

What's the Price of Safety?: Understanding the Controversy Surrounding the Patriot Act

Claire Shweky

Special Music School

New York, New York

Overview	The lesson focuses on the reasons why the Patriot Act was passed so quickly after 9/11 and the debate surrounding the law, both historically and today. Students will consider why the proponents of the Patriot Act felt that it was necessary to make sacrifices for national security, while others felt the law's passage changed the fundamental nature of our democracy.
Essential Questions	<ol style="list-style-type: none"> 1. What was the justification for passing the Patriot Act so quickly after the 9/11 attacks? 2. Is there ever a justification for asking citizens to sacrifice their rights in the name of safety?
Student Objectives	<p><i>Students will be able to...</i></p> <ul style="list-style-type: none"> • Analyze the different reactions U.S. Senators, reporters, and American citizens had towards the Patriot Act • Understand why individuals would be for and against the Patriot Act
Materials	<ul style="list-style-type: none"> • Chart paper, pencils, markers • Class set of excerpts of the following sources (see below): <ul style="list-style-type: none"> ○ 9/11 Memorial & Museum. "USA Patriot Act" https://www.911memorial.org/sites/default/files/inline-files/2001%20oct.26%20USA%20PATRIOT%20Act.pdf ○ 9/11 Memorial & Museum. "Debate in the Senate Over the USA Patriot Act of 2001" https://www.911memorial.org/sites/default/files/inline-files/2001%20oct%2C25%20Debate%20in%20the%20Senate%20on%20the%20USA%20PATRIOT%20Act%20of%202001_selections.pdf ○ Bush, George W. "Bush Signs Anti-Terrorism Legislation." Washington Post, October 25, 2001.

	<p>https://www.washingtonpost.com/wp-srv/nation/special/s/attacked/transcripts/bushtext_102601.html</p> <ul style="list-style-type: none"> ○ Ann Telnaes. "FBI." Cartoon. The Washington Post, June 25, 2002. From The Library of Congress Prints and Photographs Online Catalog. http://www.loc.gov/pictures/item/2004666720/
<p>Assessment</p>	<ul style="list-style-type: none"> ● Observation ● Discussion ● Exit Slip
<p>C3 Alignment</p>	<p>D2.Civ.12.6-8. Assess specific rules and laws (both actual and proposed) as means of addressing public problems.</p>
<p>Prior to Class</p>	<p>The teacher will have provided context to students about the 9/11 attacks and why it was such a major event for the nation.</p>
<p>Do Now</p>	<p>Quick Write Students will answer the following in their notebooks: Imagine the following scenario:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><i>A student in our school who identifies as gay has been receiving homophobic notes in his locker. In addition to being a violation of our school's policy on bullying, this action is also a hate crime because it is an action that targets someone for their identity.</i></p> <p><i>Our school is determined to take this seriously and keep our students safe. Therefore, we are going to begin locker searches of students in order to figure out if we can trace the notes back to a particular student, or see if there is evidence of homophobic attitudes from a suspected student's materials.</i></p> </div> <p>Would you be willing to agree to the locker searches if it meant a safer school community? Why or why not?</p> <p>Let the students know they will have approximately 5 minutes, followed by a 5-10 minute open discussion of their answers.</p>
<p>During</p>	<p>Whole-Class Review</p>

Prompt students to share their responses to the scenario and consider why some would be for and against the locker searches.

Record student responses in a T-chart with the columns “for” and “against” and challenge students to think deeply about the broader issues at stake in this scenario, such as safety and privacy.

Present the Question

Use students’ observations to highlight the larger question for the class to consider:

Is it acceptable to ask a group of people to give up their privacy in the name of safety?

Explain that students will be studying something called the Patriot Act and will soon understand how the law is similar to the scenario they just discussed and fits into this question.

Understanding the Patriot Act

Provide students with excerpts and a summary of the Patriot Act and will ask students to summarize the law in their own words (see below for handout). Ask students how they think the Patriot Act fits into our question about safety vs. privacy.

Gathering Information

Explain that students will look at different primary sources that show reactions to the Patriot Act to understand why Americans were both for and against the law.

Students will be assigned different sources to read individually and answer the following:

- Is this person for or against the Patriot Act?
- How do you know their position?
- Why are they for or against the Patriot Act?
- What does this source tell you about the Patriot Act/ the controversy behind it?
- Do you agree with this person’s position? Why or why not?

There will be 4 primary sources total (see below for printouts). Sources should be labeled with the numbers 1, 2, 3, or 4.

	<p>Silent Discussion</p> <p>Once students are finished reading their individual source, point out that there are 4 pieces of chart paper around the room with the numbers 1, 2, 3, and 4. These numbers correspond to the numbers on the students' individual sources.</p> <p>Direct students to walk towards the piece of chart paper that corresponds to the source they read. Students will be in groups of 4-5 beside the chart paper. Groups will have all read the same source. Each student will be given a marker and be asked to write their first reaction to the source. They may answer the following:</p> <ul style="list-style-type: none"> ● Do you agree or disagree with this source and why? ● What questions do you have about this source? ● What confuses you about this source? <p>Once students have written their first responses, students should respond to one of their classmate's responses. They may:</p> <ul style="list-style-type: none"> ● State whether they agree or disagree with their classmate and why ● Answer any questions their classmates posed ● Pose a question in response to their classmate ● Provide a thought or idea for their classmate to consider <p>Reflection</p> <p>Once students have completed the silent portion of the discussion, allow students to have a discussion with their group members to reflect on how their classmates' viewed their assigned source.</p> <p>Students may discuss the following:</p> <ul style="list-style-type: none"> ● What did your group think about the source or the Patriot Act in general? ● Did you have similar opinions or did they differ? ● How do you feel about the Patriot Act in general? ● How did you feel about your assigned source in general?
<p>After</p>	<p>Exit Slip</p> <p>Students will answer the following in an Exit Slip:</p>

	<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p>Do you believe that American citizens should be asked to sacrifice their rights in the name of safety as reflected in the Patriot Act? Why or why not?</p> </div>
<p>Extensions</p>	<ul style="list-style-type: none"> ● Students can analyze accounts of individuals whose lives were impacted by the Patriot Act, including the story of Adama Bah <ul style="list-style-type: none"> ○ Define American. "Adama Bah." https://www.defineamerican.com/stories/view/adama-bah_2 <p>This helps students gain an understanding of what the law looks like in practice and whether or not this changes their original position on the Patriot Act.</p> ● Students can write a letter to an elected representative about whether or not they believe the Patriot Act should be renewed. ● Students can also evaluate the CIA memo, "Bin Laden Determined to Strike in US": <ul style="list-style-type: none"> ○ Central Intelligence Bureau. "Bin Laden Determined to Strike in US." President's Daily Brief, April 6, 2001. https://fas.org/irp/cia/product/pdb080601.pdf <p>This analysis is meant to get students to think about what the government knew prior to the attacks and why they were not able to prevent it. This source prompts students to think about the role that intelligence information plays in keeping America safe and asks students to consider: How far should the government be able to go in searching for intelligence information?</p>

Do Now

Please complete the following silently for 3-4 minutes.

Imagine the following scenario:

A student in our school who identifies as gay has been receiving homophobic notes in his locker. This is not only bullying, it is also a hate crime because it is an action that targets someone for their identity. As a school, we are determined to take this seriously and keep our students safe. Therefore, we are going to begin locker searches of students in our to figure out if we can trace the notes back to a particular student, or see if there is evidence of homophobic attitudes from a student's materials.

Would you be willing to agree to the locker searches if it meant a safer school community? Why or why not?

The Patriot Act

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

Background: The Patriot Act was passed shortly after 9/11 and made it easier for the government to collect intelligence information about terrorism, people who may be terrorists and people who may have connections with terrorists. Here are some things that the Patriot Act has allowed the government to do:

- *Monitor people's internet use*
- *Monitor people's library records*
- *Access people's telephone records*
- *Access people's bank records*

Is it acceptable for the government to limit our rights in the name of safety?

Why would the government want to access this kind of information after the 9/11 attacks?

Source #1¹

“While the Constitution protects against invasions of individual rights, it is not a suicide pact.” I took these words as a challenge to my concerns about civil liberties at such a momentous time in our history; that we must be careful to not take civil liberties so literally that we allow ourselves to be destroyed.

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.

I have concluded that this bill still does not strike the right balance between empowering law enforcement and protecting civil liberties.

One provision would greatly expand the circumstances in which law enforcement agencies can search homes and offices without notifying the owner prior to the search....

We are not talking about terrorist suspects, we are talking about people who just may have come into some kind of casual contact with the person in that situation. This is an enormous expansion of authority under a law that provides only minimal judicial supervision.

We must maintain our vigilance to preserve our laws and our basic rights....

Under this provision, the Government can apparently go on a fishing expedition and collect information on virtually anyone. All it has to allege, in order to get an order for these records from the court, is that the information is sought for an investigation of international terrorism or clandestine intelligence gathering. That is it. They just have to say that.

...Protecting the safety of the American people is a solemn duty of the Congress. We must work tirelessly to prevent more tragedies like the devastating attacks of September 11. We must prevent more children from losing their mothers, more wives from losing their husbands, and more firefighters from losing their heroic colleagues. But the Congress will fulfill its duty only when it protects both the American people and the freedoms at the foundation of American society. So let us preserve our heritage of basic rights. Let us practice as well as preach that liberty, and let us fight to maintain that freedom that we call America.”

- Senator Russ Feingold (Democrat, Wisconsin)

¹ “Debate in the House of Representatives Over the USA Patriot Act of 2001”
https://www.911memorial.org/sites/default/files/inline-files/2001%20oct.12%20Debate%20in%20the%20House%20on%20the%20USA%20PATRIOT%20Act_selections_0.pdf

Source #2²

“To respond to the suggestion that the legislation is not properly mindful of our constitutional liberties—my friend from Wisconsin talks theoretically about maybe the loss of some civil liberties—I would like to talk concretely about the loss of liberty of almost 6,000 people because of the terrorist acts on September 11. I am a little bit more concerned right now about their loss of life. I am even more concerned now that they have lost their lives that thousands of other Americans don't lose their lives because we fail to act and fail to give law enforcement the tools that are essential. It is a nice thing to talk about theory. But we have to talk about reality. We have written this bill so the constitutional realities are that the Constitution is not infringed upon and civil liberties are not infringed upon except to the extent that the Constitution permits law enforcement to correct difficulties. Yes, I think we must protect the Constitution, and that has been at the top of my list all through my 25 years in the Congress. This bill does just that. Nothing in this bill undermines constitutional liberty. Nothing in this bill comes remotely close to the Alien and Sedition Act, which, of course, was held to be unconstitutional, or the internment of Japanese prisoners of war, which was a disgrace—there is no question about it, but at that point it was held to be constitutional—or the other outrages that have occurred in the past that were mentioned by the distinguished Senator from Wisconsin.

Thousands of Americans died that day, thousands. That is real. We have been told there may be some other actions taken by terrorists. That may be real. To the extent that may be real, we sure want to make sure our law enforcement people, within the constraints of the Constitution, have the optimum law enforcement tools they need to do the job.”

- Senator Orin Hatch (Republican, Utah)

² “Debate in the House of Representatives Over the USA Patriot Act of 2001”

https://www.911memorial.org/sites/default/files/inline-files/2001%20oct.12%20Debate%20in%20the%20House%20on%20the%20USA%20PATRIOT%20Act_selections_0.pdf

Source #3³

"...But one thing is for certain: These terrorists must be pursued; they must be defeated; and they must be brought to justice. And that is the purpose of this legislation. Since the 11th of September, the men and women of our intelligence and law enforcement agencies have been relentless in their response to new and sudden challenges.

We have seen the horrors terrorists can inflict. We may never know what horrors our country was spared by the diligent and determined work of our police forces, the FBI, ATF agents, Federal marshals, custom officers, Secret Service, intelligence professionals, and local law enforcement officials. Under the most trying conditions, they are serving this country with excellence and often with bravery.

They deserve our full support and every means of help that we can provide. We're dealing with terrorists who operate by highly sophisticated methods and technologies, some of which were not even available when our existing laws were written. The bill before me takes account of the new realities and dangers posed by modern terrorists. It will help law enforcement to identify, to dismantle, to disrupt, and to punish terrorists before they strike.

For example, this legislation gives law enforcement officials better tools to put an end to financial counterfeiting, smuggling, and money laundering. Secondly, it gives intelligence operations and criminal operations the chance to operate not on separate tracks but to share vital information so necessary to disrupt a terrorist attack before it occurs.

As of today, we're changing the laws governing information sharing. And as importantly, we're changing the culture of our various agencies that fight terrorism. Countering and investigating terrorist activity is the number one priority for both law enforcement and intelligence agencies.

- President George W. Bush

³ Bush, George W. "Bush Signs Anti-Terrorism Legislation." Washington Post, October 25, 2001.
https://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bushtext_102601.html

Source #4⁴



[FBI, child, library bookdrop], June 25, 2002. Brush and ink and opaque white over pink pencil on bristol board. Prints and Photographs Division, Library of Congress, LC-DIG-ppmsca-04691; LC-USZ62-134267. Courtesy of Tribune Media Services (31)
[//www.loc.gov/pictures/item/2004666720](http://www.loc.gov/pictures/item/2004666720)

⁴Ann Telnaes. "FBI." Cartoon. The Washington Post, June 25, 2002. From The Library of Congress Prints and Photographs Online Catalog. <http://www.loc.gov/pictures/item/2004666720/>