Amendments to the Constitution
of the United States of America

Ratified December 15, 1791

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of council for his defense.
Handout 2

USA PATRIOT Act

In October of 2001 President George Bush signed into law the USA PATRIOT ACT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act). The controversial Act, which was written by the president’s staff and then approved by the U.S. Congress, was a dramatic and severe response to the September 11, 2001 attack of the World Trade Center Twin Towers in New York City and Pentagon in Washington D.C.

The usual process of extensively reviewing complex and/or controversial proposed legislation was abandoned in the heat of the moment, resulting in the hastily written and approved legislation. The legality of many components of the Act has been questioned by a wide variety of interest groups. The courts have ruled some portions of the Act unconstitutional. The Act was enacted on a temporary basis and will expire in 2005. The possible extension of the Act is currently being debated in Congress and the public arena. Its future will be determined by the 2004 session of Congress.

In his State of the Union speech, delivered on January 20, 2004, President Bush explained his support of the extension of the Act with these comments:

“Our greatest responsibility is the active defense of the American people. Twenty-eight months have passed since September 11th, 2001—over two years without an attack on American soil. And it is tempting to believe that the danger is behind us. That hope is understandable, comforting—and false…

Inside the United States, where the war began, we must continue to give our homeland security and law enforcement personnel every tool they need to defend us. And one of those essential tools is the PATRIOT Act, which Allows federal law enforcement to better share information, to track terrorists, to disrupt their cells, and to seize their assets…

Key provisions of the Patriot Act are set to expire next year. The terrorist threat will not expire on that schedule. Our law enforcement needs this vital legislation to protect our citizens. You need to renew the PATRIOT Act.”

Highlights of the Act include:

- Expanding the government’s ability to access sensitive medical, mental health, financial, and education records about individuals
- Lowering the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Giving law enforcement expanded authority to obtain library records, and prohibiting librarians from informing patrons that the monitoring is taking place
- Granting the U.S. Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as “terrorist organizations”
- Authorizing the power to indefinitely incarcerate non-citizens based on mere suspicion of terrorist activity
- Allowing males of Middle Eastern or South Asian descent to be profiled as potential terrorists, without probable cause that such an individual is linked to any illegal activity
• Granting the Attorney General the power to subject citizens of other nations to indefinite detention or deportation—even if they are not accused of committing a crime

• Granting the Attorney General the power to indefinitely incarcerate citizens—designated as “enemy combatants”—without access to an attorney or recourse in the federal courts

• Limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism or ordinary criminal investigations

• Authorizing eavesdropping on confidential communications between lawyers and their clients who are in federal custody

• Authorizing federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is not notified that his property will be or has been searched

• Limiting disclosure of public documents and records under the Freedom of Information Act

• Granting the FBI expanded authority to seize records, without judicial approval, from car dealers, pawnbrokers, travel agents, casinos, and other businesses.
Liberty vs. Security
What Is Your Opinion?

What group of people would primarily be affected by these policies?

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<tr>
<th>Libraries</th>
<th>Students</th>
<th>The principal of a high school has proposed creating a list of books that might influence students to consider acts of terrorism or aid them in plotting an act of terrorism. This list would include both fiction and non-fiction. Before checking out any of these books students would need parental permission to view that specific book. Furthermore, the school would indefinitely retain a list of who checked out each of these books. The proposed policy would have two major benefits. First, it would prevent potential terrorist activity within the school setting. Second, it would involve parents in maintaining a safe school environment and make them more aware of what reading material might be influencing their children's behavior.</th>
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<td>Immigrants</td>
<td>Library patrons would be required to prove that they are United States citizens before being allowed to check books out of public libraries. Non-citizens would be allowed to use library facilities only after proving their identity and filling out an alien-patron form. A record would be kept of what materials were used by alien-patrons. This policy would enable the federal government to monitor the behavior of people who have personal characteristics similar to those identified as terrorists.</td>
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<tr>
<td>The General Public</td>
<td>Under executive order, all libraries—public and private—would require positive identification from all individuals upon entering the facility. Trained librarians would determine whether or not the person had a legitimate reason from using materials from that library. Restrictions could be placed on which portions of the library the person may freely use. A monthly report of who used the library would be submitted to a newly created Library Surveillance Authority. The report would include a general description of the materials used by each patron.</td>
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<th>Schools</th>
<th>Students</th>
<th>The principal has proposed a new policy. Under this policy a terrorism prevention committee would be convened. Every teacher would be required to report 'suspicious activity' to the committee. Suspicious activity might include a science experiment that uses black powder, the theme of an essay that promotes civil disobedience, or unusual clothing being worn by a student. Committee members would review each situation and refer appropriate cases to the proper authorities.</th>
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<td>Immigrants</td>
<td>A policy has been proposed to cancel all student exchange programs immediately. Any foreign students currently visiting this country would immediately be returned to their home country and students who are U.S. citizens would be required to return to the United States immediately. To further protect security, communication between foreign students and U.S. students would be temporarily restricted.</td>
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<tr>
<td>The General Public</td>
<td>In order to protect the safety of students and school personnel, a policy would be put in place that would limit access to public and private schools to verified students and staff. Public performances and sports activities would temporarily be put on hold. Any programs that relied on volunteer tutors, guest speakers, or parent involvement would be suspended. Each students and staff member would be screened when entering the school daily. Federal anti-terrorist experts would be aided in developing profiles of individuals that are suspected of providing aid to terrorists. This policy would help government officials in their ability to intercept planned terrorists activity before it happened.</td>
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<td><strong>Book Stores</strong></td>
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| **Students**    | Under this proposed policy, the office of Homeland Security would develop a list of 'potentially dangerous books.' These books would be removed from public and private schools. Additionally, commercial bookstores would be restricted to only sell listed books to adults.

This policy, federal agents argue, would prevent students from obtaining 'potentially dangerous' publications for people who want to avoid a record being made of their accessing the publications. |
| **Immigrants**  | Under this policy, people who do not appear to be U.S. citizens would have to provide identification when making a purchase at a bookstore. A record would be kept of that person’s identity and of the titles purchased. If necessary those records could be made available to government agents.

This policy would enhance the government’s ability to track books that may be purchased for terrorist groups in this nation and abroad. |
| **The General Public** | Under this policy, the Office of Homeland Security would develop a list of books that might assist readers in planning an act of terrorism. These books would only be available for sale on a permit basis. Someone wanting to purchase a listed book would fill out a ‘request to purchase’ form and submit it to their bookstore of choice. Bookstore employees would then electronically send the application to the federal agency. The agency would then approve or deny the purchase based on their dossier on the person.

Individuals who have no intention of engaging in acts of terrorism have nothing to fear with this policy. The proposed record keeping would allow federal agents to create a sophisticated analysis of how ‘publications of concern’ are being distributed throughout certain communities. |

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<th><strong>Internet</strong></th>
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| **Students**  | Under a proposed policy, filters would be placed on all in-school computers. These special filters would restrict access to any site that contains information that criticizes the U.S. government or U.S. international policy in any way. Additionally, sites providing information that in any way illustrates or describes weapons or their use would be restricted under all circumstances.

This policy would insure that students use school-provided resources as a tool for completing legitimate homework assignments. Educators would place the responsibility of deciding what students read in the hands of their parents. Decisions about what controversial materials students should be allowed access to, policy proponents say, should be made at home, not at school. |
| **Immigrants** | Under this policy, a U.S. government agency would require Internet servers to spot check which sites their clients were visiting. Using a list of ‘questionable’ or ‘dangerous’ sites, servers would report the identity of clients to government overseers. ‘Red flag’ internet users, who were not U.S. citizens, would be subject to review of their immigration status and would potentially be subject to deportation based on their Internet use.

Because immigrants committed the terrorist acts of September 11, 2001, heightened oversight of immigrant activity is an important tool in preventing future acts of terrorism. The internet provides an opportunity for terrorists to conduct research that helps them plan acts of terrorism and to communicate their plans with one another. |
| **The General Public** | Under this proposed policy, the Attorney General of the United States would be granted the authority to monitor the Internet usage of any person that is being investigated by federal authorities. Using technology similar to a telephone wiretap, agents would be able to gather information about someone’s communication and habits of accessing information on the Internet, without the person’s knowledge and without a search warrant. Information gathered could then be used in seeking further search or arrest warrants.

This preventative measure would allow federal agents to identify early planning of terrorist activity and stop that activity before there is any possibility of plans being carried out. People who innocently access ‘questionable’ sites could have the opportunity to contest records of their Internet use and have the records purged. |