

USA PATRIOT ACT VOCABULARY

Amendment	An amendment is an addition to the provisions of a bill. Once the basic structure of the bill has been formed by the provisions, amendments are added to deal with more specific elements related to the topic of the bill.
Authorization Bill	A type of legislation used to approve the activities of the various agencies and programs that are part of the federal government. Authorizing such programs is one of the powers of the United States Congress.
Civil Liberties	Civil Liberties are the personal freedoms that the government cannot violate. They cover both basic rights stated in the Bill of Rights and Constitution, as well as freedoms that have been interpreted by courts and lawmakers.
Cloture	Cloture is a procedure for ending a debate and taking a vote.
Constituents	Constituents are members of an elected official's home district. The elected official acts on their constituents' behalf by representing the needs of the district and its people. Constituents participate in elections to vote.
Detain	To detain is to hold someone in federal custody. This can happen in the case of questioning for a criminal action or in politically sensitive situations.
Filibuster	A filibuster is a tactic used in the U.S. Senate to prevent an issue from being brought to a vote. Once recognized, a senator is allowed to speak as long as they remain standing and delay the final vote from occurring. Filibuster can be ended by invoking cloture to end debate.
FISA Court	The FISA Court's mission is to decide whether to grant certain types of government requests-- wiretapping, data analysis, and other monitoring for "foreign intelligence purposes" of suspected terrorists and spies operating in the United States.
Free Market	The Free Market is the economic system of the United States that is based on competition between private businesses. It is not controlled by the government.
Intelligence agencies	This refers to government agencies responsible for the collection and analysis of information to support law enforcement, national security, military, and foreign policy. In the U.S., this includes: FBI, DIA, NSA, and NGA.
Jurisdiction	The official power to make legal decisions and judgments. Examples: "federal courts had no jurisdiction over the case" or "the District of Columbia was placed under the jurisdiction of Congress".
Legislation	Legislation is the process of creating laws that have the authority to rule over a group of people. Legislation passed by the United States Senate, House of Representatives, and President governs over the whole United States of America.
Metadata	Metadata is used to identify trends and to describe other, smaller sets of data. For our purposes, it describes describing the practice of collecting LARGE amounts of data about the phone records of United States citizens.

USA PATRIOT ACT VOCABULARY (Continued)

Nomination Hearing	A presidential nominee is proposed by the United States President to fill a governmental position. The U.S. government has many positions that individuals are appointed and confirmed to. Once the president nominates an individual, that person needs to be confirmed through a process of hearings in United States Senate.
National Security Agency	The National Security Agency (NSA) is a United States intelligence organization in charge of processing information concerning the safety of the nation. Many of their programs rely on electronic collection of information.
Provision	A provision is the basic building block of a law. These clauses provide specific guidelines that form the structure of the bill. Amendments are additions to these.
Reauthorization	This is the process by which Congress prescribes changes, additions, and deletions to a law.
Regulation	Regulation is the set of rules and laws that govern the United States.
Roving Wiretap	Roving wiretap allow intelligence agencies to continue monitoring a person even if they switch phones or computers.
Sanctions	A sanction is an official government order to stop trade and/or communication with another country as a way of forcing its leaders to make political changes.
Section 215	Under Section 215, the government can apply to the FISA court to compel businesses (like Verizon) to hand over user records.
Section 702	Section 702 relates to the ability of the US Intelligence Services to monitor foreign threats.
Statute of Limitations/ Sunset Clause	Part of a law that sets up a period of time that places limits for certain kinds of legal action.
Surveillance	Surveillance refers to the close observation of an individual or group, especially of a suspected law breaker.
Terrorist watchlist	The terrorist watchlist is the ability to screen individuals based on actions they have taken in the past. Examples include, knowingly aiding a terrorist group and knowingly participating in terrorist activities.
Warrant	A document issued by a legal or government official authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice.
Wiretapping	Wiretapping is the practice of connecting a listening device to a telephone line to secretly monitor a conversation.

HOMEWORK ASSIGNMENT

DIRECTIONS: Enclosed you will find different speeches from the spring of 2015 about the reauthorization of many aspects of the USA PATRIOT Act. You will see references to the USA FREEDOM Act (the proposed new version of the USA PATRIOT Act), as well as references to various aspects of the original USA PATRIOT Act. These are defined for you in the footnotes of the speeches.

1. Read each of the four speeches. Annotate using the following marks:

?	I do not know what this means.
***	I see a LINK or connection to something I have learned about in class this year.
!!!	I want to know more about this! This is shocking or interesting!

2. Use your annotated speech to summarize the beliefs of each Senator or Representative in the boxes provided on the next page. Then decide on a scale of 1 (privacy is most important) to 10 (security is most important) where they fall.

1		10
Privacy is Most Important		Security is Most Important

Representative Barbara Lee (D-CA)	Number on the Scale:
Summarize Representative Lee's Position: 	

HOMEWORK ASSIGNMENT

Senator Charles Grassley (R-IA)	Number on the Scale:
Summarize Senator Grassley's Position:	

Senator Orrin Hatch (R-UT)	Number on the Scale:
Summarize Senator Hatch's Position:	

Representative Thomas Massie (R-KY)	Number on the Scale:
Summarize Representative Massie's Position:	

PRIVACY VS. SECURITY WORKSHEET

DIRECTIONS: There are four posters in each corner of the room. They read: **STRONGLY AGREE**, **SOMEWHAT AGREE**, **SOMEWHAT DISAGREE**, and **STRONGLY DISAGREE**. As your teacher reads out statements, move to the corner of the room that represents your belief on that statement. Record your score for each question in the space below.

1. Terrorism, foreign or domestic, is the **SINGLE MOST** important issue facing the United States today.

STRONGLY AGREE
(4 points)

SOMEWHAT AGREE
(3 points)

SOMEWHAT DISAGREE
(2 points)

STRONGLY DISAGREE
(1 point)

2. Personal privacy is guaranteed by the United States Constitution and needs to be protected at **ALL** times.

STRONGLY AGREE
(1 point)

SOMEWHAT AGREE
(2 points)

SOMEWHAT DISAGREE
(3 points)

STRONGLY DISAGREE
(4 points)

3. The security and safety of the majority are more important than the freedom of individuals.

STRONGLY AGREE
(4 points)

SOMEWHAT AGREE
(3 points)

SOMEWHAT DISAGREE
(2 points)

STRONGLY DISAGREE
(1 point)

4. Federal and state agencies using electronic surveillance on the United States and foreign citizens in order to stop terrorism does not bother me, as I am doing nothing wrong.

STRONGLY AGREE
(4 points)

SOMEWHAT AGREE
(3 points)

SOMEWHAT DISAGREE
(2 points)

STRONGLY DISAGREE
(1 point)

QUESTION NUMBER	1	2	3	4	TOTAL SCORE
POINTS					

PRIVACY VS. SECURITY GROUP WORKSHEET

DIRECTIONS: As a group, complete this worksheet and accompanying readings. There are two parts to this worksheet, so manage your time well.

Circle which group you are in:

SECURITY Is MOST Important
(13-16 points)

SECURITY Is Important
(9-12 points)

PRIVACY Is Important
(5-8 points)

PRIVACY Is MOST Important
(1-4 point)

PART 1: Read the Background Overview (Timeline) and USA PATRIOT Act Summary. Answer the following questions as you read.

1. Identify the tools and methods used to combat terrorism in the USA PATRIOT Act Summary.
2. Using the Background Overview (Timeline), identify any patterns or recurring trends about the USA PATRIOT Act between 2001 and 2013. What do these patterns suggest to you?
3. Which aspects of the USA PATRIOT Act seem the most controversial to you? Why do you think that?

PART 2: As a group you will select one aspect of the USA PATRIOT Act that needs to be changed when it is renewed.

This can be because it is too lenient (example: not enough security), or infringes upon civil liberties too much (example: not enough privacy). You need to rewrite the provision AND then justify the changes that you made. You will then share your proposal and justification with the class.

You can begin your pre-writing on the back of this page.

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Representative Barbara Lee (D-CA) on May 20, 2015

Mr. Speaker, I rise in opposition to H.R. 2048, the USA Freedom Act. This bill makes important improvements to the PATRIOT Act, including to Section 2154, which is the underpinning of the National Security Agency's (NSA) nationwide bulk collection program.

Yet a ruling last week by the Second Circuit found that the bulk collection of phone records under this section violated the law. The right to privacy is a fundamental American value. And it is clear that the practice of unconstitutional bulk data collection endangers that right. Last week's court decision underscores this - and makes clear that more robust surveillance reforms are needed. While the USA Freedom Act is a good step forward, it does not go far enough. And I recognize the hard work of my good friend and colleague, Ranking Member John Conyers, Jr., on this important bill. More than thirteen years after the passage of the PATRIOT Act, Congress must do more to balance our national security with the protection of our civil liberties.

The USA Freedom Act should include more robust protections to prevent the surveillance of individuals with no nexus to terrorism or any specific investigation. This would ensure adequate protections against indiscriminate surveillance from the government and ensure that Section 215 cannot be used to collect Americans' records unrelated to any specific investigation. We should also be working for more robust minimization procedures to ensure that information collected under Section 215 is not stored in databases for years. This type of provision was included in a previous version of this bill and must be restored. We should also work to limit additional authorities outside of Section 215 that have been used to collect Americans' records in bulk.

We know that the government has used other authorities - such as administrative subpoena laws - to collect Americans' records in bulk.

And finally, H.R. 2048 (USA FREEDOM Act) should be amended to ensure that the government does not use authorities under Section 702 as a backdoor to conduct surveillance on Americans. Section 702 allows the government to intercept contents of Americans' electronic communications with individuals abroad - and stores them in a database - without a warrant.

Reforms to Section 702 should be included in this bill.

Mr. Speaker, I applaud my colleagues for working in a bipartisan manner on this bill. Yet I believe that additional reforms were needed to adequately protect Americans' fundamental right to privacy. More than 13 years after the PATRIOT Act was first passed into law, it is time for Congress to let Section 215 expire and work toward serious and meaningful surveillance reform.

Source:
Congressional Record- House of Representatives
<https://www.congress.gov/congressional-record/2015/05/20/extensions-of-remarks-section/article/E762-1>

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Senator Charles "Chuck" Grassley (R-IA) on May 22, 2015, part I.

Mr. President, I wish to explain why I support a short-term reauthorization of the national security authorities that expire on June 1, and why I will not vote for cloture on the latest version of the USA FREEDOM Act at this time. These authorities need to be reauthorized and reformed in a way that appropriately balances national security with the privacy and civil liberties of all Americans. I am hopeful that during the next few weeks we can do a better job of doing just that.

I start with the premise that these are important national security tools that shouldn't be permitted to expire. If that were to happen, there is little doubt that the country would be placed at greater risk of terrorist attack, at a time when we can least afford it. This isn't exaggeration or hyperbole.

We have recently witnessed the emergence of ISIS, a terrorist organization that controls large swaths of Iraq and Syria, including, as of just days ago, the capital of the largest province in Iraq. ISIS is beheading Americans and burning its captives alive for propaganda value. And fueled in part by black market oil sales, ISIS reportedly has at least \$2 billion.

The organization isn't just sitting on that money. Members of ISIS and related groups are actively recruiting would-be terrorists from around the world to come to Syria. They are inspiring attacks, often using social media, in the West, from Paris, to Sydney, to Ottawa, and even here in the United States, in places like New York City, Ohio, and Garland, TX. Director Comey has reported that the FBI has investigations of perhaps thousands of people in various stages of radicalization in all 50 States.

So this isn't the time to let these various authorities expire. This isn't the time to terminate the government's ability to conduct electronic surveillance of so-called "lone wolf" terrorists - people who are inspired by groups like ISIS but don't have direct contact with them. And this isn't the time to end the government's ability to seek roving wiretaps against terrorists. After all, this is a tool that prosecutors have used in criminal investigations since the mid-1980s.

Most of all, this isn't the time to sunset the government's ability to acquire records from businesses like hotels, car rental agencies, and supply companies, under section 215, in a targeted fashion. These kinds of records are routinely obtained by prosecutors in criminal investigations, through the use of grand jury subpoenas. It makes no sense for the government to be able to collect these records to investigate bank fraud, insider trading and public corruption, but not to help keep the country safe from terrorists.

While we must re-authorize these authorities, however, it is equally important that we reform them. But we don't yet have a reform bill that I am satisfied with.

The American people have made clear that they want the government to stop indiscriminately collecting their telephone metadata in bulk under section 215. They also want more transparency from the government and from the private sector about how section 215 and other national security authorities are being used. They want real reform. I want to be clear that I emphatically agree with these goals. They can be achieved responsibly, and doing so will restore an important measure of trust in our intelligence community.

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Senator Charles "Chuck" Grassley (R-IA) on May 22, 2015, part II.

I agree with these reforms because the civil liberties implications of the collection of this type of bulk telephone metadata are concerning. This is especially so, given the scope and nature of the metadata collected through this program.

Now, there haven't been any cases of this metadata being intentionally abused for political or other ends. That is good. I recognize that the overwhelming majority of those who work in the intelligence community are law-abiding American heroes to whom we owe a great debt for helping to keep us safe.

But other national security authorities have been abused. Unfortunately, to paraphrase James Madison, all men aren't angels. I've been critical, for example, of the Department of Justice's handling of the so-called LOVEINT cases uncovered by the NSA's Inspector General.

Given human nature, then, the mere potential for abuse makes the status quo concerning the bulk collection of telephone metadata under section 215 unsustainable, especially when measured against the real yet modest intelligence value the program has provided.

The USA FREEDOM Act would in some ways reauthorize and reform section 215 along these lines. It would end the bulk collection of telephone metadata in 6 months, and transition the program to a system where the phone companies hold the data for targeted searching by the government. But the bill's serious flaws cause me to believe that we can do better. Let me discuss just a few.

First, while the system to which the bill would transition the program sounds promising, it does not exist at present, and may well not exist in 6 months. Intelligence community leaders don't know for sure how long it will take to build. They don't know for sure how fast it will be able to return search results to the government. They don't know for sure whether the phone companies will voluntarily keep the metadata for later searching by the government.

On this score, then, this bill feels like a leap into the dark when we can least afford it. While we need certainty that the bulk collection of telephone metadata under section 215 will end, we also need more certainty that the new system proposed will work and be effective.

Second, the bill contains reforms to the FISA Court that are unneeded and risky. I am strongly in favor of reforming the court to make clear that it can appoint a traditional amicus, or a friend of the court, to help it get the law right. This is a well understood legal concept.

But this bill goes further - potentially dangerously so. Under certain circumstances, the bill directs the FISA Court to name a panel of outside experts who would, in the words of the New York Times, "challenge the government's pleadings" before the court. Especially when the bill already ends the kind of dragnet intelligence collection under section 215 that affects so many innocent Americans, this is wholly unnecessary. And for this reason, the Administrative Office of the U.S. Courts sent a letter alerting Congress to its concerns that this outside advocate could "impede the court's work" by delaying the process and chilling the government's candor.

In addition, this proposed advocate is contrary to our legal traditions, in which judges routinely make similar decisions on an ex parte basis, hearing only from the government. Mobsters don't get a public defender when the government seeks to wiretap their phones.

Crooked bankers don't get a public defender when the government seeks a search warrant for their offices. There is no need to give ISIS a public defender when the government seeks to spy on its terrorists to keep the country safe.

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Senator Charles "Chuck" Grassley (R-IA) on May 22, 2015, part III.

Third, the bill also contains language that amends the federal criminal code to implement a series of important and widely-supported treaties aimed at preventing nuclear terrorism and proliferation.

However, the bill doesn't authorize the death penalty for nuclear terrorists. Nor does it permit the government to request authorization from a judge to wiretap the telephones of these terrorists or allow those who provide them material support to be prosecuted. These common-sense provisions were requested by both the Bush and Obama Administrations, but for unknown reasons they were omitted from the bill.

In fact, Senator Whitehouse and I have introduced separate legislation, the Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2015, which would implement these treaties with these provisions included.

Recently, I have been heartened that there is a bipartisan group of members of the Judiciary and Intelligence Committees who share these and other concerns. We have been discussing an alternative reform bill that would also end the bulk collection of telephone metadata under section 215. But it would also do a better job of ensuring that our national security is still protected.

So I support a short, temporary reauthorization with the hope that an alternative reform bill can be crafted that addresses the core reform goals of the American people and that appropriately balances national security with the privacy and civil liberties of all Americans. There is work ahead, but it is important that we get this reform right.

Source:
Congressional Record- Senate
<https://www.congress.gov/congressional-record/2015/05/22/senate-section/article/S3302-1>

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Senator Orrin Hatch (R-UT) on May 22, 2015, part I.

Mr. President, today I wish to speak on a critical national security issue: the importance of renewing the authority for essential anti-terrorism tools which is set to expire by the time Congress returns to Washington after Memorial Day.

Every single Member of this body remembers where he or she was on September 11, 2001. I was here in the Senate. I remember evacuating the Capitol and the office building. I remember standing on the lawn outside, wondering if a plane was headed toward this very building.

That terrible day gave us a taste of what terrorists want to visit upon our country. We realized that these fanatics would stop at nothing to kill innocent men, women, and children and to bring our country to its knees.

Knowing the threat this country faced, we resolved not to let bureaucratic red tape hinder the ability of our law enforcement and intelligence communities to keep us safe. As the ranking member of the Judiciary Committee, I joined with colleagues of both parties as well as the Bush administration to craft the USA PATRIOT Act, which passed the Senate 98 to 1.

The PATRIOT Act and its subsequent reauthorizations have proven critical to our ability to investigate terrorist threats and prevent another mass-casualty attack on the homeland.

Let me make one matter perfectly clear: we continue to face a very serious terrorist threat. The evil that struck us on September 11 has metastasized and continues to present a clear and present danger to the national security of the United States. As the American people's elected representatives, it is our primary duty to keep this country safe. Accordingly, we must continue to provide the necessary tools to the law enforcement and intelligence communities that have helped keep this Nation safe for the past 14 years.

Unfortunately, some of these tools have become quite controversial, despite the repeated showing of strong bipartisan support for them. The collection of telephone metadata under section 215 has drawn particular criticisms and worrisome calls for "reform." I find this development enormously concerning.

Consider what President Obama himself had to say about our need for such a capability:

The program grew out of a desire to address a gap identified after 9/11. One of the 9/11 hijackers, Khalid al-Mihdhar, made a phone call from San Diego to a known al-Qaeda safe house in Yemen. NSA saw that call, but it could not see that the call was coming from an individual already in the United States. The telephone metadata program under Section 215 was designed to map the communications of terrorists so we could see who they may be in contact with as quickly as possible.

The President was absolutely right. The collection of telephone metadata in bulk facilitates our mapping of terrorist networks and our ability to disrupt terrorist plots. Contrary to the wild fantasies that critics frequently spout, this collection does not meaningfully intrude on our privacy. It does not involve the NSA listening in on anyone's calls. It is simply a very important means of finding a proverbial needle in a haystack. We should reauthorize this authority without delay.

A number of my colleagues have taken a different approach, taking up the cause of the so-called USA FREEDOM Act to "reform" our counterterrorism efforts. I find the name of this bill ironic, in the sense that their legislation aims to restore a freedom that was never under threat while sacrificing critical tools that secure our freedom.

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Senator Orrin Hatch (R-UT) on May 22, 2015, part II.

For instance, under this legislation, metadata would no longer be collected by the government but instead retained by private communications corporations. While this idea may seem initially appealing, I have strong reservations about such an approach. Their proposal contains no requirement for these companies to maintain this data for any length of time. Without such a requirement, the effectiveness of a search would obviously be compromised.

This is hardly my only concern. Consider also the provision of the so-called FREEDOM Act that would create a body of outside experts to advise the Foreign Intelligence Surveillance Court on the government's warrant applications. Such an unprecedented move would cause serious constitutional concerns and could undermine the adversarial system which at the core of the judicial branch.

For these and many other reasons, I cannot support the so-called FREEDOM Act. While I would prefer to pass a long-term extension of our current authorities, I will support a short-term extension to facilitate the search for a long-term solution. I urge my colleagues in both Houses to support this effort.

Source:
Congressional Record- Senate
<https://www.congress.gov/congressional-record/2015/05/22/senate-section/article/S3300-1>

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Representative Thomas Massie (R-IA) on June 1, 2015, part I.

Mr. Speaker, I am here today because last night, at midnight, a wonderful thing happened. In what seems like a constant flow, a tide that has been washing away our liberties since the founding of this country, we experienced something unique.

The tide reversed, thanks to one Senator, Senator Rand Paul of Kentucky, and now, we have some of our civil liberties restored. If only but for a brief second in history, they are restored. It may register only as an eddy current, but clearly, we changed the tide last night.

Now, what happened? The PATRIOT Act expired. How does a law expire, do you say? Why do we allow them to expire? It is because, when we enact laws, we know that we don't have the foresight to see how they will be carried out. We don't know everything that is going to happen as time transpires. It is important that we revisit these laws. In this case, this law expired.

I would like to pretend that, if I were here when the PATRIOT Act passed after the attacks on our country, that I wouldn't have voted for it, but I can't say that. I am not going to pass judgment on my colleagues that were here when it did pass. I can barely imagine the incredible pressure they were under from their constituents, from everybody, to do something - to do something to protect our country, and so they passed the PATRIOT Act. I don't blame them. I wasn't here. I might have done the same thing.

We have new facts today, so we revisit this law; we revisit the PATRIOT Act. What are the new facts? What are the things that have changed since it was issued? Let me list them.

First of all, our Director of National Intelligence lied to us, lied to Congress about how the law was being implemented. In fact, he said, "I said the least untruthful thing I could," when he testified. Those were his words. He said the least untruthful thing he could.

That is not good enough. He is in charge of all of our intelligence, and you are spying on Americans, and you lied to Congress about it, so that has changed.

What else changed? The NSA broke the law. How do we know this? The second highest court in the land said they broke the law. Just a few weeks ago, they ruled this. Surely, we can't trust them to enforce the laws that we are giving them now without some major reform.

What is the next thing that has changed since the PATRIOT Act first passed? The Permanent Select Committee on Intelligence failed us. The Permanent Select Committee on Intelligence is privy to information that the rest of Congress cannot have, and I understand that. It would be hard to keep a secret if 435 Members knew about it, so we entrust some of our Members to know the Nation's most important secrets.

What do we trust them with? Oversight, oversight over the intelligence community to make sure that the laws that all 435 of us vote on are being implemented in the way that we intended them to be implemented - and that was not the case, so that has changed.

What is the fourth thing that has changed since the first PATRIOT Act was issued and the last time it was reauthorized? The FISA court, this is the secret court that issues the secret warrants, if you will - if you would call them warrants. I would not call them warrants.

They issued the mother of all general warrants. What are general warrants? These are warrants that are not specific. The warrant they issued would make King George III blush. Think about this: a warrant that covers every - every - American.

SPEECHES ON THE RENEWAL OF THE USA PATRIOT ACT

Representative Thomas Massie (R-IA) on June 1, 2015, part II.

Let me read the Fourth Amendment to our Constitution here, and this is specifically about your right to privacy: "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 warrant that they issued, the one that went to Verizon which authorized the collection of everybody's phone records, was not constitutional; yet we trusted them with the oversight, and they betrayed us. They betrayed that trust.

Since 1979, there have been 34,000 surveillance orders requested of the FISA court by the intelligence community; 12 of the 34,000 have been denied.

Mr. Speaker, things have changed. I urge my colleagues not to reauthorize the PATRIOT Act. The Freedom Act does not go far enough.

Source:
Congressional Record- House of Representatives
<https://www.congress.gov/congressional-record/2015/06/01/house-section/article/H3583-4>

THE USA PATRIOT ACT SUMMARY

The USA PATRIOT Act: Preserving Life and Liberty

Congress enacted the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" by overwhelming, bipartisan margins, in order to arm law enforcement with new tools to detect and prevent terrorism.

1. The USA PATRIOT Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking. Many of the tools the Act provides to law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers, and have been reviewed and approved by the courts. As Sen. Joe Biden (D-DE) explained during the floor debate about the Act, "the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the mob should be good for terrorists." (Cong. Rec., 10/25/01)

Allows law enforcement to use surveillance against more crimes of terror. Before the Patriot Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing.

Allows federal agents to follow sophisticated terrorists trained to evade detection. For years, law enforcement has been able to use "roving wiretaps" to investigate ordinary crimes, including drug offenses and racketeering. A roving wiretap can be authorized by a federal judge to apply to a particular suspect, rather than a particular phone or communications device. Because international terrorists are sophisticated and trained to thwart surveillance by rapidly changing locations and communication devices such as cell phones, the Act authorized agents to seek court permission to use the same techniques in national security investigations to track terrorists.

Allows law enforcement to conduct investigations without tipping off terrorists. In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when the subject is told that a judicially-approved search warrant has been executed. Notice is always provided, but the reasonable delay gives law enforcement time to identify the criminal's associates, eliminate immediate threats to our communities, and coordinate the arrests of multiple individuals without tipping them off beforehand. These delayed notification search warrants have been used for decades, have proven crucial in drug and organized crime cases, and have been upheld by courts as fully constitutional.

Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases. Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. These records were sought in criminal cases such as the investigation of the Zodiac gunman, where police suspected the gunman was inspired by a Scottish occult poet, and wanted to learn who had checked the poet's books out of the library. In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation.

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to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment.

2. The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots." The Act removed the major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people and our national security. The government's prevention efforts should not be restricted by boxes on an organizational chart. Now police officers, FBI agents, federal prosecutors and intelligence officials can protect our communities by "connecting the dots" to uncover terrorist plots before they are completed. As Sen. John Edwards (D-N.C.) said about the Patriot Act, "we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing" (Press release, 10/26/01)

Prosecutors and investigators used information shared pursuant to section 218 in investigating the defendants in the so-called "Virginia Jihad" case. This prosecution involved members of the Dar al-Arqam Islamic Center, who trained for jihad in Northern Virginia by participating in paintball and paramilitary training, including eight individuals who traveled to terrorist training camps in Pakistan or Afghanistan between 1999 and 2001. These individuals are associates of a violent Islamic extremist group known as Lashkar-e-Taiba (LET), which operates in Pakistan and Kashmir, and that has ties to the al Qaeda terrorist network. As the result of an investigation that included the use of information obtained through FISA, prosecutors were able to bring charges against these individuals. Six of the defendants have pleaded guilty, and three were convicted in March 2004 of charges including conspiracy to levy war against the United States and conspiracy to provide material support to the Taliban. These nine defendants received sentences ranging from a prison term of four years to life imprisonment.

3. The Patriot Act updated the law to reflect new technologies and new threats. The Act brought the law up to date with current technology, so we no longer have to fight a digital-age battle with antique weapons-legal authorities leftover from the era of rotary telephones. When investigating the murder of Wall Street Journal reporter Daniel Pearl, for example, law enforcement used one of the Act's new authorities to use high-tech means to identify and locate some of the killers.

Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred. Before the Patriot Act, law enforcement personnel were required to obtain a search warrant in the district where they intended to conduct a search. However, modern terrorism investigations often span a number of districts, and officers therefore had to obtain multiple warrants in multiple jurisdictions, creating unnecessary delays. The Act provides that warrants can be obtained in any district in which terrorism-related activities occurred, regardless of where they will be executed. This provision does not change the standards governing the availability of a search warrant, but streamlines the search-warrant process.

Allows victims of computer hacking to request law enforcement assistance in monitoring the "trespassers" on their computers. This change made the law technology-neutral; it placed electronic trespassers on the same footing as physical trespassers. Now, hacking victims can seek law enforcement assistance to combat hackers, just as burglary victims have been able to invite officers into their homes to catch burglars.

THE USA PATRIOT ACT SUMMARY

The USA PATRIOT Act: Preserving Life and Liberty

Congress enacted the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" by overwhelming, bipartisan margins, in order to arm law enforcement with new tools to detect and prevent terrorism.

4. The Patriot Act increased the penalties for those who commit terrorist crimes. Americans are threatened as much by the terrorist who pays for a bomb as by the one who pushes the button. That's why the Patriot Act imposed tough new penalties on those who commit and support terrorist operations, both at home and abroad. In particular, the Act:

Prohibits the harboring of terrorists. The Act created a new offense that prohibits knowingly harboring persons who have committed or are about to commit a variety of terrorist offenses, such as: destruction of aircraft; use of nuclear, chemical, or biological weapons; use of weapons of mass destruction; bombing of government property; sabotage of nuclear facilities; and aircraft piracy.

Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists: including arson, destruction of energy facilities, material support to terrorists and terrorist organizations, and destruction of national-defense materials.

Enhanced a number of conspiracy penalties, including for arson, killings in federal facilities, attacking communications systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crew members. Under previous law, many terrorism statutes did not specifically prohibit engaging in conspiracies to commit the underlying offenses. In such cases, the government could only bring prosecutions under the general federal conspiracy provision, which carries a maximum penalty of only five years in prison.

Punishes terrorist attacks on mass transit systems.

Punishes bioterrorists.

Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes.

Source:
<http://www.justice.gov/archive/ll/highlights.htm>

WRITING PROMPT

DIRECTIONS: The SIM activity on the USA PATRIOT Act asked you to take the position of a particular Senator, from a specific party, who was attempting to represent his or her constituents. You also participated in a short activity asking you to weigh certain provision of the USA PATRIOT Act against privacy and security for the United States.

NOW YOU GET TO DECIDE FOR YOURSELF and CONVINCe YOUR PEERS!

You will write up your own “ideal provision” based upon your beliefs and knowledge gained through the SIM. What do you think is the single most important aspect of the USA PATRIOT Act that needs to be kept, adjusted, or removed? How would your provision impact the issues of privacy and security?

You only can get one to pass, so it had better be good one. Write up your ideal provision and a short justification of its importance. How will this keep people safe? How does it toe the line between privacy and security? Why is it NOT an infringement of individual liberty? Or if it is, why is it worth it?

The audience for this writing project is your peers. Remember, you have some insights into how they feel about the issues of privacy vs. security. Try to CONVINCe them that your provision is the BEST one for the country.

Consider the following rubric while creating your provision and writing your justification.

POINTS	0	1	2
POSITION	The provision and stance on the provision is not stated.	The provision and stance on the provision is either partially stated or not stated clearly.	The provision and stance on the provision is stated clearly.
EVIDENCE	The provision and reasoning for the provision is not stated or does not have any supporting evidence.	The provision and reasoning for the provision is partially stated or does not clearly use evidence to support it.	The provision and reasoning for the provision is stated clearly and explained using evidence and examples from the SIM.
ISSUES	The provision and reasoning does not include the issues it would positively or negatively impact.	The provision and reasoning includes either the issues it would positively or the ones it would negatively impact, but not both.	The provision and reasoning includes the issues it would positively and negatively impact.
WRITING	The justification is not delivered in a persuasive or well-organized way.	The justification is either well-organized but not persuasive, or not well-organized but persuasive.	The justification is delivered in a persuasive, well-organized, and thoughtful way.

BACKGROUND OVERVIEW

Timeline

This timeline highlights the national security and privacy issues that have developed since the terrorist attacks on September 11, 2001.

2001

September 11

Hijackers crash two airplanes into the World Trade Center in New York. A third plane strikes the Pentagon, and a fourth crashes in a field in rural Pennsylvania. More than 3,000 people are killed in the terror attacks.

September 13

The White House announced that there is "overwhelming evidence" that Osama bin Laden is behind the attacks.

September 14

Congress authorizes President George W. Bush to use "all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

September 18

The Justice Department publishes an interim regulation allowing non-citizens suspected of terrorism to be detained without charges for 48 hours or an additional reasonable period of time "in the event of an emergency or other extraordinary circumstance." The new rule is used to hold hundreds of detainees until the USA PATRIOT Act passes in October.

September 20

President Bush announces a new cabinet-level position, the Secretary of Homeland Security; Pennsylvania Governor Tom Ridge is appointed to it. In an address to a joint session of Congress, President Bush declares, "Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."

October 24

Congress passes the sweeping USA PATRIOT Act, which broadened the government's authority to collect domestic records and surveil its citizens, often without evidence of wrongdoing. Section 215, nicknamed "the library loophole," allows the FBI to use subpoenas to obtain the records of any library, bookstore, or other entity that is used in a terrorism investigation, including books, business documents, tax records, and library check-out lists.

November 5

The Justice Department announces that it has put 1,182 people into secret custody since 9/11. Nearly all of them are from the Middle East or South Asia.

December 11

In the first official indictments stemming from the 9/11 attacks, Zacarias Moussawi, a French citizen of Moroccan descent, is charged with conspiring with Osama bin Laden and al Qaeda to murder thousands of people in New York, the Pentagon, and Pennsylvania.

BACKGROUND OVERVIEW

Timeline, part II.

2004

March 21

Section 215 oversight is relaxed. An internal memo reveals that the FBI began using a “new standard” for Section 215 of the USA PATRIOT Act, allowing FBI investigators to bypass the review processes of the Office of Intelligence Policy and Review. This granted permission for the seizure of documents.

May 21

The FBI is granted its first approval to seize business records under Section 215 of the USA PATRIOT Act. Since 2004, hundreds of Section 215 orders have been granted.

2005

December 15

In a speech on the Senate Floor, then-Senator Barack Obama urges his colleagues not to renew the USA PATRIOT Act without significant oversight reforms.

2006

January

President Bush has defended his anti-terrorism program. With the USA PATRIOT Act up for renewal, President Bush has made an attempt to clarify in defense of the law, beginning with a speech at Kansas State University.

March 6

Bush signs Reauthorization of the USA PATRIOT Act. While the reauthorization made much of the law permanent, three key provisions were subject to sunset limits or expiration. The reauthorization passed with bipartisan support in both the House and Senate, with a few new requirements for Section 215 orders.

2007

March

A report released by the Committee of the FBI's use of Section 215 and National Security Letters reveals that the FBI had also requested the use of these provisions to Congress. The report included 107 requests for information over half of which were on U.S. persons.

2010

February 25

President Obama temporarily extends the three controversial USA PATRIOT Act provisions for one year without changes, reversing his campaign position on the law.

2011

May 26

Senate approves a full four-year authorization of the USA PATRIOT Act just before the sunset deadline. President Obama has approved, so for the first time, military legislation is signed into law using a presidential veto.

2012

March 15

In a letter to the Attorney General and on the Senate floor, Senator Ron Wyden (D-OR) warns “most Americans would be stunned to learn the details” of how the government has interpreted Section 215 of the USA PATRIOT Act. He was unable to elaborate without revealing classified information.

BACKGROUND OVERVIEW

Timeline, part III.

2013

June 5

Edward Snowden reveals secret Section 215 intelligence operation. The Guardian publishes documents from former NSA contractor Edward Snowden revealing the U.S. government has secretly intercepted Section 215 as allowing bulk collection of U.S. citizens' electronic data. The London document shows a FISA Court order requiring Verizon to hand over customer metadata for a three-month period.

June 6

The Guardian and the Washington Post each publish an article about the NSA program PRISM, which forces biggest US internet companies to hand over data on domestic users.

June 8

The Guardian publishes NSA slides on Boundless Informant Program, which shows NSA collected nearly 3 billion pieces of intelligence inside the U.S. in February 2013 alone.

June 9

The Guardian reveals Edward Snowden as the source of the NSA leaks.

October 14

The Washington Post reports on documents revealing that the NSA collects over 250 million small internet videos and e-mails each year from online services like Yahoo, Gmail and Facebook. The document provided by Snowden shows the agency collects the data through massive filter capabilities that carry most of the world's e-mail and Internet traffic.

December 16

U.S. District Judge Richard Leon rules that the NSA's gathering of data on all telephone calls made in the United States appears to violate the Constitution's protection against unreasonable searches. But Leon, an appointee of former President George W. Bush, puts his ruling on hold to allow the government to appeal.

2014

January 27

Based on Snowden documents, NBC News reports that British intelligence demonstrated a pilot program to their U.S. partners in 2012 by which they were able to monitor YouTube in real time and collect addresses from the millions of videos watched daily, as well as some user information for analysis. At the time, they were also able to spy on Facebook and Twitter. FISA Court order requiring Verizon to hand over customer metadata for a three-month period.

Sources:

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