

Class Activity 1 (Debating over a National ID Card – from Week #7): The events of September 11, 2001, resurrected the debate over the introduction of a national identification card for Americans.

- A) As a proponent of a national identification card, point out some benefits of its adoption.
- B) As an opponent of a national identification card, suggest some harms that may result from its adoption.

Class Activity 2 (Patriot Act – from Week #7)

Divide in pairs or in breakout rooms of suitable size. Refer to Document A (The U.S. Attorney General Reports on the Patriot Act's Successes) and Document B (Surveillance under the Patriot Act) attached. The documents provide arguments respectively in support of and in opposition to the USA Patriot Act. Assign yourself to read one of the two documents, and the other to your partner.

Now consider the question “How effective has the Patriot Act been in combating terrorism?” Based on your reading, go to the T Chart below and add evidence supporting OR opposing the USA Patriot Act.

Task I: After filling your T chart, compare your evidence with others in the breakout room, whether supporting or opposing. When discussing the two sides of the argument, you should be thinking about which side of the debate you find makes the best argument and why. E.g., which source is more reliable and which source provides the best evidence to support its claim.

Task II: Based on your collected evidence following interaction with others, do you believe that the Act is a necessary tool for national security, or should it be repealed because it violates fundamental civil liberties? As a group, present what you found with the rest of the section.

Evidence in Support of Patriot Act	Evidence Against Patriot Act

Class Activity 3a (Part A - Predictive Policing Technology): *Science magazine*¹ – Riding high in their squad car, officers Jamie Pascucci and Joe Kania are cruising the neighborhood of Homewood, scanning the streets for trouble. Pittsburgh, Pennsylvania, has one of the highest murder rates among large U.S. cities, and violent crime is particularly severe in Homewood, a 98% black pocket of aging, pock-marked Victorians on the east side. Young, white officers from outside the neighborhood, Pascucci and Kania patrol using a mixture of police radio, calls to their department's communications center, and instinct. They get occasional help from ShotSpotter, a network of sensors that detects gunshots and relays the information to a laptop mounted between the front seats.

But starting next month, Pascucci and Kania may get a new type of guidance. Homewood is set to become the initial pilot zone for Pittsburgh's "predictive policing" program. Police car laptops will display maps showing locations where crime is likely to occur, based on data-crunching algorithms developed by scientists at Carnegie Mellon University here. In theory, the maps could help cops do a better job of preventing crime.

Class Activity 3b (Part B - Predictive Policing Technology): The US Department of Homeland Security is developing the Biometric Optical Surveillance System (BOSS). The purpose of the system which consists of video cameras, computers, and a database of photographs, is to scan crowds and identify persons of interest with an accuracy of 80-90%. The BOSS research began as a way of helping American soldiers in Afghanistan and Iraq identify potential suicide bombers, but in 2010 the project was taken over by the Department of Homeland Security, which plans to make the system available to police departments once it is reliable. In 2013, the system was tested at a sports area in Kennewick, WA, and found not yet ready for use, Research and development continues.

Do you support the development and implementation of the above two types of surveillance tools for police departments? What are the benefits? What are the risks?

¹ <http://www.sciencemag.org/news/2016/09/can-predictive-policing-prevent-crime-it-happens>

Document A: The U.S. Attorney General Reports on the Patriot Act's Successes

John Ashcroft

In Afghanistan, our Special Operations Forces have deployed state-of-the-art weaponry and cutting edge tactics to hunt [the terrorist group] al Qaeda and destroy their safe haven. Here at home, our domestic warriors—federal, state and local law enforcement—have used the new legal tools and technology in the Patriot Act to hunt down al Qaeda, destroy their safe haven, and save American lives.

Let me be clear about something before I move on: Congress intended that the Patriot Act be used to save lives from terrorist attacks. In fact, there are a number of provisions that are only to be used to prevent terrorism or foreign spying. But other tools in the Patriot Act were developed to combat serious crime across the board, and we have used those general tools both in terrorism cases as well as in other cases, such as to catch predatory child molesters and pornographers.

We are a nation at war. That is a fact. Al Qaeda wants to hit us and hit us hard. We have to use every legal weapon available to protect the American people from terrorist attacks. Like the smart bombs, laser-guided missiles and predator drones employed by our armed forces to hunt and kill al Qaeda in Afghanistan, the Patriot Act is just as vital to targeting the terrorists who would kill our people and destroy our freedom here at home.

The Patriot Act's Success

I am pleased ... to have met with ... distinguished members of Congress and to have presented to them a report on how the Patriot Act has been our laser-guided weapon to prevent terrorist attacks. I have also been pleased to discuss how we have used the Patriot Act to save lives from violent criminals who prey on the vulnerable.

This report is an unprecedented compilation of dozens of real life cases from across the country in which the FBI and other law enforcement officials have used the tools of the Patriot Act to protect America's families and communities, and even to save lives. In fact, this report provides a mountain of evidence that the Patriot Act has saved lives. By tearing down the wall between law enforcement and the intelligence community, we have been able to share information in a way that was virtually impossible before the Patriot Act.

The removal of "The Wall" and the dramatic increase in information sharing allowed by the Patriot Act has enabled us to hunt down and dismantle terror cells in Portland, Oregon; Lackawanna, New York; and Northern Virginia. The information-sharing and coordination made possible by section 218 assisted the prosecution in San Diego of several persons involved in an al Qaeda drugs-for-weapons plot, which culminated in several guilty pleas. They admitted that they conspired to receive, as partial payment for heroin and hashish, four "Stinger" anti-aircraft missiles that they then intended to sell to the Taliban, an organization they knew at the time to be affiliated with al Qaeda.

The Patriot Act is al Qaeda's worst nightmare when it comes to disrupting and disabling their operations here in America. Our law enforcement and intelligence teams have never before been so integrated and coordinated, and technologically-equipped, to target the 21st Century threat of global terror.

This report will help reinforce what the majority of Americans already know: When it comes to saving lives and protecting freedom, we must use the Patriot Act and every legal means available to us.

Source: "Prepared Remarks of Attorney General John Ashcroft." U.S. Department of Justice. N.p., 13 July 2004. Web. 3 Feb. 2014. http://www.justice.gov/archive/ag/speeches/2004/071304_patriot_report_remarks.htm

SURVEILLANCE UNDER THE PATRIOT ACT

Hastily passed 45 days after 9/11 in the name of national security...

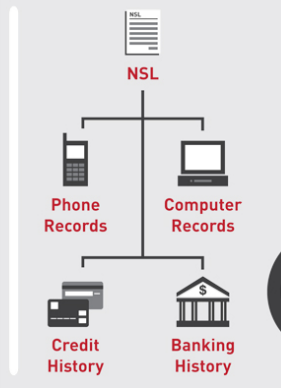
The Patriot Act was the first of many changes to surveillance laws that made it easier for the government to spy on ordinary Americans by expanding the authority to monitor phone and email communications, collect bank and credit reporting records, and track the activity of innocent Americans on the Internet. While most Americans think it was created to catch terrorists, the Patriot Act actually turns regular citizens into suspects.

"I want to deliver a warning... when the American people find out how their government has secretly interpreted the Patriot Act, they will be stunned and they will be angry."

Senator Ron Wyden (D-OR),
May 26, 2011

SOURCE: 1

National Security Letters (NSLs) are issued by FBI agents, without a judge's approval, to obtain personal information...



SOURCE: 2

The conviction would have occurred even without the Patriot Act.

SOURCE: 3

Abuse of Privacy:

The Patriot Act does not require information obtained by NSLs to be destroyed – even if the information is determined to concern innocent Americans.



At least **34,000** law enforcement and intelligence agents have access to phone records collected through NSLs.

In response to 9 NSLs, **11,100** Americans' telephone account records were turned over to the FBI.

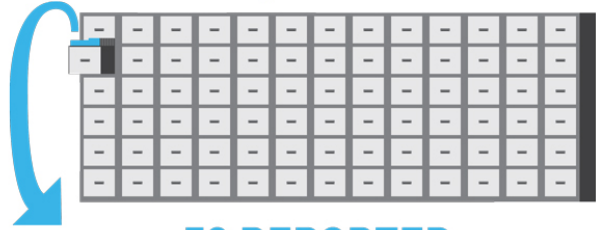
SOURCE: 4



The Patriot Act prohibits Americans who receive NSLs from telling anyone. These "gag order" provisions have been held unconstitutional in several legal cases.

Between 2003 and 2005, the FBI made **53 reported criminal referrals to prosecutors** as a result of **143,074 NSLs**.

143,074 NSLs



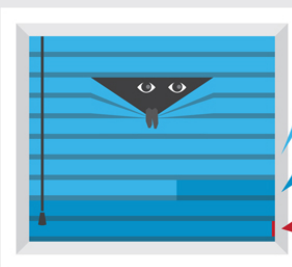
53 REPORTED CRIMINAL REFERRALS:



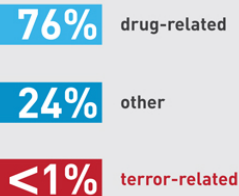
SOURCE: 5

"Sneak & Peek" Searches:

The Patriot Act allows federal law enforcement agencies to delay giving notice when they conduct secret searches of Americans' homes and offices—a fundamental change to Fourth Amendment privacy protections and search warrants. This means that government agents can enter a house, apartment or office with a search warrant when the occupant is away, search through his/her property and take photographs—in some cases seizing property and electronic communications—and not tell the owner until later.



Of the **3,970 Sneak & Peeks** in 2010:



SOURCE: 6



TO LEARN MORE, VISIT [ACLU.ORG/PATRIOT](http://aclu.org/patriot)

FACEBOOK.COM/ACLU.NATIONWIDE TWITTER.COM/ACLU

Source:

- <http://wyden.senate.gov/newsroom/press/release/?id=34eddcb-2541-4215-8f1d-19234030d91e>
- <http://www.justice.gov/oig/special/s0803b/final.pdf>
- http://thescienceofsecurity.org/blog/CT%20Since%209-11_by_Breakthrough.pdf
- <http://www.justice.gov/oig/special/s0703b/final.pdf>
- <http://www.justice.gov/oig/special/s0803b/final.pdf>
- Report of the Director of the Administrative Office of the United States Courts on Applications for Delayed-Notice Search Warrants and Extensions for fiscal year 2010, on file with the Administrative Office of the United States Courts.