

The Patriot Act

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The Patriot Act fundamentally changed the amount of power governments have in their ability to investigate potential terrorists. The USA Patriot Act was signed on October 26, 2001 by George W. Bush shortly after the 9/11 terrorist attacks. USA PATRIOT Act stands for **Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act**. This name, in a sense, gives a pretty good idea of what the goal of the Patriot Act is. It gives the government tools, loopholes, and provisions they did not have before for the stated purpose of catching potential terrorists.

One of the primary changes that came with the Patriot Act, and one of its biggest points of contention was the reasonable expectation of privacy that a US citizen was to expect. With the patriot act, many things that before were violating one's rights, no longer were. For example, records searches were now allowed and more prevalent than ever. The government was given access to your medical records, your internet usage, where you traveled, and even what you bought recently. The government used to have logical reason, such as you being an "agent of a foreign power" (aka spy), in order for them to go through this kind of stuff. Additionally, they no longer need to prove that there is criminal activity occurring, they just need to say that they need access as part of an ongoing investigation regarding terrorism. Is it okay for our government to have access to all of this? Does it even matter to people who aren't potential terrorists? A Lot of the debate isn't whether or not the government is going through your personal stuff, but more the fact that if they wanted to, they have every power to. Additionally the companies that were forced to give up this information were not allowed to reveal to you that they had given your stuff up. This can get scary when you begin to look at what else the government was allowed to do.

Secret searches were now given a green light under the USA PATRIOT Act. Since the beginning of America, the typical process for an investigation goes by first getting a warrant, and then checking out what is needed for the investigation, and nothing more. Under the Patriot Act, this was changed. Now the government had unchecked power to just go through your stuff under their own discretion. Knocking and announcing was no longer needed. They do not need to inform you that an investigation is about to occur, it just sort of happens. Under the Patriot Act, this is okay. The government can search your home, look through your belongings, and even take evidence without ever needing to inform you, or in some cases, without you even knowing. The reasoning for this is that for terrorists, it would be ideal for them to be investigated without knowing so that they may be taken quickly, safely, and without many hitches in the process.

One of the most interesting aspects of the Patriot Act is basically anything regarding a thing called FISA. FISA is a 1978 law known as the Foreign Intelligence Surveillance Act. What this law allowed for was essentially wiretapping, for the “primary purpose” of foreign intelligence. However, the Patriot Act expanded on this, allowing foreign intelligence to be a “significant purpose” . Before FISA was to only to gather intelligence, now it was quite a bit broader, and allowed for a lot more surveillance to go on, even if intelligence was not the only purpose.

Additionally, under the Patriot Act, parts of the Money Laundering Control Act of 1986, and the Bank Secrecy Act of 1970 were amended. The government was now allowed to seek court permission to obtain bank and business statements with the purpose of preventing money laundering. Money laundering is a tactic that is often used to fund Terrorist organizations, and it is understandable that this would be an important point covered in an act against terrorism.

A very important, less controversial aspect of the USA PATRIOT ACT was the part making sure that victims of terrorism, their families and the people in charge of stopping terrorism were properly taken care of. Compensation programs were established, and through the USA PATRIOT ACT were expedited, to make sure that people were compensated quickly.

Detractors of the USA PATRIOT Act state that they think the act was in waiting, and when the 2001 attacks came about, they took the opportunity to greatly expand the government's power in investigating and intelligence gathering, as people around that time were likely more wanting to trade their freedoms for more security. Additionally, detractors point to the fact that the Act sped through congress very quickly, likely as a result of the need to get it enacted as soon as possible. Regardless of the reasons for the timing and speed of the enactment of the USA PATRIOT ACT, people have a lot of problems with the act itself, and its practical usefulness.

The Electronic Privacy Information Center called the USA PATRIOT Act unconstitutional, stating that it has the ability to compromise the “private communications of law-abiding American citizens.” A lot of people seem to echo this sentiment, agreeing that the provisions allowed to the US government are a little too far, and that without the guise of being against terrorism, the USA PATRIOT ACT at its core violates so many of our constitutional rights, namely Amendment 1 and Amendment 4. Amendment 1 as most people understand is the right to free speech. Is your speech truly and honestly free if you have the potential to be constantly under the scrutiny of the US Government, and that any moment you may be searched and prosecuted without even knowing? Amendment 4 is the right to be secure to yourself and your property without unreasonable searches and seizures. This was made all the way back in 1789, against a tyrannical government the founding fathers felt should not have so much power.

So why did it make sense to go into the 21st century with a law that essentially gives the government powers that directly contradict what the founding fathers thought was an essential human right? Well, if one is to agree with the government's projected view, and not the conspiracy theorists, then the fundamental point of the USA PATRIOT Act was to prevent terrorism. Was the USA PATRIOT Act successful in its intended purpose? In a Washington Post article from May 21, 2015, Inspector General Michael E. Horowitz goes into detail about the FBI tripling bulk collection of records and documents from businesses, but they had a hard time separating target vs non target information. In his report he also stated that "no major cases have been broken by use of the USA PATRIOT Act's records snooping allowances." However, we can find a conflicting statement from back in 2004, from FBI Director Robert Mueller, who stated that the USA PATRIOT Act was greatly useful in the war on terrorism, and that many of the successes in counter terrorist activities came as a result of the USA PATRIOT Act. So nobody besides the government seems to know if the act was truly effective, and even they don't seem to have a concise view on that.

In 2015, after the report from Inspector General Horowitz and more heavy debate, Obama signed the USA Freedom Act into effect on June 2, 2015. This act ended bulk collection of records, and allowed people to challenge gag orders that would normally disallow businesses and other records facilitators to let people know they've participated in an investigation. In general the USA Freedom Act improved on the Patriot Act while protecting human rights. However, some critics believe that even this is not far enough, and that liberties are still being infringed upon, even if there are ways to dispute and counteract. Secret searches and things of the like were essentially left untouched, as well as things with FISA.

In conclusion, the USA PATRIOT ACT is a controversial act that allowed a lot of new powers and provisions to the government to break the barriers from them being able to quickly and efficiently investigate and prevent terrorism. However, many people do not agree with the methods that were given, and therefore the Patriot Act, until it is either repealed, or has another massive power reduction, (like the one that was attempted with the USA Freedom Act) will likely be a hotly debated topic for a long time to come. It's very difficult to judge if anyone's rights are truly being violated and it is very difficult to tell if the act is very effective at all. Its difficult to say whether or not this matters as the people that benefit and carry out the USA PATRIOT Act are also the people who put it there in the first place.

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