

Issues to Debate

SS.7.C.3.6 Evaluate Constitutional rights and their impact on individuals and society.

Is the Patriot Act an infringement of privacy?

A terrorist attack shocked the United States on September 11, 2001. Congress quickly responded to the attorney general's call for changes in the law to combat terrorism. President George W. Bush signed the Patriot Act as a new tool to fight "a threat like no other our Nation has ever seen." Later, some members of Congress and concerned citizens said some parts of the act violated the Fourth Amendment's protection against unreasonable searches and seizures. Before most searches, officers must obtain a warrant from a judge, showing "probable cause" and describing the place to be searched and the persons or things to be seized. The Patriot Act made exceptions to these requirements. Section 215 permitted the FBI to go before the Foreign Intelligence Surveillance Court for an order to search for "any tangible things" connected to a terrorism suspect.



The Patriot Act made it legal for the government to access Internet communications, medical records, and even your home, all without notice or a search warrant.

Yes

In November 2003, the American Civil Liberties Union contended that the Patriot Act contains "flaws that threaten your fundamental freedoms by giving the government the power to access your medical records, tax records, information about the books you buy or borrow without probable cause, and the power to break into your home and conduct secret searches without telling you for weeks, months, or indefinitely." In 2004 the ACLU filed a lawsuit to overturn a Patriot Act provision that gave the government authority to obtain customer records from Internet service providers and other businesses without a warrant.

—American Civil Liberties Union

No

Senator Orrin Hatch of Utah voted for the Patriot Act and defended it when Congress voted to renew most of its provisions. In 2003 he said, "The Patriot Act has not eroded any of the rights we hold dear as Americans. I would be the first to call for corrective action, were that the case. Yet not one of the civil liberties groups has cited one instance of abuse of our constitutional rights. . . . We should not undermine or limit our law enforcement and intelligence agencies' efforts by imposing requirements that go above and beyond those required by the Constitution. That would only have the effect of protecting terrorists and criminals while endangering the lives of innocent Americans."

—Senator Orrin Hatch

Debating the Issue

1. **Describing** How does the Fourth Amendment attempt to protect Americans' privacy?
2. **Describing** What must an officer of the law normally do to obtain a warrant for a search?
3. **Explaining** Why are some people concerned about the provisions in Section 215?
4. **Drawing Conclusions** Are the concerns of people who opposed some provisions of the Patriot Act justified? Explain.