

At-Home Activity 1 (Patriot Act)

Working in two parts, first refer to Document A (The U.S. Attorney General Reports on the Patriot Act's Successes) and then to Document B (Surveillance under the Patriot Act) attached. The documents respectively provide arguments respectively in support of and in opposition to the USA Patriot Act. Read the two documents one by one.

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

Task I: After filling your T chart, think about which side of the debate, based on the two documents, you find making the better argument and why. Reflect which source is more reliable and which source provides the best evidence to support its claim.

Task II: Based on your reading and self-analysis above, do you believe that the Act is a necessary tool for national security, or should it be repealed because it violates fundamental civil liberties?

Evidence in Support of Patriot Act	Evidence Against Patriot Act

At-Home Activity 2 (Technology and Policing):

- How do we balance the needs of police to investigate crimes and the public's right to privacy?
- Today, our privacy is protected by the sheer incompetence of government information technology
 - If we were to make a well-designed IT system for police, what privacy protections would it need?

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...

NSL

Phone Records

Computer Records

Credit History

Banking History

FBI

Between 2003 and 2006, the FBI issued
192,499 NSLs

Which led to
1 terror-related conviction

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.

YOUR INFO:
SAVED FOREVER

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

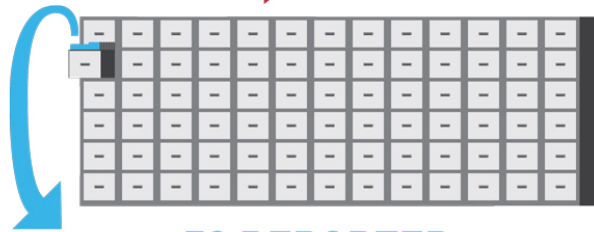
In response to 9 NSLs, **11,100** Americans' telephone account records were turned over to the FBI.

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:



17

were for
MONEY LAUNDERING



17

related to
IMMIGRATION



19

involved
FRAUD



0

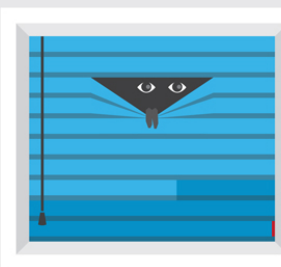
were for
TERRORISM

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:



76% drug-related

24% other

<1% terror-related

SOURCE: 6



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

FACEBOOK.COM/ACLU.NATIONWIDE

TWITTER.COM/ACLU

Sources:

1. <http://wyden.senate.gov/newsroom/press/release/?id=34eddcd-b2541-4215-8f1d-19234030d91e>

2. <http://www.justice.gov/oig/special/s0803b/final.pdf>

3. http://thescienceofsecurity.org/blog/CT%20Since%209-11_by_Breakthrough.pdf

4. <http://www.justice.gov/oig/special/s0703b/final.pdf>

5. <http://www.justice.gov/oig/special/s0803b/final.pdf>

6. 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.