

Use the following 4 sources for the Round 1 for the structured controversy:

Pro Patriot Act:

George W Bush on Patriot Act

Department of Justice Dispelling Myths of Patriot Act

Anti-Patriot Act:

Michael German, "The Permanent Provisions of the PATRIOT Act"

Charlie Savage, "Senators Say Patriot Act Is Being Misinterpreted"

George W. Bush Statement on Passing of the Patriot Act

Good morning and welcome to the White House. Today we take an essential step in defeating terrorism, while protecting the constitutional rights of all Americans. With my signature, this law will give intelligence and law enforcement officials important new tools to fight the present danger.

I commend the House and Senate for the hard work they put into this legislation. Members of Congress and their staff spent long nights and weekends getting this important bill to my desk. I appreciate their efforts and bipartisanship in passing this new law.....

The changes, effective today, will help counter a threat like no other our Nation has ever faced. We've seen the enemy and the murder of thousands of innocent people, unsuspecting people. They recognize there is no barrier to morality. They have no conscience. The terrorists cannot be reasoned with.

Witness the recent anthrax attacks through our Postal Service.....

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, customs officers, Secret Service, intelligence professionals, and local law enforcement officials. Under the most trying conditions, they serve this country with excellence and often with bravery.....

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.

Surveillance of communications is another essential tool to pursue and stop terrorists. The existing law was written in the era of rotary telephones. This new law that I sign today will allow surveillance of all communications used by terrorists, including e-mails, the Internet, and cell phones. As of today, we'll be able to better meet the technological challenges posed by this proliferation of communications technology.

And finally, the new legislation greatly enhances the penalties that will fall on terrorists or anyone who helps them. Current statutes deal more severely with drug traffickers than with terrorists. That changed today. We are enacting new and harsh penalties for possession of biological weapons. We're making it easier to seize the assets of groups and individuals involved in terrorism. The Government will have wider latitude in deporting known terrorists and their supporters. The statute of limitations on terrorist acts will be lengthened, as will prison sentences for terrorists.

Analysis Questions:

1. Why do you think Bush reminds people of the terrorist's attacks at the beginning of his speech?
2. What three things does Bush say the Patriot Act intends to do?
3. How could these actions benefit the American people?

Department of Justice dispelling myths about the Patriot Act

The Patriot Act specifically protects Americans' First Amendment rights, and terrorism investigators have no interest in the library habits of ordinary Americans. Historically, terrorists and spies have used

libraries to plan and carry out activities that threaten our national security. If terrorists or spies use libraries, we should not allow them to become safe havens for their terrorist or clandestine activities.

The Patriot Act ensures that business records - whether from a library or any other business - can be obtained in national security investigations with the permission of a federal judge.

Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas and continue to do so in national security cases where appropriate. In a recent domestic terrorism case, for example, a grand jury served a subpoena on a bookseller to obtain records showing that a suspect had purchased a book giving instructions on how to build a particularly unusual detonator that had been used in several bombings. This was important evidence identifying the suspect as the bomber.

In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment.

Congress reviews the government's use of business records under the Act. Every six months, the Attorney General must "fully inform" Congress on how it has been implemented. On October 17, 2002, the House Judiciary Committee issued a press release indicating it is satisfied with the Department's use of section 215: "The Committee's review of classified information related to FISA orders for tangible records, such as library records, has not given rise to any concern that the authority is being misused or abused."

Analysis Questions:

1. What does the Department of Justice mean by "Ordinary Americans?"
2. Why would the government want to see what type of books people are checking out from the library?
3. What check does this aspect of the Patriot Act have on its power? Why do you think that is important?

- **Sections of the written Statement of Michael German, Senior Policy Counsel American Civil Liberties Union Washington Legislative Office On “The Permanent Provisions of the PATRIOT Act” Before the Subcommittee on Crime, Terrorism and Homeland Security House Committee on the Judiciary March 30, 2011**

https://assets.aclu.org/live/uploads/document/ACLU_Testimony_Before_the_HJC_Regarding_the_Patriot_Act.pdf

On October 26, 2001, amid the climate of fear and uncertainty that followed the terrorist attacks of September 11, 2001, President George W. Bush signed into law the USA Patriot Act and fundamentally altered the relationship Americans share with their government.¹ This act betrayed the confidence the framers of the Constitution had that a government bounded by the law would be strong enough to defend the liberties they so bravely struggled to achieve. By expanding the government's authority to secretly search private records and monitor communications, often without any evidence of wrongdoing, the Patriot Act eroded our most basic right – the freedom from unwarranted government intrusion into our private lives – and thwarted constitutional checks and balances. Put very simply, under the Patriot Act the government now has the right to know what you're doing, but you have no right to know what it's doing.

More than nine years after its implementation there is little evidence that the Patriot Act has been effective in making America more secure from terrorists. However, there are many unfortunate examples that the government abused these authorities in ways that both violate the rights of innocent people and squander precious security resources. Three Patriot Act-related surveillance provisions are scheduled to expire in May 2011, which will give the 112th Congress an opportunity to review and thoroughly evaluate all Patriot Act authorities – as well as all other post-9/11 domestic intelligence programs – and rescind, repeal or modify provisions that are unused, ineffective or prone to abuse. The American Civil Liberties Union encourages Congress to exercise its oversight powers fully, to restore effective checks on executive branch surveillance powers and to prohibit unreasonable searches and seizures of private information without probable cause based on particularized suspicion.

The seizure of electronic communications and private records under the Patriot Act today is no less an assault on the ideas they contain than seizure of books during a less technologically advanced era. Indeed, even more fundamental liberty interests are at stake today because the Patriot Act expanded “material support” for terrorism statutes that effectively criminalize political association and punish wholly innocent assistance to arbitrarily blacklisted individuals and organizations. Patriot Act proponents suggest we should forfeit our rights in times of emergency, but the Supreme Court has made clear that the Constitution requires holding the government to more exacting standards when a seizure involve the expression of ideas even where compelling security interests are involved.

The Patriot Act vastly – and unconstitutionally – expanded the government’s authority to pry into people’s private lives with little or no evidence of wrongdoing. This overbroad authority unnecessarily and improperly infringes on Fourth Amendment protections against unreasonable searches and seizures and First Amendment protections of free speech and association. Worse, it authorizes the government to engage in this expanded domestic spying in secret, with few, if any, protections built in to ensure these powers are not abused, and little opportunity for Congress to review whether the authorities it granted the government actually made Americans any safer.

Analysis Questions:

1. How does the author argue the Patriot Act violates the Fourth and First Amendments?
2. According to the text, why might secrecy in government surveillance be dangerous in a democracy?
3. What does the text suggest about the trade-off between national security and individual rights after 9/11?

- **Senators Say Patriot Act Is Being Misinterpreted, By Charlie Savage May 26, 2011**

<https://www.nytimes.com/2011/05/27/us/27patriot.html>

WASHINGTON — Two senators claimed on Thursday that the Justice Department had secretly interpreted the so-called Patriot Act in a twisted way, enabling domestic surveillance activities that many members of Congress do not understand. At the same time, Congress and the White House were rushing to enact legislation to prevent a lapse in several of the federal government's investigative powers under the Patriot Act that were set to expire at midnight. The Senate passed the bill 72 to 23 late in the afternoon, and within hours the House approved it 250 to 153. In an unusual move, a White House spokesman said that President Obama, who was in Europe, would "direct the use" of an autopen machine to sign the bill into law without delay. During the debate, Senator Ron Wyden, an Oregon Democrat and a member of the Intelligence Committee, said that the executive branch had come up with a secret legal theory about what it could collect under a provision of the Patriot Act that did not seem to dovetail with a plain reading of the text. "I want to deliver a warning this afternoon: When the American people find out how their government has secretly interpreted the Patriot Act, they will be stunned and they will be angry," Mr. Wyden said. He invoked the public's reaction to the illegal domestic spying that came to light in the mid-1970s, the Iran-contra affair, and the Bush administration's program of surveillance without warrants.

Another member of the Intelligence Committee, Senator Mark Udall, Democrat of Colorado, backed Mr. Wyden's account, saying, "Americans would be alarmed if they knew how this law is being carried out." The Obama administration declined to explain what the senators were talking about. Dean Boyd, a Justice Department spokesman, said that Congressional oversight committees and a special panel of national security judges — known as the FISA Court — were aware of how the executive branch was interpreting and using surveillance laws. "These authorities are also subject to extensive oversight from the FISA Court, from Congress, from the executive branch," Mr. Boyd said.

Mr. Wyden has long denounced the idea of "secret law" — classified memorandums and rulings about the meaning of surveillance law developed by executive branch officials and the FISA Court. He and Mr. Udall had proposed requiring the Justice Department to make public its official interpretation of what the Patriot

Act means. The chairwoman of the Intelligence Committee, Dianne Feinstein, Democrat of California, agreed to hold a hearing on their concerns next month.

The two had also sponsored a proposal to tighten the circumstances in which one of the expiring provisions, known as Section 215, could be used. It allows the F.B.I. to obtain “any tangible things” — like business records about customers. Mr. Udall criticized Section 215, saying it lets the government get private information about people without a link to a terrorism or espionage inquiry. In a 2009 debate over the Patriot Act, another member of the Intelligence Committee, Russell Feingold, Democrat of Wisconsin, also hinted that Section 215 was being used in a secret way that, he said, “Congress and the American people deserve to know” about. He was defeated for re-election in 2010.

The business records section of the Patriot Act had been set to expire, along with provisions allowing the F.B.I. to obtain “roving” wiretap orders to follow suspects who change phone numbers, and to obtain national security wiretaps against noncitizen terrorism suspects who are not connected to any foreign power. Congressional leaders had agreed to extend the provisions before they expired. But Senator Rand Paul, a libertarian-leaning Republican from Kentucky, initially blocked an expedited vote on the bill because he wanted Senate leaders to allow a vote on several amendments. The Senate majority leader, Harry Reid, Democrat of Nevada, allowed votes on two Paul amendments, which would have offered greater privacy protections for records involving gun sales and banking.

Analysis Questions:

1. Why were Senators Wyden and Udall concerned about the government's interpretation of the Patriot Act, and how did they believe the public would respond if they found out?
2. What does the debate over Section 215 reveal about the balance between national security and individual privacy?
3. How does the use of an autopilot to sign the bill reflect the urgency or controversy surrounding the Patriot Act's renewal?

Use the following 4 sources for the Round 2 for the structured controversy:

Pro Patriot Act:

Congressional Quotes from Senators and Representatives
Heritage Foundation's 50 Foiled Terrorist Plots (this will be 2 pages)

Anti-Patriot Act:

OIG Report to Congress about the Patriot Act (this is 2 pages)
Larry Abramson, “The Patriot Act: Alleged Abuses of the Law” (this is 2 pages)

Quotes by Senators/Representatives

Senator Biden (D-DE) said, "The anti-terrorism bill we consider today is measured and prudent. . . . It takes a number of important steps in waging an effective war on terrorism. It allows law enforcement to keep up with the modern technology these terrorists are using. The bill contains several provisions which are identical or nearly identical to those I previously proposed."

(Senator Biden, *Congressional Record*, October 25, 2001)

Senator Feinstein (D-CA) said, "As we look back at that massive, terrible incident on September 11, we try to ascertain whether our government had the tools necessary to ferret out the intelligence that could have, perhaps, avoided those events. The only answer all of us could come up with, after having briefing after briefing, is we did not have those tools. This bill aims to change that. This bill is a bill whose time has come. This bill is a necessary bill. And I, as a Senator from California, am happy to support it."

(Senator Feinstein, *Congressional Record*, October 25, 2001)

Representative Capito (R-WV) said, "Congress has also passed a comprehensive anti-terrorism bill [the Patriot Act] that protects the safety of all Americans while preserving our cherished freedoms and liberty. This plan provides greater sharing of information by law enforcement, enhances penalties for terrorism, updates wiretapping laws to keep up with changing technologies like cell phones, voicemail and e-mail, strengthens control of border abuse by foreign terrorists-all without compromising the civil liberties woven deep into our American society."

(Representative Capito, Weekly Column, Representative Capito Website, October 26, 2001)

Analysis Questions:

1. What do you notice about the political parties and home states of these elected officials? What does that tell you about the level of support for the bill?
2. What does then senator Biden say the Bill will allow law enforcement to do? Why do you think he believes this is important?

3. What is one thing all three Congress members want to do with the passing of this bill?

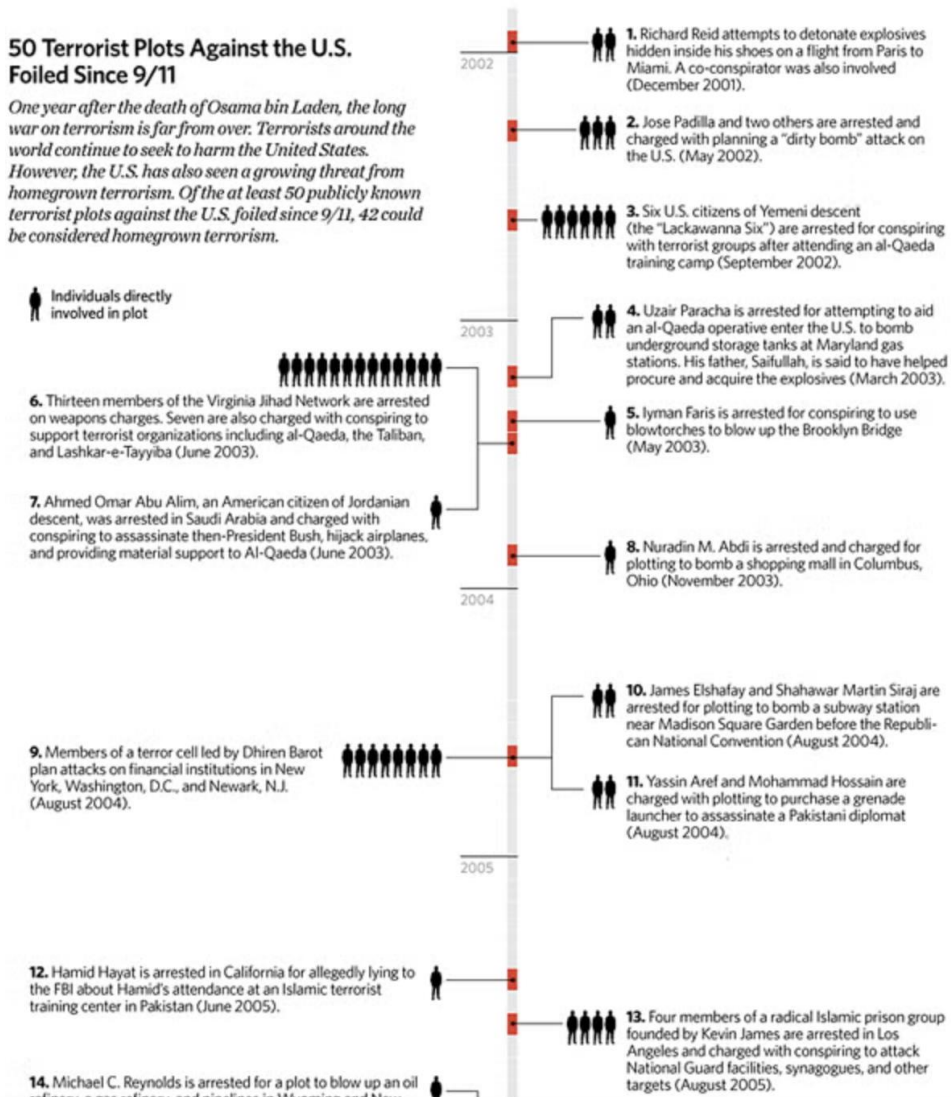
Source: "Fifty Terror Plots Foiled Since 9/11," Steven Bucci, James Carafano and Jessica Zuckerman, Heritage Foundation, 2012. **Note, two pages** <https://www.heritage.org/terrorism/report/fifty-terror-plots-foiled-911-the-homegrown-threat-and-the-long-war-terrorism#:~:text=Continued%20Threat%20of%20Homegrown%20Terrorism,-Since%209/11&text=The%20frequency%20of%20one%20wolf,U.S.%20law%20enforcement%20and%20intelligence.>

Richard Reid—December 2001. A British citizen and self-professed follower of Osama bin Laden who trained in Afghanistan, Richard Reid hid explosives inside his shoes before boarding a flight from Paris to Miami on which he attempted to light the fuse with a match. Reid was caught in the act and apprehended aboard the plane by passengers and flight attendants. FBI officials took Reid into custody after the plane made an emergency landing at Boston's Logan International Airport.[8]

In 2003, Reid was found guilty on charges of terrorism, and a U.S. federal court sentenced him to life in prison.[9] He is currently incarcerated at a federal maximum-

50 Terrorist Plots Against the U.S. Foiled Since 9/11

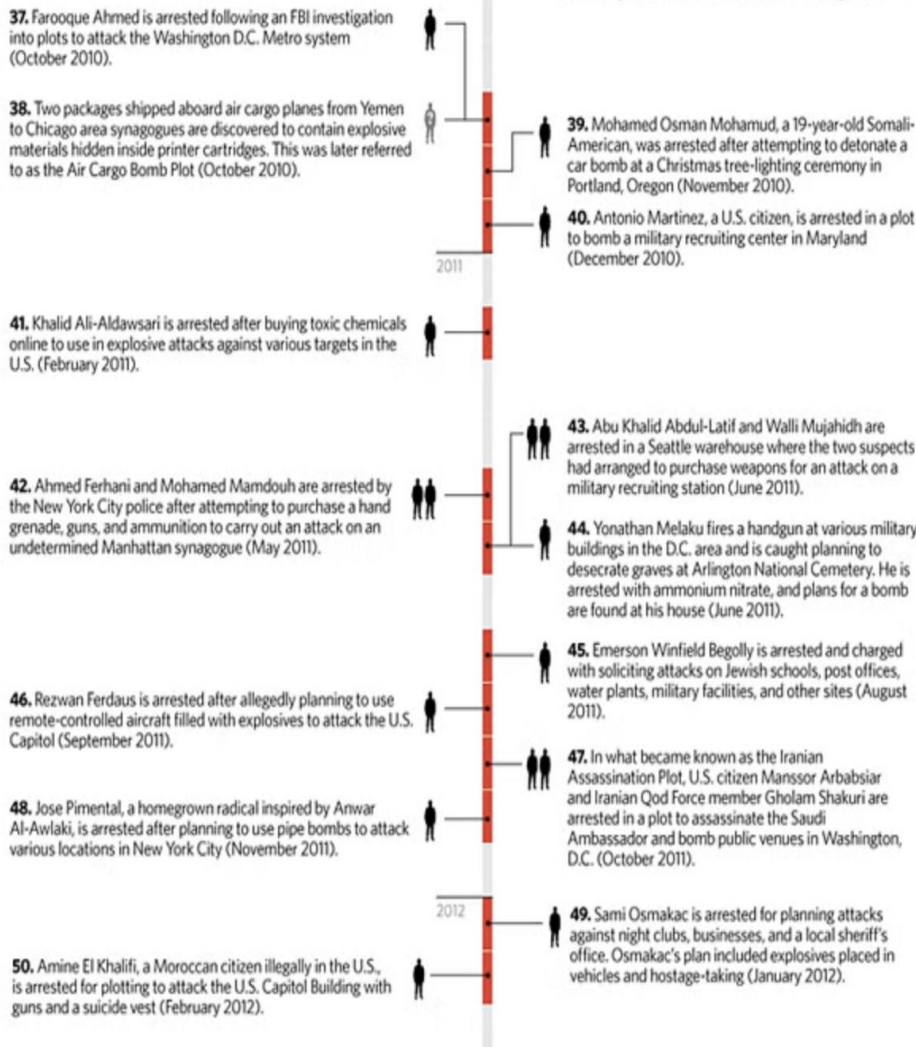
One year after the death of Osama bin Laden, the long war on terrorism is far from over. Terrorists around the world continue to seek to harm the United States. However, the U.S. has also seen a growing threat from homegrown terrorism. Of the at least 50 publicly known terrorist plots against the U.S. foiled since 9/11, 42 could be considered homegrown terrorism.



*** Assem Hammoud—July 2006.** Conducting online surveillance of chat rooms, the FBI discovered a plot to attack underground transit links between New York City and New Jersey. Eight suspects, including Assem Hammoud, an al-Qaeda loyalist living in Lebanon, were arrested for plotting to bomb New York City train tunnels. Hammoud, a self-proclaimed operative for al-Qaeda, admitted to the plot.[65] He was held by Lebanese authorities but was not extradited because the U.S. does not have an extradition treaty with Lebanon. In June 2008, Lebanese authorities released him on bail.[66] In February 2012, Hammoud was convicted in a Lebanese court. He was sentenced to two years in prison, which he had already served

Analysis Questions

1. Looking at the list above, find three different areas or spaces where terrorist attacks were stopped.
2. How did the Patriot Act allow Saajid Badat to be tried and sentenced?
3. How did the Patriot Act allow Assem Hammoud to be tried and sentenced?
4. With the above instances, do you see this as a positive effect of the Patriot Act? Why?



41. Khalid Ali-M Aldawsari—February 2011. Khalid Ali-M Aldawsari, a Saudi citizen studying in Lubbock, Texas, was arrested by the FBI after placing an order for the toxic chemical phenol. Both the chemical supplier and the freight shipping company became suspicious of the order, which could be used to make an improvised explosive device (IED), and alerted the FBI and local police. Surveillance of Aldawsari's e-mail turned up a list of potential "nice targets" including dams, nuclear power plants, military targets, a nightclub, and the Dallas residence of former President George W. Bush. The search also recovered plans to acquire a forged U.S. birth certificate and multiple driver's licenses. Aldawsari seems to have considered using these documents to obtain rental cars for use in vehicle bombings. He has pled not guilty to charges of attempted use of a weapon of mass destruction and faces up to life in prison.[\[136\]](#)

Analysis Questions:

1. Looking at the list above, find three different areas or spaces where terrorist attacks were stopped.
2. How did the Patriot Act allow Khalid Ali-Maldawsari to be tried and sentenced?
3. Do you think George W Bush would have still passed the Patriot Act knowing that he could become a target?

- **Excerpts from: Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act (as required by Section 1001(3) of Public Law 107-56) July 17, 2003 Office of the Inspector General: The USA PATRIOT Act (Patriot Act), Public Law 107-56, enacted by Congress and signed by the President on October 26, 2001, provides expanded law enforcement authorities to enhance the federal government's efforts to detect and deter acts of terrorism in the United States or against United States' interests abroad. Section 1001 of the Patriot Act directs the Office of the Inspector General (OIG) in the U.S. Department of Justice (DOJ) to undertake a series of actions related to claims of civil rights or civil liberties violations allegedly committed by DOJ employees. It also requires the OIG to provide semiannual reports to Congress on the implementation of the OIG's responsibilities under Section 1001. This report - the third since enactment of the legislation - summarizes the OIG's Patriot Act-related activities from December 16, 2002, through June 15, 2003.**

<https://oig.justice.gov/sites/default/files/archive/special/0307/index.htm>

Note: The OIG is an independent entity that reports to both the Attorney General and Congress. The OIG's mission is to investigate allegations of waste, fraud, and abuse in DOJ programs and personnel and to promote economy and efficiency in DOJ operations. The OIG has jurisdiction to review programs and personnel in all DOJ components, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Federal Bureau of Prisons (BOP), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the U.S. Attorneys' Offices, and other DOJ components.

Source Text: In response to the September 11 attacks, the FBI allocated massive resources to its terrorism investigation. In addition, the amount of information and leads about the attacks and potential terrorists that the FBI received in the weeks and months after the attacks was staggering. Moreover, as our report points out, the Department was faced with unprecedented challenges responding to the attacks, including the chaos caused by the attacks and the possibility of follow-up attacks. Moreover, it also is important to recognize that Department employees worked tirelessly and with enormous dedication over an extended period of time to meet the challenges posed by the September 11 attacks and the ongoing threat of terrorism. Yet,

while recognizing these difficulties and challenges, we found significant problems in the way the Department handled the September 11 detainees.

1. A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks

Among the report's findings:

The FBI in New York City made little attempt to distinguish between aliens who were subjects of the FBI terrorism investigation (called "PENTTBOM") and those encountered coincidentally

to a PENTTBOM lead. The OIG report concluded that, even in the chaotic aftermath of the September 11 attacks, the FBI should have expended more effort attempting to distinguish between aliens who it actually suspected of having a connection to terrorism from those aliens who, while possibly guilty of violating federal immigration law, had no connection to terrorism but simply were encountered in connection with a PENTTBOM lead.

The INS did not consistently serve the September 11 detainees with notice of the charges under which they were being held within the INS's stated goal of 72 hours. The review found that some detainees did not receive these charging documents for weeks or more than a month after being arrested. This delay affected the detainees' ability to understand why they were being held, obtain legal counsel, and request a bond hearing.

In the first 11 months after the terrorist attacks, 84 September 11 detainees were housed at the MDC in Brooklyn under highly restrictive conditions. These conditions included "lock down" for at least 23 hours per day; escort procedures that included a "4-man hold" with handcuffs, leg irons, and heavy chains when the detainees were moved outside their cells; and a limit of one legal telephone call per week and one social call per month.

2. Review of BOP Security Policies Regarding the Search of Religious Headwear

In a separate review, the OIG examined the BOP's policies on searching religious headwear worn by visitors to BOP facilities. This review arose out of a complaint to the OIG from a Sikh attorney who was denied access to his client being held at the MDC in Brooklyn, New York, because he refused to remove his turban for inspection. The Sikh's religious practice requires him to wear his turban in public at all times.

The objective of our review was to examine the BOP's policies regarding religious headwear in light of the BOP's interest in ensuring security at its facilities. The OIG interviewed the Sikh attorney, officials at the MDC, and BOP managers as part of the review. In addition, the OIG met with the Sikh Mediawatch and Resource Task Force to explore potential solutions for searching religious headwear.

Analysis Questions:

1. Was it fair for the FBI to detain immigrants without confirming their connection to terrorism, even after 9/11? Why or why not?
2. How did delays in providing charging documents to detainees affect their legal rights, based on the report's findings?
3. What conflict does the turban search incident reveal between national security and religious freedom, and how might that be resolved?

• **The Patriot Act: Alleged Abuses of the Law, July 20, 2005, By Larry Abramson** (<https://www.npr.org/2005/07/20/4756403/the-patriot-act-alleged-abuses-of-the-law>)

Critics of the USA Patriot Act say the law has made it too easy for law enforcement to spy on people. They contend that, by easing restrictions on the use of surveillance tools once reserved for foreign-intelligence investigations, the law cuts too deeply into personal liberties and privacy rights. The Justice Department dismisses these objections, saying there have been no reported abuses of the act and no substantiated claims that civil rights have been

violated. Both sides cite anecdotes to bolster their arguments. Their competing examples miss a larger point: Many of the act's most controversial statutes are not used to arrest people. Instead, they limit or expand investigative tools that law enforcement uses to prosecute crimes defined by other laws.

But civil liberties groups say that because the act mandates secrecy about many of its uses, Americans may never know whether their privacy has been violated by law-enforcement investigators relying on the act's powers. Among the cases used to illustrate alleged abuses of the law:

Secret Intelligence Searches:

In May 2004, Brandon Mayfield, an attorney in Portland, Ore., and a convert to Islam, was arrested in connection with the March 11, 2004, Madrid bombings that left 191 people dead. He was held for two weeks as a "material witness." Mayfield was released after the FBI admitted his fingerprint had been mistakenly matched with one found at the scene of the Madrid attacks. The FBI has described this as a rare mismatch of a fingerprint that reveals little about the Patriot Act. But the government has admitted to Mayfield that his home was searched secretly under a special court order authorized for intelligence purposes. The American Civil Liberties Union says that the search amounts to an abuse of the Patriot Act: It was conducted as though it were an intelligence search, when in fact agents were looking for evidence to use in a criminal prosecution. Mayfield is suing the Justice Department for violating his civil liberties, saying he was singled out because he is a Muslim. Critics of the Patriot Act say Mayfield's case underscores the law's potential for abuse.

Challenge to National Security Letters:

"National security letters" are a type of administrative subpoena that can be used by the FBI in intelligence investigations without judicial approval. It allows FBI agents to seize financial records, communications information and other personal documents, by drafting a letter stating that the information being sought is relevant to a national security investigation. Section 505 of the Patriot Act expanded the government's authority to use the procedure. On an unknown date, the government used this authority to obtain records from an Internet service provider. In April 2004, the ACLU sued on behalf of the service provider, arguing that the seizure violated the First and Fourth Amendments. Last September, a federal judge in New York upheld the challenge. The judge found that the way the letters are executed is coercive, and recipients are not allowed to challenge the orders. Many scholars say the case has little to do with the Patriot Act, since the judge's ruling affected an earlier communications privacy law that was simply expanded by the Patriot Act. The decision is currently on appeal.

'Expert Advice and Assistance' to Terrorists:

In February 2003, Sami al-Hussayen, a student at the University of Idaho, was arrested and prosecuted under section 805 of the Patriot Act, which makes it a crime to lend "expert advice and assistance" to a terrorist organization. Al-Hussayen was charged because of his work as a Web master for the Islamic Assembly of North America. His duties included supplying Web links to speeches by prominent Muslim scholars. Some of those links advocated criminal activity and suicide operations.

His attorney argued that al-Hussayen could not be held responsible for the content of the material to which he provided links. Critics of the "expert advice and assistance" provision of the Patriot Act have argued that it could be used to prosecute newspapers for providing links to Osama bin Laden's latest taped statements. The jury found al-Hussayen not guilty on all the terrorism charges. But he agreed to be deported rather than contest separate immigration charges pending against him.

Other Issues:

The ACLU has also questioned the Justice Department's use of Patriot Act powers to prosecute crimes other than terrorism. For example, the Justice Department prosecuted a 20-year-old woman from Orange County, Calif., who planted threatening notes aboard a cruise ship on which she was traveling with her family. The woman said she made the threats to force the ship to return to port, so that she could be reunited with her boyfriend. She was sentenced to two years in prison for violating a section of the Patriot Act that criminalizes threats against mass-transportation systems.

The Justice Department is also prosecuting David Banach of New Jersey for shining a hand-held laser pointer at an aircraft. Even though there's no evidence he was engaged in terrorism, Banach faces federal charges under the Patriot Act for interfering with pilots and lying to the FBI.

Analysis Questions:

1. How does Brandon Mayfield's case illustrate concerns about secret intelligence searches under the Patriot Act?
2. What are the arguments for and against the use of National Security Letters?
3. In what ways do the prosecutions of non-terrorism-related crimes raise questions about the Patriot Act's original purpose?