This assignment is to reply to my classmate weekly post.

Please read this post and reply. Give your opinions of what you think concerning the (topic) content of this post; include at least 2 references in APA style as appropriate.

•     Replies to classmates should be at least 250 words.

•     Include properly cited references as appropriate.

Sometimes, some public policies are formulated based on prevailing or current societal problems or past crisis or in anticipation of future crisis. The devastating effects of 9/11 2001 terrorist attack on American soil called for a serious review of security and safety of the country. The USA PATRIOT ACT of 2001 came as a response to the yearning for more secured country and the expansion of anti-terrorism war. Primarily, the goals and objectives were to prevent and punish terrorists in the USA and the world at large. It targeted to stop money laundering domestically and internationally in the bid to prosecute all who use financial institutions to sponsor terrorism. The law enforcement officials were more than before empowered to arrest and detain indiscriminately anyone suspected of terrorism and to investigate, search, wiretap and demand information of individuals suspected of terrorist act without going through due process of the law. The Act has generated a lot of controversies since its enactment in 2001. People accused the Congress of not going through the usual process of passing a bill such as referral to the Committees on Judiciary, Intelligence, Financial Services, International Relations, Energy, and Commerce, Education and Workforce, Transportation and Infrastructure and Armed Services. There were no debates, or discussion and no amendments before the bill was passed into law. The House members did not have time to read through more than three hundred paged bills before quickly passing it in a speedy fashion of not more than six weeks after the terror attack. It took only from October 23 – 26 to have the bill passed and signed into law. Prominent critics of the law are American Civil Liberties Union (ACLU) and American Library Association (ALA) who the John Ashcroft in 2003 sarcastically described as alarmist and antipatriotic sentiments for opposing the law. (Coolidge, 2005)

The Surveillance sections of the law (such as 213, 214, 215, 217 & 220) raise some doubts about individual rights that the Bill of Rights guaranteed in the Constitution. The First, Second and Fourth Amendment Rights seem to be infringed by the USA PATRIOT Act and the law enforcement officials have so much authority given to them in arrest, search and investigation of individuals without court search warrant. Privacy and property of the individuals are violated at random. The FBI can use the National Security Letters to search telephone records, emails records and financial records without any court order. The agency can demand records of suspected individuals from doctors, libraries, bookstores, universities, and internet service providers to turn over records of their clients or customers without court order and prohibit them of informing their client or customer of the situation.  (ACLU) It sounds like USA is spying its own citizens while reducing checks and balances on those powers and this bring us back to the problem of Federal Might and Individual Right as mediated in the Constitution by the Bill of Rights Amendments.  Other opponents of the act include civil libertarians, gun rights advocates, the American Conservative Union, librarians, doctors and business organizations.  And the press reported that the biggest complaint about the act was that it would not sufficiently protect civil liberties. (Kraft & Furlong, 2015, p. 454)

Effectively, the act has tremendously helped to reduce terrorist attacks on American soil and has helped to have more organized global war on terror. Some terror plots have been prevented and some nipped at the bud and security is very much improved. The increased security at various borders and ports of entries and information sharing among security agents are fruitful in combating terror.

The efficiency of the act is not to be overlooked. The recent arrest of the Lebanon born ISIS member who was traveling to Nigeria with Palestine passport is part of the global collaboration in the fight against terror which United States is the leading crusader. Banks (2004) maintained that the “law profoundly corrects perceived weakness of the existing legislation to prevent attacks like the ones from 9/11. At the same time, however, it violates no less than six amendments to the U.S. Constitution.” (as cited in Zeugmann, 2008, p.35)

On the ethical perspective, there is a gross violation of individual rights by the USA PATRIOT Act through the action of the law enforcement officials.  The acts of getting information on individual’s bank accounts, wiretapping, email records, travel records, internet site visited records and bookstores are violations and they make the individuals vulnerable and their privacy unprotected. At the same time, the indiscriminate arrest and detention of citizens and aliens violates the Constitution that guaranteed the protection and safeguard of all persons.  Deflem and McDonough (2015) concluded that “civil liberties organizations as well as a number of academic scholars have routinely criticized post-9/11 Counterterrorism initiatives as unconstitutional and major threats to civil liberties and privacy.” (Deflem & McDonough, 2015, p. 70)

References:

Coolidge, K. K. (2005). “Baseless hysteria”: The Controversy between the department of justice and the American library association over the USA PATRIOT act. Law Library Journal, 97(1), 7-29

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Zeugmann, C. (2008). Trade-off between Civil Liberties and Security in the United States and Germany after 9/11: An Analysis. Hamburg, DEU; Diplomica Verlag, Retrieved from [www.ebrary.com](http://www.ebrary.com/)

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