

# Analyzing Primary Sources Activity

The logo for 'networks' features the word 'networks' in a bold, lowercase sans-serif font. A stylized graphic of intersecting lines forms a starburst or network pattern behind the letter 'o'.

## America's Challenges for a New Century, 2001–Present

### Assessing the USA PATRIOT Act

#### Background

The USA PATRIOT Act of 2001 was passed by Congress in response to the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon. Its 150 provisions were designed to protect the United States from acts of terrorism. It was quickly drafted by the Department of Justice and enacted without congressional hearings or debate, and with very little opposition. At the time, President George W. Bush told Congress and the public that the new powers it granted the federal government were essential to national security. Opponents of the act—both before and after its passage—believed that it needlessly sacrificed Americans' civil liberties.

As enacted in 2001, the PATRIOT Act contained controversial provisions that gave the government new powers to:

- wiretap citizens' telephones without proving probable cause;
- obtain access to private financial records, telephone data, consumer credit reports, and Internet service provider (ISP) records without warrants;
- monitor private citizens' Internet usage and other communications, plus library and medical records, without a court order showing probable cause;
- define domestic terrorism broadly as any state or federal crime in the United States involving an act "dangerous to human life" and that "appears to be intended" to influence the government or the public;
- declare prisoners "enemy combatants" and deny them access to an attorney or due process of law; and
- conduct "sneak-and-peek" searches of people or premises under wide-ranging circumstances without a warrant.

These powers were often criticized for violations of the Fourth Amendment, which bans search and seizure without probable cause, and the separation of powers, by giving the executive branch power to enforce the law without judicial review, as well as various other constitutional issues.

In 2005 some of the PATRIOT Act's provisions had to be renewed or they would expire. Congress renewed or slightly revised these provisions, leaving civil libertarians still concerned about infringements on personal freedoms.

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## Activity *Cont.*

### America's Challenges for a New Century, 2001–Present

**Directions:** Read the following quotations from the 2001 Senate debate on the PATRIOT Act. Then answer the questions that follow.

"It enhances our ability to find, track, monitor, and prosecute terrorists operating here in the U.S. without in any way undermining civil liberties. We can never know whether these tools would have prevented the attack on America, but, as the Attorney General has said, it is certain that without these tools we did not stop the vicious acts of last month.

I personally believe that if these tools had been in law—and we have been trying to get them there for years—we would have caught those terrorists. If these tools could help us now to track down the perpetrators—if they will help us in our continued pursuit of terrorists—then we should not hesitate to enact these measures into law. God willing, the legislation we pass today will enhance our abilities to protect and prevent the American people from ever again being violated as we were on September 11."

—Senator Orrin Hatch, October 25, 2001

"The Founders who wrote our Constitution and Bill of Rights exercised that vigilance even though they had recently fought and won the Revolutionary War. They did not live in comfortable and easy times of hypothetical enemies. They wrote a Constitution of limited powers and an explicit Bill of Rights to protect liberty in times of war, as well as in times of peace. . . .

Even as America addresses the demanding security challenges before us, we must strive mightily also to guard our values and basic rights. We must guard against racism and ethnic discrimination against people of Arab and South Asian origin and those who are Muslim. . . .

Preserving our freedom is one of the main reasons we are now engaged in this new war on terrorism. We will lose that war without firing a shot if we sacrifice the liberties of the American people."

—Senator Russ Feingold, October 25, 2001

### Critical Thinking

1. What phrase in Senator Hatch's statement shows that his support for provisions of the PATRIOT Act began even before September 11, 2001?
2. Why does Senator Feingold oppose the USA PATRIOT Act?
3. Which speaker do you believe is more credible, and why?