

# Us patriot act with a focus on how the law and has affected our schools

[Law](#)



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Introduction By 26th October 2001, the United States Congress had enacted the Patriot Act and President George W. Bush had appended his signature to the Act a law. Quite a number of people lamented at the haste and secrecy with which the law was passed. Consequently, the law had to be accompanied by a lot of serious flaws, which breached certain fundamental principles, rights and freedoms of U. S citizens. This paper explores the USA Patriot Act, which was enacted soon after the 9/11 attacks on the Trade Center in the U. S and its ramifications for schools in the country. Among the liberties of U. S citizens enshrined in the constitution that the Patriot Act infringes on is the freedom of association. In this context, the Act empowers the government to monitor religious, educational, social, cultural and political institutions without identifying any suspicious criminal activities in terror investigations (Gouvin, 2003). Freedom of speech and right to liberty are the other U. S values that the Patriot Act infringes upon since it empowers the government to prosecute record keepers such as librarians if they inform anyone that the government subpoenaed information related to a terror investigation. Although the Patriot Act has implications that cut across all spheres of life in the U. S., this paper focuses on the ramification of the Act for schools. Ramification of the Act for Schools As a result of such hastily enacted laws as the Patriot Act, U. S citizens are concerned with the diminishing state of their liberties as provided in the constitution. Furthermore, there is a notion that the many challenges and terror-related threats the U. S faces cannot be prevented or addressed by hastily enacted and ill-considered laws such as the Patriotic Act, which allows law

enforcement agencies' personnel to carry out covert searches of homes of U. S citizens who are not even suspects. Also affected in this regard are institutions such as hospitals, banks, colleges, universities, libraries, businesses, physicians, schools and other organizations (Wong, 2006). Worse still, the Patriotic Act has helped create the crime of domestic terrorism, which is currently applied even to lawful protests and political forums by school and college students. The Patriot Act permits the detention of students for participating in forums and protests without the benefit of due process or counsel upon arrest. What is more, the Patriotic Act permits the surveillance of suspected or possible terrorist behaviors, an action that only ends up intimidating civilians and endangering the public. The situation is more serious for schools and other learning institutions whose records the Patriotic Act permits government officials to access without the permission or knowledge of the school authorities or specific owners or custodians of these records (Brasch, 2005). For instance, with a written application to a court of law, the Act vests the Attorney General with the powers to order an educational agency to assemble and reveal educational records that are relevant to an authorized investigation of a domestic or international terrorist offense. By requiring educational institutions to monitor student internet use and communication, the Patriotic Act infringes on students' privacy by creating consequences for students visiting and/ or creating certain types of websites (Cole & Dempsey, 2002). This act thus further limits students' freedom of speech. In accordance with certain sections, language and content of the Patriot Act, public schools are required to disclose internet records and other technology related communication to

federal authorities without the knowledge or approval of students, parents or faculty (Brasch, 2005). Similar to its effects in the other spheres of U. S citizens' lives, the Patriot Act has generated a lot of controversies in the education sector. First, the hasty and the opportunistic manner in which it was passed has been a bone of contention, more so given that the Senate did effect just little changes. There is thus the worry that the Senate did not read the entire voluminous bill, mainly because of the amount of time it would require. Conclusion Many individual and group stakeholders have decried the effects of the Patriot Act 2001 on the liberties and rights of U. S citizens as enshrined in the U. S Constitution. Like the other departments, the education sector has also been affected. For instance, the Act allows the government to search and seize schools' archives, documents and effects without probable cause, provided such seizures and searches are supposedly related to terror investigations. That is, while the U. S Constitution offers all its citizens the right to be secure in their persons, homes, place of work or learning and their personal effects unless there is a reasonable and probable cause to carry out searches and seizures, the Patriot Act infringes on these freedoms and empowers law enforcers to conduct such searches without a probable cause, i. e. grounds to suspect an individual or an institution (Cole & Dempsey, 2002). In fact, the Patriot Act ignores the principles of warrants, probable cause, oath or affirmation in its seizures and searches, which are quite strongly emphasized in the Constitution of the U. S. The Patriot Act 2001 also has the potential to deny schools and other learning institutions their rights and freedom to associate and share information and ideas if such associations are considered a threat to national security. References Brasch,

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