Many of the civil liberties guaranteed to us in the constitution and The Bill Of Rights are being blatantly disregarded in an attempt to “secure” America. The attack upon the First Amendment is the one that encroaches most severely on our civil liberties. The First Amendment guarantees the right to free speech, but under the PATRIOT act one definition of domestic terrorism is to “appear to be intending to influence the policy of the government by intimidation or coercion” (section 802). So as peace rallies are held against the possible war in Iraq, the protestors are in violation of this law as they are trying to change the course of the government, even as they call on their First Amendment rights to protect them.

The Instance that the most civil liberties are most grievously violated, however, is the case of aliens living in the United States. In 1896 the Supreme Court ruled in *Wong v United States* that “due process rights are specifically granted without regard to citizenship of immigration status” (Center for Constitutional Rights). So the Fifth Amendment, or the right to be free from self incrimination, and the right to due process are guaranteed to all people, not just those of United States origin. Keeping suspected terrorists for months on end is in violation of a number of such rights, which is also a violation of the Sixth Amendment, Which guarantees a timely trial.

It may seem okay in a time of war to suspend such rights to the enemy, but we are founded on the belief that all people have the same rights that all men are created equal, and the USA PATRIOT Act suspends citizen’s rights just as much as those of outsiders. The USA PATRIOT Act is a large amount of governmental paperwork in which few citizens realize the effect it could have on them. It is important for us, as members of the United States of America, to understand what exactly the USA PATRIOT Act is, who it affects, how it affects them, and the repercussions of its contents.

George W. Bush signed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act into affect stating, “…while protecting the
constitutional rights of all Americans...this law will give intelligence and law enforcement officials important new tools to fight present danger." He also states that the USA PATRIOT Act “will help counter a threat like no other our Nation has ever faced...these terrorists must be pursued; they must be defeated; and they must be brought to justice. And that is the purpose of this legislation.”

The President makes the so called “intentions” of the USA PATRIOT Act very clear in his speech.

The USA PATRIOT Act may sound in fact somewhat patriotic from the mouth of the President; however, not all of what we are told is legitimately honest. While the USA PATRIOT Act does have unconstitutional aspects, many of the other aspects are constitutional but irrelevant to the stated purpose of the act. The PATRIOT Act is what many call a Christmas tree bill, acquiring this “name because lawmakers start hanging 'little extras' onto some piece of legislation and so leave the original bill buried in a mishmash of frequently unrelated pet provisions” (Christie 105).

After all that happened that fateful day in September, Congress thought it best to attack to enemy head on. For in all of the privileges and rights afforded to American citizens that the terrorist groups abused, the most retched on was that of telemarketing and redecorating, (perhaps this is a bit of an exaggeration, but essentially that is what the PATRIOT Act says).

Since consumer fraud is a terrorist organization’s most viable way of generating funds for its activities, it is now a requirement that at the beginning of a solicitation a telemarketer announces the purpose of his call, and the “cause”, or company for which he is working. If he fails to do so, he is in violation of sec 1011(b) (2) (D) of the USA PATRIOT Act. Now as for home decorating, that falls under the Expansion of the Biological Weapons Statute. Basically the statute says that unless you are a trained, certified government employee you are not allowed to possess any biological agent or toxin outside of its naturally occurring environment. This means that the toxic mold you have growing on your walls, you must have professionally removed. Gone are the days of tearing out the dry wall and hauling it to the dump. Mold is an airborne agent and as it travels past all of the
houses on the way to the dump it releases spores and infects the good people of America causing respiratory infections nationwide! The open back truck used for dump runs becomes the delivery system, which means 10 years in federal prison. Since of course the transportation of it was not "justified by a prophylactic, protective, bona fide research" purpose (USAPA Sec 817(b)). The next section of the act says that if you are a restricted person (a felon, alien, fugitive, or drug user) you really are not to have any of this stuff. They use two pages to repeat the same information all over again. But it was never stated that Congress was concerned with trees other than its own "Christmas Trees".

Also top priorities for Congress are the training of police in South and Central Asia and the ceasing of all cyber terrorism in the universe. Sec 1007 is devoted totally to the training of the DEA Police in Asia and The Republic of Turkey in anti-Drug efforts. For the year 2002 $5,000,000 was appropriated for just this purpose. Why this suddenly became vital after September 11th well, that is a question to ask your Congressman. As for fighting off Cyber terrorism, the act covers this topic very well. It strictly outlaws every single possibility of terrorism that uses computer. Hackers can not harm banks, or FBI files, or personal computers, making "even standard encryption of Internet and e-mail messages an enhancement to other felonies" (FCNL 3). Congress has allotted much funding to protect against this, and offers an indefinite prison sentence to those convicted. And for the common person, he can set his mind at ease, the next time someone drops the computer monitor on his foot or causes him a heart attack by forwarding an email joke he will not go undefended. These people are a risk to national security and shall be locked away forever according to Sec 814(a) (3) (iii). In which one violates the law by causing physical injury to any person using a computer. These are the things the American Public needs to know are set in law so that they can sleep at night.
This act seems to give the government authority to take some of citizen’s rights to privacy away. Under the Fourth Amendment of the United States Constitution citizens were originally protected.

“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.”

It seems that such a stronghold like the Constitution could not be touched, even in times of struggle like terrorism. However, with this legislation Congress grants law enforcement officials the access to warrants with ease and little hassle. The government only needs to make a claim that the search is for the current foreign intelligence or terrorism investigation and the warrant will be granted. Just as long as there is any slight reasonable doubt, a search warrant is allowed. Also in the President’s speech, “We’re making it easier to seize the assets of groups and individuals involved in terrorism.” Not to mention everyone else as well. The government can enter your home, remove your personal items, and leave without even notifying you before or after. This fact alone violates the Federal Rules of Criminal Procedure.

The government is now allowed power to access and view anyone’s personal records, including, internet usage, finance and medical records, library usage, and all other activities that involve records. The USA PATRIOT Act also grants much a wider and in-depth spectrum in wiretapping, internet spying, immigration checking, and criminal law amendments.

The creators of the USA PATRIOT Act may have had good intentions in mind when drafting this bill; however, with over 300 pages and some content that is extraneous to the original issue, it is obviously a slip in the checks and balances aspect of the U.S. government which would allow this act to pass. As citizens and stakeholders in this country, it is important to realize that some of our rights and freedoms are violated and intruded upon under this act. It is obvious that
this act is not appropriate as it is now. It must be revised and restructured to allow constitutionality or diminished and a new form of protection must be created.

**Section IV**

The purpose of this section is to analyze three solutions to the USA PATRIOT Act legislation and the political trends it has set. The three solutions that will be presented are: (1) Modify the most offensive sections of the PATRIOT Act, (2) Repeal the PATRIOT Act and return amended laws to their pre-PATRIOT Act state, and (3) Remove the PATRIOT Act and any other offending privacy/rights laws from before as well, taking a stricter constitutionalist point of view instead. Each solution has distinct advantages and disadvantages, and must be evaluated with those in mind. It is also important to realize that the three solutions presented are varying levels of the same idea, mainly differing in how drastic the changes proposed are.

The first option is to try to fix the most offensive sections of the PATRIOT Act. This would hopefully be able to find some ground between granting powers to the government and protecting individual rights. The main issues involved with the government infringing on civil rights are surveillance issues. With the PATRIOT Act, the government's power to spy on people living in the U.S. (citizens and non-citizens) has been vastly expanded. Most threatening to personal privacy, the PATRIOT Act has made significant changes to the Foreign Intelligence Surveillance Act (FISA), the laws controlling the FBI's access to business (including bank) records, and the laws regarding electronic surveillance. The most arguably unconstitutional parts of the PATRIOT Act are the target of this alternative solution.

There are two main objections to the FISA amendments: allows “roving” surveillance orders and allows FISA surveillance even when foreign intelligence is not the main reason. Roving surveillance is dangerous because it allows government officials to get a court order for monitoring someone without giving the details of how they will actually perform the monitoring. The loosening
of the foreign intelligence requirements allows the government to potentially spy freely on citizens even when the purpose is not to gather foreign intelligence. This glaring potential for abuse must be closed. Unchecked government power is not supposed to be part of any of the government of the United States, but FISA amendments do not provide the only problems with the PATRIOT Act.

Under the PATRIOT Act, many businesses must keep extensive data on its customers and be prepared to hand it over to the government at a moment’s notice. Banks, in particular, are expected to do a large amount of work to look out for the government. Banks must file a suspicious activity report (SAR) for any transactions close to $10,000 (without the customer's knowledge) and criminal investigations will be initiated to determine if there is any need for alarm on the government's part (Connor b, p 2). This extensive monitoring and investigating is a clear misuse of resources and infringement on the individual's rights. To fix this problem, some changes need to be made. Banks should be allowed to notify the government at their own discretion, where it is in the bank's interest to report suspicious activity because of the monetary reward involved in this information. Also, the information that an individual is being investigated should be open to that individual. This will allow the individual to cooperate with the government to prove his or her legitimacy saving everyone time and money. Other business should be given similar terms. Libraries, for example, could report very suspicious activity to the government. The government would not be allowed to force businesses to maintain extensive documents, but could make specific inquiries to the data that the business does keep after showing to the courts why the information is necessary. While this still compromises individuals' privacy in many peoples' opinion, it is not as extensive and scary as the original PATRIOT Act.

Not surprisingly, there have been large changes to the laws and methods of electronic surveillance. Pen register and trap-and-trace wiretapping orders are exceedingly easy to obtain under the PATRIOT Act. In the pre-Internet days, the idea of merely seeing the to and from
numbers at a telephone would not reveal altogether too much information. If one applies this same principle to the Internet, however, a surprisingly large amount of information is contained in a web-address, especially those of search engines. These kinds of surveillance should be limited like a full wiretap is. The FBI's carnivore system, designed to monitor information at the Internet Service Provider level), is specifically allowed by the PATRIOT Act, but without any specific enumerations as to how the device will be used. This needs to be rectified quickly.

These specific changes to the PATRIOT Act would greatly reduce the objections raised about its unconstitutionality and unfairness. This is by no means the best solution from an ideological standpoint, but it is the most feasible to implement. Despite this, there are still other reasonable solutions to the PATRIOT Act. There is a growing amount of support behind abolishing the PATRIOT Act, and with time might not be very unreasonable.

If the PATRIOT Act were repealed in entirety and any amended laws were reverted to their original state, it would go a long way towards the battle for Civil Liberties. Since the September 11 terrorist attacks, the nation has been much more wary of safety and security issues. This led people to make rash judgments about what the government should do. Perhaps now as more time passes since the attacks more people will calm down from their heightened sense of alert and allow civil liberties to become a more popular topic again. The United States was founded on principles of civil liberties and it is possible that America will return to these ideals in the near future.

If implemented now, the repeal of the PATRIOT Act wouldn't have many noticeable effects to the general public. Perhaps this is because there has not been ample time for the laws to be effective, the government is too secretive, or the laws in actuality aren't effective. There are two ways that this solution can be brought to fruition: Supreme Court challenge or campaigns to drastically change public opinion. There is a decent chance that, if brought to Supreme Court, the
The Foreign Intelligence Surveillance Act (FISA) court was created in 1978 to grant more power to the government dealing with matters of foreign intelligence. Any information gathered from FISA court orders would have to be used for foreign intelligence matters. The PATRIOT Act has loosened these powers a lot, as discussed before. The U.S. also maintains a list of organizations that are considered terrorist organizations – the only requirement to be on the list is that at one time this group must have at any time in history been violent in any way. This includes such groups as PETA and Greenpeace, which are clearly not terrorist groups. Under the PATRIOT Act, any travelers or foreign permanent residents involved with any “terrorist” group are automatically assumed to be guilty and can be denied re-entry into the United States. With the repeal of the PATRIOT Act, FISA would once again be used for solely foreign intelligence matters. This removes the loophole around the constitution that the PATRIOT Act provides under the guise of an amended FISA. The Bank Secrecy Act of 1970 (BSA) is another important law modified by the PATRIOT Act. The BSA is basically a limited form of the changes by the PATRIOT Act. Banks still will send suspicious activity reports to the government, but will not have to keep the detailed files the PATRIOT Act requires. Along the lines of records, all businesses would benefit from the repeal of the PATRIOT Act. It is costly and time-consuming to maintain detailed records of all customers for an indefinite amount of time. Not only is it hard for the business, but hurts the privacy of the individual. Even though many people see the old laws as oppressive towards civil rights, it would still be a very important change.

The repeal of the PATRIOT Act would be a huge step in the right direction. Even so, it would be a step backwards to what the United States already had. It is still very important to
consider this as a potential solution because it has chance of working.

The third, very drastic, solution is to change the nature of all privacy laws in the United States by returning to the principles set forth in the Constitution. This would require a massive effort and even more time to implement, but would be the most rewarding to the individual. This would not happen all at once, but over a very large time period where laws are challenged one at a time. In all likelihood this will never happen, but ideologically, a strict legal interpretation of the Constitution is best. Of particular interest to the PATRIOT Act are the first (free speech), fourth (protection from unreasonable search and seizures), and fifth (due process of law) amendments of the Constitution.

There would be no more FISA, no more BSA, etc. There would be no exceptions to the Fourth Amendment, any warrant would have to show probable cause and be properly obtained from a judge, and would have very specific requirements. No longer could the government investigate individuals without their knowledge. People could not be held in court for any extended amount of time without a trial. The nation the founding fathers dreamed up was not a police state; they recognized the limitations and dangers in not respecting individual rights. The government can try all it wants to, but restrictions or removal of fundamental protection for the rights of its citizens only causes negative things to happen.

Each solution poses a different compromise between feasibility and ideology. The PATRIOT Act must be fixed somehow, and any step, no matter how small, away from the PATRIOT Act is a step in the right direction.

Section V
The specific policy recommendations offered by the group are as follows:

1) Deregulate the prevention of terrorism by repealing all major laws passed since the founding of the country.
2) Create a new framework whose primary purpose is constitutionally-sound prevention of terrorist behavior.

3) Formulate a highly-effective intelligence-gathering network to develop leads on future terrorist plots rather than resort to onerous, ineffective, and unconstitutional search and seizure methods.

The currently-prevalent theory among governmental officials and policymakers is a defective idea that security must come at the expense of civil liberties. This is a provably-incorrect notion. There is no reason that civil liberties must be restricted when attempting to prevent terrorism. The goal of the group’s recommended policies is a successful implementation of a policy doctrine which does not require restrictions on personal liberties in order to succeed in terrorism prevention.

The group’s specific legal recommendations are simple but have a far-reaching effect on the current paradigm that convenience and security are inversely proportional. Essentially, the group suggests a complete deregulation of current anti-terrorist policy. This policy recommendation is a direct consequence of the group’s observations that the government abuses its new anti-terrorism powers and has a great potential to perpetrate further abuses of said powers. An interesting case study which can prove the validity of the group’s opinion on the issue is available.

In France there are a number of separatist Algerian groups that occasionally attempt various terrorist activities, and they have not been successful. This is an interesting contrast to the situation in the United States, where terrorists have been immensely successful in recent times when committing crimes against the civilian population. The key difference between the US and France is not the level of freedom from police intervention that is offered the citizens, as the liberties afforded citizens are nearly identical in both countries. The most important difference between these two countries is their distinct approaches to anti-terrorist policing.

In the United States, most of the work expended by law enforcement agencies to prevent
terrorism hinges on domestic short-term intelligence, and there is poor inter-agency cooperation. Indeed, it was poor inter-agency information exchange which most strongly contributed to the terrorists’ effectiveness in penetrating our nation’s security. Many of our agencies had interesting information; for example, a Phoenix, AZ FBI Field Agent noticed that an unusually-large number of Arabic men were training themselves to fly commercial jets. He attempted to distribute this information to the rest of the FBI by sending his report to the proper officials in Washington, DC. While the FBI’s proper officials knew what the field agent told them, the FBI did not forward this information to officials in similar positions at other law-enforcement agencies.

The situation embodied above is worlds apart from France’s anti-terrorist efforts. In France, there is a dedicated team of police, judges, and prosecutors who are responsible for prevention of terrorist acts. All of these officials know each other very well; they are specifically accountable for a certain clearly-defined task. In the United States, our law enforcement is not particularly specialized. The current system often expects one official to be responsible for several areas of law enforcement, or perhaps for a large geographical area. Naturally, as is the case in colleges, and many areas, people tend to work best when they are allowed to specialize in areas for which they have the keenest interest and skill. By allowing its officials who work on intelligence and terrorism to specialize into this particular area, they allow their smartest officials the opportunity to dedicate themselves to the areas in which they can perform best.

Another critical aspect of the French anti-terrorism system is its focus on the gathering of long-term foreign intelligence. In the United States, most of our intelligence gathering is intended to collect information on immediate threats. This strategy is not effective in many cases because the terrorists we attempt to capture usually plan their acts quietly over a number of years before actually attacking. The September 11 crew took (as far as is known) at least three years to plan and develop their plot to attack major East-Coast buildings. A strategy based on the detection of
immediate threats to national security is not particularly effectual in the prevention of slowly-planned large-scale attacks. In France the intelligence system uses long-term gathering of information about new groups that form and meet throughout the country. Rather than tracking individual large (> $10,000) transactions at banks, the French police look at longer trends in the usage of funds from non-profit organizations and carefully track funds from international sources. The United States has a great deal to learn about proper intelligence gathering methods, and the French police are a shining example of an effective anti-terrorism system.

One of the largest potential benefits of the group’s proposed deregulation of anti-terrorism law enforcement would be the paradigm shift produced in the thinking of law enforcement officials. Currently, American officials have an excessively-firm belief in the use of intrusive surveillance methods on individual offenders. It is a well-known fact that effective terrorism rarely depends on the cooperation of only one offender; or for that matter, on the cooperation of only one group of offenders. If the terrorist notice that the government is monitoring one member, it is relatively-simple to exclude that member from future plans such that their proposed activities may still remain covert. That is why Osama bin Laden encouraged his followers to operate in small, unobtrusive groups. The only effective way of intercepting such groups is careful long-term monitoring of their activities in a manner which prevents the terrorists from detecting government surveillance. The most effective methods would include surveillance of their telephone and computer communications; and, since the terrorists would be considered suspects in a criminal investigation, all of our current unfair and unconstitutional policies would be moot. This proves that the current system is overbearing and ironically still ineffective against the threats faced by the nation.

Another advantage to our policy proposal is that it would be conducive to a restoration of Constitutional purity in our country. Slowly, our citizens have become conditioned to having fewer liberties and to a larger government. Improving our law-enforcement policies would be the first
victory in a long political conflict which would eventually result in the reformation and restoration of
the Constitution’s ideals, which are some of the best-written legal precepts ever composed.

Regarding attempts to further our policy directives, it must be stated that the
implementation of such a radical policy would be a complex process riddled with potential failure
points. The largest barrier to successfully implementing the policy would be the aforementioned
conditioning of the populace to accept arbitrary government-imposed restrictions on liberty.
Interestingly, writing this paper which disavows the USA PATRIOT Act’s effectiveness is a violation
of certain parts of the Act. Convincing US citizens that the problems with the current policy warrant
unilateral deregulation is quite obviously a “tough sell.”

The specific groups that would be involved in the reversal of this policy include influential
liberty-minded Congressmen from both sides of the aisle. Most notable is distinguished Wisconsin
Senator Russ Feingold, who is known for his attempts to improve Congressional ethics through
campaign finance reform and for being the only person willing to vote against the USA PATRIOT
Act in the Senate. Another influential policy group whose efforts could potentially be conducive to
the implementation of the group’s policy is the ACLU (American Civil Liberties Union). The
administration of the proposal and further definition of the specifics of its provisions would rest
primarily with Congress; and to some secondary extent, the executive branch of the US
government.

Of these groups, the group for which encouraging the adoption of the group’s policy would
be most difficult is Congress. Many of our representatives cannot afford to endure the loss in
popularity that would ensue after their having voted to reduce the complexity of the anti-terrorism
laws. Unfortunately, due to a long-standing ignorance of the fundamental principles of the
Constitution, the public is not particularly capable of comprehending or accepting a strict-
constructionist perspective on the interpretation of the constitution. It can be contended that large-
scale, long-term ignorance of the core principles of an important document such as the Constitution will first cause the loss of respect for its more controversial provisions. Secondly, it will propagate apathy toward the Constitution in general. In the United States, the logic of the public has been so perverted that arbitrary and defective may evade the Constitution simply claiming that added security will result. This would make it extraordinarily difficult to adopt a policy of deregulation with regard to anti-terrorism policy.

The best path to successful restoration of Constitution principles in this particular situation would be to convince the public that the current policy is absurd through the presentation of examples of the effects of its onerous and inappropriate provisions for capricious deportation and searches without notification. Generally, the United States is a culture of perverse fear (as proved in the documentary *Bowling For Columbine*). Ironically, the most effective method of garnering public attention and concern for Constitutional purity would be an effective reversal of the fear of terrorists instilled by government officials which has been used to encourage citizens to comply with outrageous policies supposedly designed to protect us; when in reality, such policies do not protect us at all. They only protect the government’s search and surveillance interests with patent disregard of an astonishing order for individual rights.

**Section VI**

To summarize, to resolve the problems endemic with the USA Patriot Act, we can tweak the current policy to better suit the concerns of the people while still giving the government the powers that it so earnestly craves.

A slightly better solution is to revert to the previous laws that pertained to surveillance, safety and privacy of the people. Much of the powers pertaining to surveillance will be curtailed, but still a great number of privacy and freedom-loving citizens will be unsatisfied.
The ideal plan would be to revert to a strict and literal interpretation of the US Constitution, where the powers of the government are specifically outlined. There will be no searches or seizures without a warrant or other form of court order and the suspected individual will also be privy to the fact that a search is being conducted. The government will not be able to detain anyone and not tell the public (or even that person, for that matter) why that person is being held. While “security” may be compromised with this policy, there is no evidence to indicate that the current USA Patriot Act (OR the PATRIOT II, for that matter) does anything to curtail terrorist attacks, as it stands, anyway.

The only problems with reverting to strict adherence to the Constitution are the fact that the people of the United States are ignorant to the fact that the government does not need this much power and is abusing it, and the government will not willing give up said powers.

If it were possible, the ideal way to get this policy revised is to get as many respectable organizations in on the campaign for liberty—and if enough money was raised for such a campaign—then it would be feasible (however, slightly) to convince a majority of the “free” people of the U.S.A. to band together and oppose this unconstitutional policy.

Unfortunately, no government will willingly give up such incredible powers. There is no way to get all of these freedoms back from the government, short of a revolution.

How can a people willingly live under a government that makes it illegal to question its authority or think ill of it or its policies in anyway? Under section Xxxxxxxxx of the USA PATRIOT Act, it is A CRIME/TREASON/FELONY to speak badly about the government. This is not the first time that thinking badly of the government could get one in trouble. In Hitler’s Germany, the secret police would raid the home of someone who spoke ill of the Fuehrer. In George Orwell’s 1984, the people that do not like Big Brother will be quietly taken away in the middle of the night and be
vaporized and “erased” from all records by the Though Police. Our government has the FBI knock at your door.

Another disturbing similarity shared by the US, Nazi Germany and the Oceania of Orwell’s world, is the ignorance and blind faith of the people in those who hold power in the government. The German’s believed they were destined to rule the world, while the people of Oceania are so blindly led by Big Brother that, for example, a day after having their chocolate rations decrease from 30 grams a week to 20, they are led to believe that the government actually increased it! Along the same lines, the American people believe that by allowing the government to read the emails we send to our lovers or parents, to view the web pages we search, to inspect every transaction we have ever made (let’s not even talk about the taxes imposed upon us), to raid our homes without our presence or knowledge, to detain us for some unknown reason, based on unknown evidence, to have our citizenship stripped from us because we donated money to the “wrong” organization (one of the many organizations the government whimsically deemed a terrorist group), then the government will be able to keep us and our homeland (sounds strikingly similar to Stalin’s “Mother Russia”) safe from further terrorist attacks.

We leave you with these powerful words, spoken by a man who lived during the American Revolution (Part I?), Benjamin Franklin, “Those who give up essential liberty for a little safety deserve neither liberty nor safety.”

References

This is The PATRIOT Act. It is the topic which we are discussing. I did not read the whole thing, as it is 394pgs. But I did print and read the table of contents, and it is something I will, read before this report is over. As for criticism, I do not like this act at all, but it is good to know what I am talking about. This will prove most useful, in knowing what is actually in the act, and not just what others say is in it.

This article highlights the ways in which the USA PATRIOT Act uses its new increased powers of surveillance to delve into personal privacy. The author(s) seem very one-sided on their views. They list the areas in which the government has heightened surveillance powers, including: “Expanded access to personal records held by third parties...unchecked power...more secret searches...the foreign intelligence end run around the constitution... expansion of the ‘pen register’ exception in wiretap law.” It also states that Ashcroft failed to explain how the USA PATRIOT Act was implementing the law. This article is obviously anti-USA PATRIOT Act, and does not show any aspect of the opposing side’s arguments. Because our policy paper is centered on how the USA PATRIOT Act is unconstitutional, the points in this article could be very relevant.


This is the speech that President Bush announced when signing the USA PATRIOT Act. To an audience in at the White House, he introduces this new act that “will give intelligence and law enforcement officials important new tools to fight the present danger.” He thanks the Vice President and Attorney General John Ashcroft for their dedication and time spent on drafting and creating this act. President Bush briefly explains of the changes the USA PATRIOT Act will make in the operation of protection. He also asks for the support of everyone, and explains that the new laws will be used to investigate terrorism and lead to a safer country with more protection and harsher punishments for violators of freedom. I think that this is a good article, but it is obviously one-sided. President Bush would never say anything negative about something that he wants to be passed and something that he is whole-heartedly supporting. This is a useful article in showing that it was hidden from the public the truth that the USA PATRIOT Act is not perfect and slightly unconstitutional.


This article comes from a society of lawyers who are interested in protecting the rights granted to United States citizens in the Constitution. This article discusses such issues as the PATRIOT Act and the keeping of suspected terrorists for an indefinite period of time under no basis of any law. The article details how many aspects of the PATRIOT Act are in violation of civil liberties. Although this article provides no positive opinion of the act, it goes though a detailed analysis of it and how it affects each amendment in the bill of rights. For this reason, this article will be very helpful in analyzing the act itself.


This article was posted on the CNN website the day after the events of September 11th, 2001. The use of this article is important on noting the logistics of the events that transpired that day. There is an overview of the attacks of terrorism down to specific minutes that the terror occurred. An important aspect that could have been included and would have been the following days recorded minutes because it was also a very detrimental day in our history as well. This timeline will be a
help to our policy paper because it is right to have the exact times denoted.


This article shows that Title III of the PATRIOT Act is of particular concern to banks and other financial institutions as it deals with anti-money laundering and requires new areas of compliance beyond the Bank Secrecy Act requirements already in place. The law explains that banks must keep an in-depth record of all of its customers, so as to be able to track their actions and see if anything is unusual. It also states that any company dealing with money must keep records on its customers (broker-dealers in securities and commodities, mutual funds, money services businesses [issuers, redeemers or cashiers of travelers’ checks, money orders or similar instruments, and money transmitters], operators of credit card systems and casinos). The article is mostly from the viewpoint of these financial institutions and informing them on the new policies that the PATRIOT Act puts into effect, as well as the exact steps that these institutions will have to go through in order to file a SAR (suspicious activity report) and when to do it, which is beneficial for the everyday citizen to read so he or she will know what actions to avoid in order to curtail a secret investigation into their private lives.


This article is a very important one for the United States itself. It states the wrongdoings of the King of England. It also details how he infringed on what we considered our basic civil liberties. This article will prove very useful when it comes down to looking at how our government is suppressing our civil liberties, if it made enough to revolt 250 years ago, it will most likely do the same now.


The US Constitution lays out framework of our government. It states the checks and balances that secure branches of government from becoming overly powerful. The fourth amendment to the US Constitution quotes, “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.” This amendment directly has relevance to the USA PATRIOT Act and its possibility of being un-constitutional when conducting searches. Because the US constitution does not go into great detail in all of its text, the fourth amendment may not be full proof in proving the USA PATRIOT Act unconstitutional. Since it is been argued that the act is unconstitutional it is important to use the US Constitution as a source.


This article was a summary of the Supreme Court’s ruling in the case of Danny Lee Kyllo vs. United States. The Court determined that an Interior Department agent’s use of a thermal imaging scanner to detect unusually high levels of heat in Kyllo’s triplex unit was a search which could not legally be conducted without a warrant. This case law is a useful source because it serves to define
what the limitations on highly-technological search methods are. The government increasingly relies on the ability to conduct said searches without having to expend a great deal of effort obtaining court authorization to do so. This ruling sharply limited what society and the judges are willing to tolerate as being a reasonable search and/or seizure under the Fourth Amendment’s protections. A disadvantage to this particular source is that it fails to analyze or address the specific ramifications of this decision with regards to the newly-enumerated search and seizure powers afforded the government by the recent passage of the USA PATRIOT Act.


This article is a newspaper opinion which expresses the reasons the USA PATRIOT Act might in fact be critical to the welfare of our country. It is important to consider the reasons said act might be necessary for the protection of public safety, and this article serves as a reminder that freedom sometimes needs limitation in scope, despite the fact that that might be a frustrating truth to confront. The article attempts to explain what aspects of the PATRIOT Act may be improving our currently-critical anti-terrorism efforts and how said improvements may be realized. The article was useful because it enumerated specific governmental law enforcement activities that have been made possible because of the act and because it provided some concrete examples of how the act’s provisions have been implemented. Its usability suffered because said facts and examples were not specifically attributed to sources which could be individually evaluated for quality and accuracy, which naturally causes some difficulty in attempting to ascertain the reliability of the information provided. One might reasonably contend that the author has a relatively-high probability of susceptibility to bias because the author’s cause (prosecution on behalf of the Federal Government) benefits greatly from the new powers enumerated in the act.


This article is the only one found to discuss the PATRIOT Act II. An organization of “Quakers,” the FCNL, is very concerned with preserving our civil liberties. It highlights some of the aspects of the proposed act. This is not one of the firmest arguments I have found; however, it is the only one that discusses this point. I hope to find more information on this act, but for now this article is a good source of general overview of where the government is heading next.


This act covers some interesting, obscure, and worrisome changes to current policy created by the USA PATRIOT Act. For example, this article mentions that, because of new PATRIOT Act provisions, the government may now obtain unopened voicemail from a target with a search warrant instead of a more complex wiretap order. Libraries must now turn over their records by search warrant instead of subpoena, which means that they have no opportunity to object to needless government requests for documents because they may no longer appear before a grand jury. Libraries are also prohibited from warning their patrons that their records may have been rifled through by government agents. This article is useful because of a great number of examples such as the above two. The effectiveness of the article is hampered by the fact that it does not specifically enumerate the places where said provisions in the law may be found in the law’s text,
which may prove to prevent the article from being an effective springboard for further research.

Magagnini, Stephen. (19 March 2003). Internment memories spur fears. Sacramento Bee, website search of article database, http://www.sacbee.com/24hour/special_reports/iraq/bee/story/6301173p-7254766c.html. This article explains the problems faced by an American citizen of Pakistani ancestry. He is very concerned about the extreme amount of potentially-illegal surveillance he faces due to his ancestry. He thinks it is not fair that he is subject to different surveillance from all of the other citizens since he was born here like every other class of citizen. The article also covered a recent panel that convened in Sacramento to discuss some dissenting perspectives on the USA PATRIOT Act. It included discussion with an FBI representative that explained how the act assisted his agency and why it was fair as well as some others who did not think the act was fair. As will almost all newspaper articles, this suffered from a lack of references.

National Legal Aid and Defender Association. (2002). Significant Provisions of the United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. National Legal Aid and Defender Association. Retrieved February 25, 2003 from http://www.nlada.org/ database. This article summarizes the surveillance tactics that are made available by the USA PATRIOT Act. It also includes money laundering, immigration, criminal law amendments, and “Removing obstacles to investigate terrorism.” It explains these topics in a small amount of detail. The main purpose of this article is to bring to light the provisions of privacy that the USA PATRIOT Act brought about. One thing that makes this article a little difficult to follow is its lack of attention to detail when explaining the provisions that went into effect after the act was passed. It is interesting to see the provisions organized this way, and this will be helpful in writing our policy paper when referring and describing these provisions.

Smith, Richard. (5 March 2003). Deciphering the Advanced Encryption Standard. Network Magazine, March 2003 issue online archive, http://www.networkmagazine.com/article/NMG20010226S0010/1. This is a magazine article whose purpose is explaining the various good and bad aspects of the government’s recent choice of a modern encryption standard to replace the defective and aged DES algorithm. This site is particularly good at providing summaries of the detailed process which was used to select Rijndael as the future federal encryption standard. It also was successful in explaining the improvements made by NIST over previous policies which allowed the NSA to implement changes to encryption algorithms which would render said algorithms entirely useless in the future.