

USA PATRIOT Act

In October of 2001 President George Bush signed into law the USA PATRIOT ACT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act). The controversial Act, which was written by the president's staff and then approved by the U.S. Congress, was a dramatic and severe response to the September 11, 2001 attack of the World Trade Center Twin Towers in New York City and Pentagon in Washington D.C.

The usual process of extensively reviewing complex and/or controversial proposed legislation was abandoned in the heat of the moment, resulting in the hastily written and approved of legislation. The legality of many components of the Act has been questioned by a wide variety of interest groups. The courts have ruled some portions of the Act unconstitutional. The Act was enacted on a temporary basis and will expire in 2005. The possible extension of the Act is currently being debated in Congress and the public arena. Its future will be determined by the 2004 session of Congress.

In his State of the Union speech, delivered on January 20, 2004, President Bush explained his support of the extension of the Act with these comments:

“Our greatest responsibility is the active defense of the American people. Twentyeight months have passed since September 11th, 2001—over two years without an attack on American soil. And it is tempting to believe that the danger is behind us. That hope is understandable, comforting—and false...

Inside the United States, where the war began, we must continue to give our homeland security and law enforcement personnel every tool they need to defend us. And one of those essential tools is the PATRIOT Act, which Allows federal law enforcement to better share information, to track terrorists, to disrupt their cells, and to seize their assets...

Key provisions of the Patriot Act are set to expire next year. The terrorist threat will not expire on that schedule. Our law enforcement needs this vital legislation to protect our citizens. You need to renew the PATRIOT Act.”

Highlights of the Act include:

- Expanding the government's ability to access sensitive medical, mental health, financial, and education records about individuals
- Lowering the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Giving law enforcement expanded authority to obtain library records, and prohibiting librarians from informing patrons that the monitoring is taking place
- Granting the U.S. Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as “terrorist organizations”
- Authorizing the power to indefinitely incarcerate non-citizens based on mere suspicion of terrorist activity
- Allowing males of Middle Eastern or South Asian descent to be profiled as potential terrorists, without probable cause that such an individual is linked to any illegal activity
- Granting the Attorney General the power to subject citizens of other nations to indefinite detention or deportation—even if they are not accused of committing a crime
- Granting the Attorney General the power to indefinitely incarcerate citizens—designated as “enemy combatants”—without access to an attorney or recourse in the federal courts
- Limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism or ordinary criminal investigations
- Authorizing eavesdropping on confidential communications between lawyers and their clients who are in federal custody
- Authorizing federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is not notified that his property will be or has been searched
- Limiting disclosure of public documents and records under the Freedom of Information Act
- Granting the FBI expanded authority to seize records, without judicial approval, from car dealers, pawnbrokers, travel agents, casinos, and other businesses.