

Patriot Act
By

June 18, 2004

Outline

A) Introduction

B) General Discussion:

1. What is the Patriot Act?
2. Who voted for it?
3. Who does Patriot Act I affect? Why? How?
4. How Patriot Act is currently been utilized?
5. What is the so-called Patriot Act II being discussed?

C) Conclusion

Thesis Statement

The scope of this research paper is to explain the history of the Patriot Act and its current status.

Introduction

The advent of a new millennium was rocked by the terrorist attack of September 11, 2001. The assault was unprecedented in many ways; it was immense, unexpected, crafty, ferocious, and decimating. For millions of Americans, it augured a grim new world order for the days ahead, where even the most secure society might be fathomed and devastated by a small band of determined zealots. The anthrax deaths later that September only compounded to people's feelings of vulnerability. Barely six weeks later, President George W. Bush promptly signed into law which emerged as "USA PATRIOT Act" (Ewing 2002). The Patriotic Act by all measures is one of the most sweeping and controversial acts in United States history, destined to dramatically increment government powers of investigation and enforcement, many would argue at the expense of individual liberties.

USA PATRIOT Act

The USA PATRIOT Act is an act of Congress that was ordained on October 26, 2001. USA PATRIOT is an acronym, so it is properly spelled in all capital letters. It represents for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism" (USA PATRIOT Act of 2000).

Voting Pattern for USA PATRIOT Act

The complex and daring 342-page Act had been hurriedly passed by overwhelming majorities in the U.S. Senate (98-1) and House (357-66), without public hearings or debate, even though the Act resembled sections of the Antiterrorism Act of 1996, which had already been decreed unconstitutional by federal courts (Ewing 2002).

Import of USA PATRIOT Act

The USA PATRIOT Act also allows for, among other things, financial aid to victims of terrorist attacks, altered benefits for public safety workers, a conviction of discrimination against Arab and Muslim Americans, consumer protection from fraud by demanding disclosure in solicitations for

charitable contributions after a terrorist attack, increased staffing and overtime pay for Northern border enforcement employees, funding for training, and resources to study critical infrastructure.

Impact on the IT Security Professional

The altered governmental emphasis on IT Security will have a wide ranging impact on the IT Security Professional. As a result of the USAPA, ITSPs will likely be anticipated, but not expected, to be more assiduous in keeping correct details in order to furnish the government with information when essential. It is also apparent that the workload of many ITSPs may be increasing as the government goes forward to crack down on cyber-terrorism (Ewing 2002). Supplemental funds will create more and better paying jobs and are almost certain to increase the quality and availability of IT Security training programs. It is also very likely that the government's focus on IT Security will prompt the private sector to step-up their security budgets and maybe even salaries for ITSPs.

In the global marketplace, chances for malicious conduct on US computer systems abound. Both the increasing speed and accessibility of information brought by the Internet, and the extracts of many different cultural and political agendas into corporations are factors in making today's networks and Internet speculative but rewarding places to do business. Many of the new powers bestowed upon the government via the USAPA will affect the sphere of ITSPs. The US Government and various law enforcement agencies will likely shoulder most of the onus for the implementation of the USAPA.

Effect on Journalists

Although targeted at trapping terrorists, those provisions of the law could ensnare journalists and compromise their power to report on the war on terrorism (Ewing 2002). Journalists should be aware of this law and future amendments and proposals that assay to expand government surveillance powers and increase secrecy surrounding the government's efforts to combat terrorism.

Libraries

Amends the Foreign Intelligence Surveillance Act to permit the FBI to prevail court order without probable cause from a secret court for the production of "any tangible things (including books,

record, papers, documents, and other items) for an authorized investigation to defend against terrorism or clandestine intelligence activities." "Any tangible thing" can encompass the books checked out in the library and such information can be obtained without an individual's knowledge. Section 215 also forbids persons producing such "tangible things" from disclosing to anyone that the FBI ever came calling.

Electronic surveillance

It is now more lenient for investigators to eavesdrop on a terrorism suspect's telephone calls and e-mail communications with so-called "roving" wiretaps (Ewing 2002). Because of that change, individuals may run a heightened risk of having their telephone or e-mail conversations with sources intercepted by government agents if those sources are deemed "agents of a foreign power."

Students

The US Attorney General may obtain an ex parte court order to gain student records in terrorism investigations. The university is not required to disclose the existence of the order to the student (Ewing 2002).

Patriot Act 1 -Its Current Status

The ACLU had filed or participated as a plaintiff in 31 lawsuits and friend of the court briefs in connection with government actions involving arrest, detention, surveillance, and First Amendment violations, in which countering possible terrorist acts was the ostensible reason for the actions (Ewing 2002). The number of other government violations of civil liberties that have gone unchallenged is inestimable.

Aside from these court challenges, the PATRIOT Act intimated itself into the everyday lives of ordinary Americans in a variety of ways. While the PATRIOT Act accorded extensive new powers to law enforcement, the Bush administration augmented and extended these powers through the issuance of 11 new executive orders, 10 new interim agency regulations, and 2 final regulations enforced by the Justice Department. In this way the Administration circumvented both the legislative and judicial

branches (Ewing 2002). Government investigations consistent to the Act are shrouded in secrecy, such as the closed deportation hearings, the secret arrests, and the new power of the government to enter and search the homes of private citizens without notifying them.

Currently being put into effect is another new plan, dubbed CAPPs II, in cooperation with U.S. airlines. It will ascertain the backgrounds of all commercial passengers and assign them a threat level of red, yellow, or green.

As the scope of the Act and the threats it constitutes to all U.S. residents became more apparent, more than 100 municipalities and Hawaii, passed resolutions in opposition to the Act. Some encouraged public employees not to comply with the Act's most invasive and civil rights forbidding features. But the principal features of a U.S. police state are already in place and it will take a major groundswell of public opposition to undo them.

Patriot II: What it is?

Patriot Act II is Domestic Terrorism and Includes: DNA database, Authorize Secret Arrests, New Death Penalties, and Stripping American Citizenship for Political Affiliation. The scope of this act is discussed below.

Patriot II further tears down court review of surveillance, such as by terminating court-approved limits on police spying on religious and political activity (sec. 312), admitting the government to obtain credit records and library records secretly and without judicial oversight (secs. 126, 128, 129), and by granting wiretaps without a court order for up to 15 days following a terrorist attack (sec. 103). It also allows government to engage in secret by authorizing secret arrests (sec. 201), and imposing severe limitations on the release of information about the hazards to the community posed by chemical and other plants (sec. 202). The Act further amplifies the reach of an already overbroad definition of terrorism so that organizations intermeshed in civil disobedience are at risk of government wiretapping (secs. 120, 121) asset seizure (secs. 428, 428), and their admirers could even risk losing their citizenship (sec. 501). The Act gives foreign dictatorships the force to seek searches and seizures in the

United States (sec. 321), and to extradite American citizens to confront trial in foreign courts (sec. 322), even if the United States Senate has not sanctioned a treaty with that government. It is also directed towards immigrants under the pretext of campaigning against terrorism by stripping even lawful immigrants of the right to a fair deportation hearing and stripping the federal courts of their power to correct unlawful actions by the immigration authorities (secs. 503, 504).

Conclusion

Historically, during times of crisis, it has been instinctive for democratic nations, including the United States, to temporarily contract individual liberties in ways that would never be considered in more prosperous times (Ewing 2002). Is the USA PATRIOT Act a temporary measure, or the signal for a lasting new world order to fight a faceless enemy in this new millennium? U.S. public policies proceed to unfold with international events, such as the War in Iraq, tumult in the Far and Middle East, and potential "wars and rumors of war" with other unfriendly nations. The U.S. mass media have reported intense, mixed, volatile beliefs going in many directions within the U.S. public today. In such times, public opinion polls have a special esteem in a democratic society, to precisely gauge and analyze citizens' views (Ewing 2002). Such polls are best seen as a snapshot in time, as views continue to shift in tandem with world events. As of 2002, the public distinctly is deeply divided in their views of terrorism, liberty, and related issues

Bibliography

Ewing, Alphonse B. The USA Patriot Act. New York: Novinka Books, 2002.

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 (2001).

U.S. Senate, U.S. Senate Roll Call Votes, 107th Congress-1st Session, (2001), available at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=107&session=1&vote=00313 (last visited June 18, 2004).

U.S. House of Representatives, Role Call Votes, 107th Congress-1st Session, (2001), available at <http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=398> (last visited June 18, 2004)