

The Social History of Crime and Punishment in America: An Encyclopedia

USA PATRIOT Act of 2001

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The USA PATRIOT Act was signed into law on October 26, 2001. The name of the act stands as an acronym for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. A young 23-year-old congressional staffer, Chris Cylke, is credited with creating the acronym for the bill. The PATRIOT Act reduced restrictions on law enforcement's ability to search telephone and e-mail communications along with medical, financial, and other records. Foreign intelligence surveillance abilities were expanded inside the United States, the Department of Treasury gained more allowance with restricting transactions, and the detaining and deporting of individuals was broadened. Access to and use of toxins, biological agents, and poisons were further restricted in the [p. 1853 ↓] act. Most significantly, the act expanded the definition of terrorism to include domestic terrorism. Prior to 2001, domestic terrorism was treated differently within the U.S. justice system. Initially, the act received overwhelming support from Republicans and Democrats in both houses of Congress.

The bill stemmed from the aftermath of the 9/11 attacks on New York City, the Pentagon, and the failed attack on the White House. These attacks, linked to the Middle Eastern terrorist group Al Qaeda, caused holes in American intelligence agencies to surface along with questions on U.S. homeland safety. Since the nature of the attacks stemmed from an Islamist militant group, the initial days of the act's enforcement saw a disproportionate number of Middle Easterners detained and subjected to vigilante violence. Backlash and criticisms of the law primarily center on the indefinite detentions of immigrants or those perceived (even loosely) to have connections to terrorist's fronts. Further abrogations of civil liberties from the act are the allowed searches of homes or businesses without the owner's or occupant's knowledge, allowing the Federal Bureau of Investigation (FBI) to search personal records without a court order, and expanding law enforcement access to records including library and church records.

Restricted Persons Identified

Controversial parts of the act describe restricted persons. According to the confines of the PATRIOT Act, a restricted person is anyone who is under indictment for a crime punishable by a term of a year or more, convicted of a crime punishable

by imprisonment for more than a year, a fugitive, an unlawful user of a controlled substance, is unlawfully in the United States, has been committed to any mental institution or deemed mentally unfit, a national of any country believed to be a threat to the United States (primarily Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria), or received a dishonorable discharge from the U.S. armed forces.

Information Sharing between Agencies

Aside from expanding the role of law enforcement personnel, the law also encouraged and enabled the sharing of information between agencies. Lack of information sharing was seen as a primary fault leading to the events of 9/11. Previous legal restrictions preventing sharing of information, usually concerning search warrants, right of access, and privacy have been lifted under the PATRIOT Act. Direct effects of this expansion of powers can be seen with the “Virginia Jihad” case. The case centered upon members of the Dar al-Arqum Islamic Center who trained for terrorist activities in Northern Virginia. Training involved paintball maneuvers and paramilitary training, with eight individuals traveling to Pakistan and Afghanistan for further instruction. These individuals, associated with the extremist Islamic group Lashkar-e-Taiba, are also connected to Al Qaeda. Interagency communication enabled these individuals to be brought to trial, with six pleading guilty and three convicted in March 2004.

President George W. Bush signs PATRIOT Act antiterrorism legislation in 2001. “With my signature, this law will give intelligence and law enforcement officials important new tools to fight a present danger,” said the president.



Digitally Expanded Search Warrants

In conjunction with enabling agencies to communicate with one another, the act allows law enforcement personnel to use digital technologies to catch suspected criminals. Search warrants can be issued in any area where terrorism activities occurred, even if the event were to appear elsewhere. These warrants cross jurisdictional boundaries, facilitating the process. More so, the law allows law enforcement agencies to monitor computers for suspected terrorist behavior and victims of computer crimes can request law enforcement to assist in tracking hackers. The premise of these later developments stems from previously sanctioned laws allowing burglary [p. 1854 ↓] victims to invite law enforcement into their homes for the pursuit of a criminal.

Penalties Increased

Finally, the act increased penalties for terrorists and those connected to terrorists. The act prohibits the harboring of terrorists, doing business with terrorists, or facilitating an atmosphere where terrorist activities can occur. More so, acts of hijacking, computer hacking, and money laundering have been added to the list of terrorist offenses. Maximum penalties and conspiracy penalties have been strengthened under the PATRIOT Act. Previously, conspiring to commit terrorist offenses could only be tried under general federal conspiracy laws, which did little if terrorist activities targeted private property. The general conspiracy laws only held five years in prison, but the new laws can imprison a person for life. Terrorist attacks or threats to mass transit and bioterrorists are also included in the law, and the statute of limitations does not apply to terrorist crimes.

Many of the act's provisions were to end December 31, 2005, but supporters of the act pushed to make the law permanent. In July 2005, the Senate passed its reauthorization of the act with significant changes, particularly to those concerning perceived civil liberty violations. The House, on the other hand, passed its reauthorization with little changes to the original language. The two bills faced reconciliation in a conference committee, and Republicans and Democrats argued that civil liberty concerns were not taken

into full account. A large share of the civil liberty concerns relate to the detaining of suspected terrorists, targeting of restricted persons, and the removal of need for search warrants. The bill passed Congress in March 2006, and President George W. Bush signed it. Democratic Senator Joseph Biden wrote most of the final legislation.

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Further Readings

Baldwin, Fletcher N., Jr. "Money Laundering Countermeasures With Primary Focus Upon Terrorism and the USA PATRIOT Act 2001." *Journal of Money Laundering Control* , v.6/2 (2003).

Collins, Jennifer M. "And the Walls Came Tumbling Down: Sharing Grand Jury Information With the Intelligence Community Under the USA Patriot Act." *Criminal Law Review* , v.39 (2002).

Germain, Regina. "Rushing to Judgment: The Unintended Consequences of the USA PATRIOT Act for Bona Fide Refugees." *Georgetown Immigration Law Journal* , v.16 (2002).

Jeager, Paul T., JohnCarlo Bertot, and Charles R.McClure "The Impny of the USA PATRIOT Act on Collection and Analysis of Personal Information Under the Foreign Intelligence Surveillance Act." *Government Information Quarterly* , v.30/3 (2003).