

The USA PATRIOT Act: The Story of an Impulsive Bill That Eviscerated America's Civil Liberties

The USA PATRIOT Act provides a textbook example of how the United States federal government expands its power. An emergency happens, legitimate or otherwise. The media, playing its dutiful role as goad for greater government oversight, demands "something must be done." Government power is massively expanded, with little regard for whether or not what is being done is efficacious, to say nothing of the overall impact on our nation's civil liberties.

No goals are posted, because if targets are hit, this would necessitate the ending or scaling back of the program. Instead, the program becomes normalized. There are no questions asked about whether the program is accomplishing what it set out to do. It is now simply a part of American life and there is no going back.

The American public largely accepts the USA PATRIOT Act as a part of civic life as immutable, perhaps even more so than the Bill of Rights. However, this act – passed in the dead of night, with little to no oversight, in a panic after the biggest attack on American soil since Pearl Harbor – is not only novel, it is also fundamentally opposed to virtually every principle on which the United States of America was founded. It might not be going anywhere anytime soon, but patriots, liberty lovers and defenders of Constitutional government should nonetheless familiarize themselves with the onerous provisions of this law, which is nothing short of a full-throttle attack on the American republic.

What's Even in the USA PATRIOT Act?

What is in the USA PATRIOT Act? In the Michael Moore film *Fahrenheit 9/11*, then Rep. John Conyers cracked wise about how no one had actually read the Act and how this was in fact par for the course with America's laws. Thus, before delving into the deeper issues surrounding the PATRIOT Act, it is worth discussing what the Act actually says. Here's a brief look at the 10 Titles in the PATRIOT Act:

- **Title I: Enhancing Domestic Security Against Terrorism:** This provision dramatically expands the powers of the President, the military and the intelligence community whenever the specter of "terrorism" is invoked. Bizarrely, it contains a provision condemning discrimination against Arabs, Muslims and South Asians, which seems to have very little to do with protecting Americans from terrorism.
- **Title II: Enhanced Surveillance Procedures:** Title II contains the meat of the Act with regard to massive, industrial-scale surveillance on the American public. Beyond the simple spying on Americans and their communications, Title II increases the ability of federal intelligence agencies to share your private communications with one another.

- **Title III: International Money Laundering Abatement and Financial Anti-Terrorism Act:** Not simply a section of the USA PATRIOT Act, Title III is an Act of Congress in its own right. You might have noticed how much more difficult it is to open a bank account or send a wire transfer after 9/11. You can blame this provision, which shredded banking privacy rights in the United States.
- **Title IV: Protecting the Border:** Other than expanding the number of federal employees (of course), the provision of the USA PATRIOT Act charged with protecting America's borders does little other than point toward paths for future action and study. It is worth noting that the weakest provision of the Act is the only one explicitly authorized by the Constitution — protecting the border.
- **Title V: Removing Obstacles to Investigating Terrorism:** Title V authorizes bounties for the apprehension of alleged terrorists, broadens government power to conduct DNA analysis, allows for greater data sharing between law enforcement agencies and, perhaps most disturbingly, requires private telecommunication carriers to comply with government requests for electronic communication records whenever requested by the FBI. It also expands the power of the Secret Service to investigate computer fraud.
- **Title VI: Providing for Victims of Terrorism, Public Safety Officers and Their Families:** Perhaps the most innocuous portion of the USA PATRIOT Act, Title VI provides for a victims' fund for victims of terrorism and their families.
- **Title VII: Increased Information Sharing for Critical Infrastructure Protection:** The subtitle of this section of the Act is a rather wordy way of saying that the United States federal government is allowing for law enforcement agencies to share information across jurisdictional boundaries in an easier fashion than was previously legal. To that end, the Bureau of Justice Assistance was given a \$50,000,000 budget for 2002 and a whopping \$100,000,000 budget for fiscal year 2003.
- **Title VIII: Strengthening the Criminal Laws Against Terrorism:** Title VIII is where the rubber meets the road: What exactly *is* terrorism, according to the federal government? Unfortunately, this Title does little to clarify what terrorism is, instead focusing on declaring a number of actions (such as attacks on transit) as "terrorism," regardless of intent.
- **Title IX: Improved Intelligence:** The section subtitled "improved intelligence" largely expands the powers and responsibilities of the Director of Central Intelligence.
- **Title X: Miscellaneous:** When the federal government titles a segment of a law "miscellaneous," you know it's going to include everything *and* the kitchen sink. And so it does: The definition of electronic surveillance, additional funds for the DEA in South and Central Asia, research on biometric scanning systems, a limitation on hazmat licensure and infrastructure protections are all addressed in Title X, which is a catchall for everything the federal government forgot to address in the first nine sections of the law.

Most of the provisions of the USA PATRIOT Act were set to sunset four years after the bill

was passed into law. However, the law was extended first by President George W. Bush and then by President Barack H. Obama. The latter is particularly scandalous given that, at least in part, a rejection of the surveillance culture that permeated the Bush Administration was responsible for the election of Obama in 2008.

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