

# Securing america and protecting civil liberties



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Securing America and Protecting Civil Liberties Mia A. Rapier POL 201:

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Civil liberties can be defined as “ the personal guarantees and freedoms that the government cannot abridge by law, constitution, or judicial interpretation” (O’Connor et al, 2011). In the wake of the terrorist attacks in September 2001, the American government passed the USA Patriot Act into law.

The Patriot Act in short gave law enforcement agencies increased, more broad powers to bring terrorists to justice and with its passing ignited controversy amongst many concerning the perceived violation of the first and fourth amendments. Advocates of the act believe that it is vital due to new threats to America in our ever-changing international political climate to safeguard citizens with preemptive measures.

Civil libertarians, like the ACLU (American Civil Liberties Union), see the law as an unpatriotic means of limiting civil rights, infringing on free speech, interfering with freedom of the press and invading individual privacy rights. In this essay I hope to explain my opinions on civil liberties, the Patriot Act and how they coincide in today’s world. The Bill of Rights consists of the first ten amendments to our Constitution including guarantees in support of freedom of speech, religious expression and press.

The text American Government: Roots and Reform (2011), explain that “ the Bill of Rights was intended to limit the power of the national government to infringe on the rights and liberties of the citizenry” (O’Connor, et al, p. 152).

Over time there have been several run-ins between civil liberties and

national security: the suspension of Habeas Corpus with restrictions on free speech and press during President Lincoln's term, Executive Order 9066 "which authorized the military to remove Japanese-Americans from America's West Coast" (Brancaccio, 2003) following the bombing of Pearl Harbor, and McCarthyism in the 1940s and 1950s.

The more recent Patriot Act is just the latest in a long line of tactics used to eliminate or diminish civil liberties. September 2001 marked the devastating consequences of terrorism on American soil. The coordinated attacks of the World Trade Center's Twin Towers, the crashing of flight #77 into the Pentagon and the crash of flight #93 in Shanksville, PA collectively prompted our government to devise the Patriot Act to better defend America.

In response to the 9/11 attacks, the Patriot Act allowed significantly reduced restrictions on law enforcement agencies' ability to search telephone and e-mail communications, medical, financial, and other records. The Patriot Act also expanded the choices given to law enforcement and immigration authorities when detaining and deporting immigrants suspected of terrorism-related acts. It was the governments' belief that by authorizing such changes that they could preemptively stop terrorism before terrorists could strike on American soil again.

In theory the Patriot Act made complete sense - if our government was able to access communication and financial records of would-be or could-be terrorists, they could be apprehended before another malady like 9/11 could occur. What the American government did not take into consideration after passing the act into law, just a few weeks following September 11th, was

how the Patriot Act could, and would invade the rights and privacy of countless people completely unconnected with terrorist organizations or how the act would discriminate against persons of the Muslim faith.

New York Times columnist Adam Liptak (2011) described the Patriot Act as “ shorthand for government abuse and overreaching. ” Liptak suggests that the passing of the act would only allow problems like those at Guantanamo Bay to be exploited and certain religious groups to be watched more closely and hassled more often with the government condoning arrests of “ potential threats” by way of immigration offenses while harassing groups that it believed to support certain nationalities and religions -- all in clear violation of First Amendment rights.

I am torn on this issue; I do recognize that following the events of 9/11 our country became more susceptible to terrorism and as such our government needed a better, pre-9/11 way of investigating and punishing individuals and groups. I also know firsthand that because of the immediate and intense scrutiny of Muslims and those practicing Islam, and the reality that very little was done by our government and media to distinguish the religion and culture of Muslims worldwide, that many people and groups have been falsely accused and discriminated against because of the Patriot Act.

To be fair, the act did not clearly state that Muslims are the reason behind the ramped up efforts of our government post-9/11, per the Patriot Act other persons have been subject to increased scrutiny, but the reality is that this law has allowed the civil liberties of all Americans to be breached and because of that I cannot fully accept it.

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I would call upon our national leaders, with great input from international heads of state, to formulate a new more nondiscriminatory law to pursue and punish criminals without the interference of the civil rights and liberties of all. Reference Brancaccio, D. (2003). Civil Liberties After 9/11. Retrieved from <http://www.pbs.org/now/politics/timeline.html> Davis, D. and Silver, B. (2002). Civil Liberties vs. Security in the Context of the Terrorist Attacks on America. Liptak, A. (2011).

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