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INFORMATION PERTAINING TO THE USA PATRIOT ACT OF 2001

The USA Patriot Act of 2001 was introduced in the House of Representatives on October 23, 2001 and passed through the House of Representatives on October 24, 2001 and became public law No: 107-56 on October 26, 2001. Such a large bill with major ramifications passed both houses of Congress in four days. Congress passed such legislation out of fear. The title of the act is: "To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes." The Act contains provisions that do not have anything to do with fighting terrorism but broadening the powers of the Department of Justice, the Executive Branch, enhancing domestic security against terrorism, enhancing surveillance procedures, fighting international money laundering, amends the Bank Secrecy Act amendments, goes into detail about currency crimes, and enhancing immigration provisions. Because the bill was passed in such a timely manner, there are certain questions as to how much time Congress spent pouring over the information that is contained in the bill.

Sec. 204. allows for the introduction of sneak and peek clause of the Patriot Act (Sec. 204) which allows domestic law enforcement the opportunity to enter private residences without a warrant. The sneak and peek clause of the act is a direct violation of the Fourth Amendment of the Bill of Rights which states, "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, particularly describing the place to be searched, and the persons or things to be seized." Law enforcement agents, with the help of the Patriot Act, can now search a home without notifying the dweller, and, if they do find something incriminating, go to a judge and get a warrant and return to the home or business and seize the evidence or property. This act gives the Attorney General of the United States *carte blanche* to search a non citizen's business, office, home, or automobiles. The Attorney General has up to a year to act on this after their first investigation. This leaves the Justice Department with too much discretion to act on their own without a governing body to oversee their affairs and ensure they do not overstep their bounds prescribed in the Patriot Act.

Sec. 210 includes the length and types of service utilized, temporarily assigned network addresses, and the means and source of payment which can include credit card or bank account numbers.

Sec. 215 can affect doctor-patient confidentiality and business-client fiduciary relationships.

Sec. 319 requires a covered financial institution to terminate within ten business days any correspondent relationship with a foreign bank after receipt of written notice that the foreign bank has failed to comply with certain judicial proceedings. If financial institutions fail to adhere to the notice, civil penalties will ensue.

Sec. 328 and the above mentioned sections within the Patriot Act has more to do with stopping the illicit transfer of monies from accounts in the US to foreign banks without paying taxes on personal assets. Tax laws must be adhered to but this legislation targets many Americans who do not engage in terrorist activities. This section of the Patriot Act should have been a separate bill altogether instead of being bundled into one gigantic piece of legislation. Citizens will continue to avoid paying taxes by stashing financial accounts overseas even after this legislature is enacted.

Sec. 372 does not take into consideration the affect that this piece of legislation may have on the families of the criminals. The families cannot use their property as collateral to pay for outstanding legal cost when they are prosecuted.

Because of Sec. 377, the US is able to extend its jurisdiction outside of the US if they believe an offense by a financial institution has been committed. This can include non-terrorism transactions such as someone using an offshore bank to avoid federal taxation which does not have anything to do with fighting terror but combating tax evasion. Each nation has sovereignty over such matters as finances and the way they govern themselves. Other nations have the right to govern themselves just as our nation reserves the same right.

Sec. 411 broadens and amends the Immigration and Nationality Act by broadening the scope of aliens ineligible for admission or deportable due to terrorist activities. This provision includes their families. The Alien Sedition Act of 1798 (and a couple of other sedition acts) already determined this kind of legislation to be unconstitutional because the law was and could have been used as a political ploy to prevent immigrants or unwanted people from entering the US. Most Americans could be deported under this more vague provision due to a person's right to speak out against the government. A child born in the US is an American citizen and should not fall under this provision should their alien parents demonstrate connections either politically or socially to what the government perceives as a terrorist threat.

Sec. 412 requires the release of aliens after seven days if the removal proceedings have not commenced and can only be held up to six months. They are not compensated for time detained. Judicial review is limited to habeas corpus. In the case of "terrorists" held at the US military instillation at Guantanamo Bay, Cuba, the prospective terrorists are held without a fair trial. Another troubling fact is that they are tried in tribunals, rather than in a courtroom where a judge and a jury that reside in the same district or county where the crime was committed. If they are American citizens, under the Bill of Rights, this is a violation of the Sixth and Ninth Amendments. This, of course, would be considered unconstitutional. The Sixth Amendment state, [in all criminal prosecutions, the accused person enjoys the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime was committed. The accused person has the right to be confronted by the witnesses against him and holds the right to obtain witnesses in his favor and to have the assistance of counsel for his defense.] A tribunal is not a courtroom with a jury reviewing evidence. Furthermore, the tribunal does not take the place in the actual district or state where they have been convicted. The Ninth Amendment state, "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people." If a terrorist is an American citizen, they have a right to a fair and speedy trial, then it is the state's governments's obligation to provide a just trial.