



POLICY ISSUES

Combating Terrorism Versus Protecting Civil Liberties

After the 9/11 attacks, Congress passed legislation to assist law enforcement agencies in the war on terror. The USA PATRIOT Act consists of more than 150 sections and changed about 15 federal statutes involving criminal procedure, intelligence gathering, and wiretapping. Covert searches, for example, can be conducted without notification in homes and other private places. Information from computers can be downloaded in secret. Wiretaps can be used without probable cause. Other parts of the act allow

- tracing electronic communications,
- access to stored voice mail,
- “sneak and peek” search warrants,
- nationwide execution of warrants in terrorism cases,
- easier access to confidential information, and
- collection of DNA samples from prisoners convicted of any federal crime of violence or terrorism.

Proponents of the act argue the expanded powers given law enforcement provide the tools necessary to identify terrorist threats and prevent further attacks.

Opponents believe the expanded power of the government will harm freedoms. The American Civil Liberties Union believes the act is a “surveillance monster.” Many people argue the USA PATRIOT Act threatens our First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendment rights.

Think About It

Several questions are raised regarding the tension between combatting terrorism and protecting civil liberties.

1. What limits should be placed on investigating and arresting suspects at the federal and local levels?
2. What conditions in the PATRIOT Act may violate our rights to privacy?
3. Does the act offer protection or intrude on civil freedom?