

Securing america and protecting civil liberties



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America and Protecting Civil Liberties Introduction The US government came up with stringent measures following the terrorist attacks in 2011.

Particularly, the US government limited civil liberties as it sought for the best means possible to protect its citizens. In light of this, the government violated the first and fourth amendments of the constitution. The first amendment gave the US citizens freedom of expression of ideas and religious views while the fourth amendment allows for an individual's privacy (Walker, 2004). This essay is going to highlight the steps taken to enhance security in America after the terrorist attacks and their impact on civil liberties. Discussion Protecting American Citizens from Terrorist

Organizations The terrorist attacks in September 11, 2011 had major influences on individual's liberty as the government sought to enhance national security. Since 2011, national security and civil liberty have been issues that have led to emergence of controversial debates in the American democracy. The limiting of civil liberties has been done with the view that citizens were bound to accept restrictions as a cost for heightened security. Even before this period, periods of national emergencies saw security dominate liberty. The government had to shift order and freedom in favor of its ability to address the conditions which were a threat to the well-being of the nation (Ji, 2003). The terrorist attacks in 2011 forced the US government to take stringent measures with the intent of enhancing its citizen's security. These measures included airport procedures, installation of devices with the technology of face recognition in public places, identification and monitoring of visitors via thumb printing, and arbitrary searching by intelligence officers among other measures. Furthermore, the attacks in 2011 have left

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Americans wondering about the sacrifices that they have to make to keep the nation free and safe. President Bush signed the USA Patriot Act (USAPA) into law after which the law was criticized for giving powers to intelligence agencies and domestic law enforcers. Subsequently, the courts were unable to ensure that the law enforcers and intelligence agencies did not abuse their powers (Ji, 2003). The change in the First and Fourth Amendments since the implementation of the USAPA Since the implementation of the USAPA, the government of the United States was granted powers. These powers allow the government to violate the rights of the citizens in case it thinks that an individual maybe taking part in activities connected with terrorism. Following the attacks on America by terrorists, the constitution was amended after the then President Bush implemented the USAPA. The constitution was amended severally with the most famous amendments being the first and the fourth amendment (Kollar, 2004). The first amendment of the constitution states that the citizens were not to be prohibited by US government in their expression of ideas and that they had freedom of religious practices. In this amendment, the government is not allowed to interfere with one's expression and religion, which converges to privacy rights. On the other hand, the fourth amendment offers protection for individuals in their homes and their documents against seizures and unreasonable searches without a probable cause and a search warrant (Kollar, 2004). According to Kollar (2004), the enactment of the USAPA was a source of many threats to the liberties of the US citizens. In the Act, there are sections that go against privacy as it is documented in the constitution. The Act goes against the fourth amendment by allowing for interception of communications upon suspect that they are related to terrorism. In light of <https://assignbuster.com/securing-america-and-protecting-civil-liberties/>

this, the government is given power by the Act to interfere in citizens' communications. Moreover, the USAPA goes against the first amendment, which protects citizens' rights of assembly and speech. The Act limits the provisions of the first amendment through its provisions, which criminalize citizens' expressions regarding political views. Restrictions in civil liberties

The restrictions in civil liberties, which were necessitated by the enactment of the USAPA, go beyond the protection of US citizens and have grossly violated the principles of American democracy. Particularly, the USAPA comprises of many sections, which are under titles such as Enhanced Surveillance Procedures. Under the aforementioned title, the Act permits excessive surveillance, in which privacy of individuals, which was a core principle of American democracy, is grossly violated (Walker, 2004). The provisions in USAPA are highly devoted to issues such as border protection, prevention of crimes such as money laundering and the sharing of intelligence. These issues call for excessive surveillance in which citizens are expected to comply. Moreover, the violation of civil liberties was because of the government attempt to modernize its abilities in all sectors. This is also indicated by the hasty enactment of USAPA which was done one month after the attacks. Clearly, there was no major consideration of the ramifications that the Act would bring and its role in violating progress made in the American democracy. Furthermore, the speedy enactment of the Act created some difficulties in the American court system (Walker, 2004). However, the violation of civil liberties through the enactment of legislation was important in ensuring national security. Moreover, the Act was backed up by the entire congress and it was the only measure that the US government could use to address terrorism. In its numerous sections, the Act allowed officials of the

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federal authority to have greater authority when intercepting and tracking communications. This was important for intelligence gathering and law enforcement. In addition, the enactment of USAPA was important as it gave the treasury's secretary powers necessary in combating corruption and curb money laundering which was prevalent at that time (Walker, 2004). Water boarding The use of water boarding is a form of torture which is illegal and violates the constitution. According to Kanstroom (2009), water boarding, which is also called simulated drowning, is used on government detainees with the intent of deciphering information from them. This torture technique has been used in many countries. Although the torture technique was used during Bush's era, rogue officials applied it. Moreover, the president's lawyers had approved the use of this form of torture on war criminals and suspected terrorists. The senate has opposed this form of torture by pointing to the eighth, fourteenth and fifth amendments, which are against a form of torture of such magnitude. Furthermore, the laws of the country make this practice illegal under any circumstances. Conclusion In summary, the 2011 terrorist attacks that occurred in the United States led to the formulation of USAPA. This Act was instrumental in ensuring that the country was able to secure its citizens. Following the enactment of USAPA, there was intense surveillance in public places. In light of this, the Act had its shortcomings as it limited the privacy provisions, which had been enjoyed by the citizens through the various amendments in the constitution. This essay has highlighted the restrictions in civil liberties that followed the terrorist attacks.

References Ji, S.-J. (2003). Civil Liberties vs National Security: Lessons from September 11th Attacks on America. *Tamkang Journal of International Affairs* , 133-159. Kanstroom, D. (2009). On " Waterboarding": Legal Interpretation <https://assignbuster.com/securing-america-and-protecting-civil-liberties/>

And The Continuing Struggle For Human Rights. Boston College International & Comparative Law Review , 203-221. Kollar, J. F. (2004). USA PATRIOT Act, the Fourth Amendment, and Paranoia: Can They Read this While I'm Typing? Journal of High Technology Law , 67-93. Walker, S. (2004). Civil Liberties in America: A Reference Handbook. California: ABC-CLIO.