

## **9/11 Lecture Notes: Your Civil Rights and the Law: Looking at the Patriot Act**

### **Where did the Patriot Act Come from?**

- Fear, anger, insecurity, issues of national security.
- Executive Branch officials demanded more tools to access the information of others – we didn't know this was going to happen because our systems of collecting and gathering information are inadequate. GIVE US MORE LEWAY!
- Congress wrote the law in about 30 days (less), and passed it in about as much time. That's a crazy record! They were super-motivated by the desire to prevent something similar from happening again, but perhaps not motivated enough to provide the scrutiny it deserved.

Not until it was passed did some legislators begin to understand the scope and potential impact of the law they had voted for and how it would further undermine many of the already weak federal privacy laws intended to protect consumers.

For example, The Act includes new laws that many consumers, privacy watchdog groups, and others believe tip the delicate balance between combating domestic terrorism and preserving our civil rights in favor of the government's right to know.

In fact, to date, more than 300 American communities have passed resolutions against the Patriot Act stating that they will not comply with some or all of the law's requirements.

### **What's up with the name???** (acronym police, pull over...)

**U**niting and

**S**trengthening

**A**merica by

**P**roviding

**A**ppropriate

**T**ools

**R**equired to

**I**ntercept and

**O**bstruct

**T**errorism Act.

Congress also passes "Patriot II" (nickname). Here's the deal with both.<sup>1</sup>

- **Establish the crime of domestic terrorism** and make political organizations that promote particular social or political causes — anti-war organizations, gay rights organizations, and privacy rights organizations, for example — vulnerable to government surveillance, wiretaps, and even criminal action. For example, if you're a protestor, you could be jailed indefinitely if law enforcement authorities decide that your protest is an act of domestic terrorism.
- **Allow the FBI to investigate you for a criminal matter** *even if the agency doesn't have probable cause* that you committed the crime and assuming that the agency asserts that the investigation is for "intelligence purposes."
- **Increase the rights of law enforcement personnel to search your private property in secret.** Specifically, under certain circumstances, authorities can obtain a search warrant, enter your residence or your business *without notifying you first of their intentions*, and photograph your property. Depending on the circumstances, *they may even be able to take some of your property without your permission.*
- **Make it easier for law enforcement personnel to force third parties to turn over your medical, mental health, financial, library, and school records.** It also makes it easier for law enforcement to eavesdrop on your phone conversations and spy on you via the Internet, possibly capturing your passwords and monitoring where you go on the Internet, who you send e-mails to and who e-mails you. To gain access to such information, all the government has to do is allege that it needs the information for an ongoing terrorism investigation. *The government doesn't even have to provide proof of its allegation.*

*If the federal government orders a third party to turn over records about you, the third party is barred from disclosing that fact to anyone.* This rule means that you won't know if your records have been searched.

- **Jeopardize consumers' financial privacy** by encouraging members of the Federal Deposit Insurance Corporation (FDIC) to report to the FBI, DEA, and IRS if the deposit or spending patterns of their account holders change in significant ways. FDIC members are also encouraged to create and maintain profiles of their account holders.
- **Weaken the secrecy of a grand jury** by allowing any federal official or bureaucrat to share grand jury testimony or wiretap information.
- **Redefine the term "financial institution"** from referring to a bank to referring to any business whose "cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters," including car dealerships, gambling casinos, stock brokerages, insurance agencies, credit card companies, jewelers, airlines, and the U.S. Postal Service.

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<sup>1</sup> Source of List: <http://www.dummies.com/how-to/content/your-civil-rights-and-the-law-looking-at-the-patri.navId-323316.html?print=true>