

## **USA PATRIOT ACT AND USA FREEDOM ACT**

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**(Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) – 2001**  
**(Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection and Online Monitoring) – 2015**

The Patriot Act is legislation passed in 2001 to improve the abilities of U.S. law enforcement to detect and deter terrorism. The act's official title is, "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," or USA PATRIOT. Though the Patriot Act was modified in 2015 to help ensure the Constitutional rights of ordinary Americans, some provisions of the law remain controversial.

### **What Is the Patriot Act?**

The Patriot Act is a more than 300-page document passed by the U.S. Congress with bipartisan support and signed into law by President George W. Bush on October 26, 2001, just weeks after the September 11 terrorist attacks against the United States.

Prior to the 9/11 attacks, Congress had mainly focused on legislation to prevent international terrorism. But after the April 1995 Oklahoma City bombing in which American citizens blew up a federal building, domestic terrorism gained more attention.

On April 24, 1996, President Bill Clinton signed the "Antiterrorism and Effective Death Penalty Act of 1996," to make it easier for law enforcement to identify and prosecute domestic and international terrorists.

The law, however, didn't go far enough for President Clinton. He'd asked Congress to give law enforcement expanded wiretap authority and increased access to personal records in terrorism cases, among other things. Congress refused, mainly because many felt loosening surveillance and records rules was unconstitutional.

All bets were off, however, after 9/11, the deadliest terrorist attack on American soil. Faced with millions of fearful voters, Congress approached U.S. Attorney General John Ashcroft's post-9/11 recommendations with a different eye and overwhelmingly passed the Patriot Act.

### **Details of the Patriot Act**

According to the Department of Justice, the Patriot Act simply expanded the application of tools already being used against drug dealers and organized crime. The act aimed to improve homeland security by:

- allowing law enforcement to use surveillance and wiretapping to investigate terror-related crimes
- allowing federal agents to request court permission to use roving wiretaps to track a specific terrorist suspect
- allowing delayed notification search warrants to prevent a terrorist from learning they are a suspect
- allowing federal agents to seek federal court permission to obtain bank records and business records to aid in national security terror investigations and prevent money laundering for terrorism financing
- improving information and intelligence sharing between government agencies
- providing tougher penalties for convicted terrorists and those who harbor them
- allowing search warrants to be obtained in any district where terror-related activity occurs, no matter where the warrant is executed
- ending the statute of limitations for certain terror-related crimes
- making it harder for aliens involved in terrorist activities to enter the United States
- providing aid to terrorism victims and public safety officers involved in investigating or preventing terrorism or responding to terrorist attacks

Many of the Patriot Act's requirements were slated to expire in 2005. Whether to renew the act was passionately argued in the U.S. House of Representatives and the Senate.

Despite continued civil liberties and privacy concerns, President Bush signed the USA Patriot and Terrorism Reauthorization Act on March 9, 2006.

### **Did the Patriot Act Prevent Terrorism?**

Depending on whom you ask or what you read, the Patriot Act may or may not have prevented terrorism.

According to a 2015 *Washington Post* article, the Justice Department admitted, "FBI agents can't point to any major terrorism cases they've cracked thanks to the key snooping powers in the Patriot Act."

But a 2012 report from the conservative Heritage Foundation states 50 terrorist attacks have been thwarted since 9/11, with 47 being the direct result of the work of law enforcement and intelligence agencies. They claim the Patriot Act is essential to helping law enforcement identify leads and prevent attacks.

In 2004 testimony before the United States Senate Committee on the Judiciary, FBI Director Robert Mueller said, "the Patriot Act has proved extraordinarily beneficial in the war on terrorism and has changed the way the FBI does business. Many of our counterterrorism successes, in fact, are the direct results of provisions included in the Act..."

He also stated that without the provisions in the act, "the FBI could be forced back into pre-September 11 practices, attempting to fight the war on terrorism with one hand tied behind our backs."

### **Patriot Act and Privacy Debate**

Despite the supposed noble intentions behind the Patriot Act, the law is still hotly debated. Civil rights groups have claimed it violates American citizens' Constitutional rights and allows the government to spy on them without due process, search their homes without consent and increase the risk of ordinary citizens being accused of crimes without just cause.

The federal government asserts the Patriot Act has safeguards to protect the rights of American citizens. Still, some parts of the law were found illegal by the courts. For instance, in 2015 the United States of Appeals for the Second Circuit found Section 215 of the Patriot Act could not be used to validate the bulk collection of Americans' phone records.

### **USA Freedom Act**

To help prevent the Patriot Act from infringing on Americans' civil liberties, President Barack Obama signed the USA Freedom Act into law on June 2, 2015.

The act ended the bulk collection of all records under Section 215 of the Patriot Act and allowed challenges to national security letter gag orders. It also required better transparency and more information sharing between the United States Foreign Intelligence Surveillance Court and the American people.

Some ways the USA Freedom Act is meant to strengthen national security are:

- allows the government to track suspected foreign terrorists for 72 hours after they enter the United States
- increases required maximum penalties for anyone providing support to specific foreign terrorist organizations
- allows limited use of bulk data collection under Section 215 in an emergency

Despite the act's efforts to protect civil liberties, its critics believe it doesn't go far enough. The benefits of the Patriot Act and the USA Freedom Act to national security will undoubtedly continue to be weighed against the potential intrusion on Americans' privacy and their civil rights.