

The USA PATRIOT ACT: Analyzing Sources

Historical Context: *The USA PATRIOT ACT was passed in direct response to increased threats on American lives after the September 11, 2001, attacks. The act was passed nearly unanimously in the Senate with only one person voting against it. The goal of the legislation was to widen the reach of the federal government, allowing it to use all available avenues to fight terrorism. It is still controversial. Several critics of the law claim it invades privacy and encroaches on every citizen's rights to be protected from unlawful searches.*

FOCUS QUESTION: Compare and contrast political responses to the USA PATRIOT ACT.

Directions: *As you read, highlight and annotate the source material. Be sure to consider the historical context, audience, purpose, and point of view for each piece of historical evidence and answer each corresponding analysis question.*

Primary Source A: Congressional Record

Source: *Congressional Record, Senate: October 25, 2001*

Note: *Senator Charles Schumer was representing New York during the September 11, 2001 attacks. Some saw his support of the USA PATRIOT ACT as a significant departure from the Democratic Party's stance.*

"If there is one key word that underscores this bill, it is 'balance.' In the new post-September 11 society that we face, balance is going to be a key word. Technology had forced us to recalibrate in many different ways. The technology that allowed these horrible people to do what they did to my city and to America and the technology that allows law enforcement to try and catch up with them, changes rapidly. No law can sit still as that technology changes and still be effective.

The balance between the need to update our laws given the new challenges and the need to maintain our basic freedoms which distinguish us from our enemies is real.

There have been some on the right who have said just pass anything. We just have to go after the terrorists and forget about our freedoms and our civil liberties. There are some on the left who say only look at the civil liberties aspect....[N]either prevailed in this fine piece of work that we have before us. Balance and reason have prevailed."

- Senator Charles Schumer

1. [Determining central ideas] What does Senator Schumer describe as the positive qualities of the USA PATRIOT ACT?

Primary Source B: Congressional Speech

Source: *"On the Anti-Terrorism Bill from the Senate Floor," October 25, 2001*

Note: *Senator Russ Feingold was a senator from Wisconsin. He is known for being the only senator to vote against the original USA PATRIOT ACT. His opponents in recent elections have used his opposition to the bill against him, saying he is soft on terrorism. Feingold has stood by his opinion of the USA PATRIOT ACT, saying it is a violation of civil liberties.*

"I believe we must we must redouble our vigilance. We must redouble our vigilance to ensure our security and to prevent further acts of terror. But we must also redouble our vigilance to preserve our values and the basic rights that make us who we are. The Founders who wrote our Constitution and Bill of Rights exercised that vigilance even though they had recently fought and won the Revolutionary War. They did not live in comfortable and easy times of hypothetical enemies. They wrote a Constitution of limited powers and an explicit Bill of Rights to protect liberty in times of war, as well as in times of peace."

- Senator Russ Feingold

2. [Determining central ideas] Is Senator Feingold for or against the USA PATRIOT ACT? What rationale does he give for his opinion?

Primary Source C: Speech

Source: *Report from the Field: The USA PATRIOT ACT at work, July 13, 2004*

Note: *John Ashcroft served as Attorney General during President George W. Bush's first term.*

"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.

...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. 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...THE PATRIOT ACT is just as vital to targeting the terrorists, who would kill our people and destroy our freedom here at home."

- Attorney General John Ashcroft

3. [Determining central ideas] To what does Attorney General Ashcroft compare the USA PATRIOT ACT? What effect does this law have?

4. [Determining Meaning] When Ashcroft refers to al-Qaeda's "safe haven," what does he mean?

Primary Source D: Speech

Source: *"Problems with the USA PATRIOT ACT," December 6, 2005*

Note: *Bob Barr was a Congressman from Georgia from 1995 to 2003. He was a Republican during his time in Congress. However, in 2008, he ran for president on the Libertarian ticket. In this excerpt from a speech, he gives his thoughts on the Patriot Act.*

"If we were to take the position, reflected in provisions in the USA PATRIOT ACT, that the government can invade our privacy and gather evidence that can be used against us based on no suspicion whatsoever that we've done anything wrong, but simply because the government wants to gather evidence.... then we will have rendered that Fourth Amendment principle essentially meaningless."

- Congressman Bob Barr

5. [Citing Text Evidence] Why was Congressman Barr against the USA PATRIOT ACT? Cite specific evidence from the excerpt.

Analyzing Primary Sources: USA PATRIOT ACT

FOCUS QUESTION: Compare and contrast political responses to the USA PATRIOT ACT.

Uniting and
Strengthening
America by
Providing
Appropriate
Tools
Required to
Intercept and
Obstruct
Terrorism
ACT: permits
authorities to
conduct secret
searches and
obtain
nationwide
search
warrants usable
in any
jurisdiction.

Speaker Background Point of View	Position on USA PATRIOT Act	Evidence from Document
Senator Chuck Schumer		
Senator Russ Feingold		
Attorney General John Ashcroft		
Congressman Bob Barr		

Benefits of the Patriot Act Justification for Security Purposes	Harmful Effects of the Patriot Act Concerns about Privacy

How does the debate over the USA PATRIOT Act help us understand the political climate in the wake of the 9/11 attacks? In your opinion, was it mostly beneficial or detrimental to the set of common values and practices that shape America? Support your claim with sufficient evidence.