



U.S. Department of Justice

Executive Office for United States Attorneys
Office of the Director

Main Justice Building, Room 2616
950 Pennsylvania Avenue, N. W.
Washington, D.C. 20530

(202) 514-2121

MAY 23 2003

MEMORANDUM - Sent via Electronic Mail

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS

FROM: 
Guy A. Lewis
Director

SUBJECT: Myths About The USA Patriot Act

ACTION: For your information.

CONTACT: Judy Beeman
Executive Assistant to the AGAC
Telephone: (202) 514-5843

Please find attached a copy of "Myths about the USA Patriot Act" which was prepared by the Western District of Pennsylvania. The attached document was distributed to the Attorney General's Advisory Committee in April, and United States Attorney Mary Beth Buchanan, Chair of the Advisory Committee, has requested that it be shared with all United States Attorneys. You may find this document useful when asked to discuss certain sections of the Act.

Thank you.

Attachment



Ten Myths about the USA PATRIOT Act

By Mary Beth Buchanan

United States Attorney for the Western District of Pennsylvania

May 2003

MYTH: The USA PATRIOT Act permits the indefinite detention of immigrants on minor visa violations.

The organization People for the American Way claims:

The new law gives the government seven days to charge detained immigrants with criminal or immigration violations or release them. The prior limit had been 24 hours. Once charged, if not deportable, such immigrants could face indefinite detention if the Attorney General finds "reasonable grounds to believe" there is involvement in terrorism or activity that poses a danger to national security. Indefinite detention circumvents due process by dramatically lowering the standard to "reasonable grounds to believe" – well below the probable cause standard required for pretrial detention in criminal proceedings and certainly well below the burden of proof for criminal conviction. Further, defendants in immigration proceedings are not constitutionally entitled to a court-appointed public defender, and must hire their own counsel. The notion of wrongly accused impoverished immigrants without counsel being indefinitely detained brings to mind the specter of mass incarceration, by a different method. In fact, without using the provisions of the new law, the Department of Justice reportedly detained more than 1,100 people after September 11.¹

Similarly, the American Civil Liberties Union asserts:

[I]mmigrants who are found not to be deportable for terrorism, but have an immigration status violation, such as overstaying a visa, could face indefinite detention if their country refuses to accept them. Detention would be allowed on the Attorney General's finding of "reasonable grounds to believe" involvement in terrorism or activity that poses a danger to national security, and detention could be indefinite upon a determination that such an individual threatens national security, or the safety of the community or any person. . . .

What amounts to a life sentence should at a minimum be based on clear proof at a hearing, not on a certification of merely the level of suspicion that normally allows only a brief and stop and frisk on the street.²

An article in The Nation magazine argued:

The most troubling provisions of the USA Patriot Act, enacted within six weeks of September 11, are similarly reserved for non-citizens. The act permits the Attorney General to detain noncitizens on his own say-so, without a hearing; bars foreign citizens from entering the country, based solely on their speech; and authorizes deportation based on any support for a disfavored group, without any requirement that the support be connected to a terrorist group. Had this law been in place in the 1980s, it would have authorized the government to deny entry to those who publicly endorsed the African National Congress, and would have empowered the Attorney General to detain and deport anyone who contributed to Nelson Mandela's lawful antiapartheid political activities, because until the ANC defeated apartheid in South Africa, our State Department designated it as a terrorist organization.³

THE TRUTH

- The USA Patriot Act added Section 236A to the Immigration and Nationality Act, Title 8, United States Code, Section 1101 *et seq.* The act gives the Attorney General the power to detain aliens suspected of terrorism and also delineates the process by which detentions are to be reviewed.
- Under Title 8, United States Code, Section 1226a(a)(1), the Attorney General has the authority to take into custody any alien he certifies as a threat to the national security of the United States. The Attorney General's certification must be based upon "reasonable grounds to believe that the alien:" has or will commit espionage or sabotage; attempt an overthrow of the government; has or will commit terrorist acts; or is otherwise engaged in activities that threaten national security. Title 8, United States Code, Section 1226a(a)(3).
- Following detention, the Attorney General must place the alien in removal proceedings or level criminal charges. This must be done within seven days following commencement of the detention. If this is not done within the required time period, "the attorney general shall release the alien." Title 8, United States Code, Section 1226a(a)(5).
- In situations where the alien is not likely to be deported within "the reasonably foreseeable future," the alien "may be detained for additional periods of up to six months only if the release of the alien will threaten the national security of the United States or the safety of the community or any other person." Title 8, United States Code, Section 1226a(a)(6).
- The Attorney General is also required to review the initial certification every six months. The alien also has the right to request review every six months and is permitted to present evidence in support of the request.

➤ Judicial review of decisions made under Title 8, United States Code, Sections 1226a(a)(3) or (a)(6) is available by *habeas corpus* proceedings.

➤ It should be noted that "[i]f the alien is finally determined not to be removable, detention pursuant to this subsection shall terminate." Title 8, United States Code, Section 1226a(a)(2).

➤ As explained by the Chairman of the Senate Judiciary Committee:

[The USA PATRIOT Act includes] provisions to grant the Attorney General the authority to certify that an alien meets the criteria of the terrorism grounds of the Immigration and Nationality Act, or is engaged in any other activity that endangers the national security of the United States, upon a "reasonable grounds to believe" standard, and take such aliens into custody. This authority is delegable only to the Deputy Attorney General. The Attorney General must either begin removal proceedings against such aliens or bring criminal charges within seven days, or release them from custody. An alien who is charged but ultimately found not to be removable is to be released from custody. An alien who is found to be removable but has not been removed, and whose removal is unlikely in the reasonably foreseeable future, may be detained if the Attorney General demonstrates that release of the alien will adversely affect national security or the safety of the community or any person. Judicial review of any action taken under this section, including review of the merits of the certification, is available through habeas corpus proceedings, with appeal to the U.S. Court of Appeals for the D.C. Circuit. The Attorney General shall review his certification of an alien every six months.⁴

➤ The Patriot Act did not eliminate due process considerations from the certification and detention process. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court addressed the standards by which the detention of deportable aliens is to be reviewed. The issue in *Zadvydas*, was whether Title 8, United States Code, Section 1231(a)(6), authorizes the Attorney General to detain a removable alien indefinitely beyond the removal period or only for a period reasonably necessary to secure the alien's removal from the United States. The Court held that the indefinite detention of resident aliens who were unlikely to be deported "would raise a serious constitutional problem." *Id.* at 682.

➤ Nevertheless, there exists authority indicating that indefinite detention is constitutionally permissible in certain situations provided that there exists special justification for the detention and sufficient procedural protections for the detainee. In *Zadvydas*, the Supreme Court specifically mentioned that "suspected terrorists" constituted "a small segment of particularly dangerous individuals" who be could subject to indefinite detention. *Id.*, at 691. Furthermore, the only procedural protections available to the detainee in *Zadvydas* consisted of administrative proceedings. The USA Patriot Act provides for *habeas corpus* review on the merits of any detention.

- It is important to note that Act's critics quoted above failed to mention that the Attorney General's certification is subject to judicial review.

MYTH: Thousands of people were rounded up after September 11, 2001 and detained for long periods of time without any criminal charges.

According to the American Civil Liberties Union:

Thousands of men, mostly of Arab and South Asian origin, have been held in secretive federal custody for weeks and months, sometimes without any charges filed against them.⁵

Said Time Magazine:

Thousands were jailed and then let go. Only a few have been charged.⁶

THE TRUTH

- As the Director of Public Affairs of the Department of Justice recently explained:

"[A]bout 750 foreign nationals" were detained. "Thousands" would imply two or three thousand for which there is no basis in fact. All were in the country illegally, and all were charged with immigration and/or criminal charges. In addition, most of them -- approximately 500 to date -- have been deported, not "let go" or "released." That an alien was deported rather than prosecuted does not mean that the alien had no knowledge of or connection to terrorism. In many cases, the best course of action to protect national security may have been to remove potentially dangerous individuals from the country and ensure that they could not return. In other cases, an individual may have been deported on grounds seemingly unrelated to terrorism, if the assertion of specific terrorism charges could have compromised ongoing investigations or sensitive intelligence matters.⁷

MYTH: The USA Patriot Act eviscerates judicial oversight of federal law enforcement activities.

According to an article in The Nation magazine:

The Patriot Act broadly undermines the rights of all Americans. It reduces judicial oversight of a host of investigative measures, including wiretaps, expands the government's ability to track individuals' Internet use and gives federal officials expansive new powers that are in no way limited to investigating terrorist crimes. It authorizes an end run around the Fourth Amendment by allowing the government to conduct wiretaps and searches in criminal investigations without probable cause of a crime, as long as the government claims that it also seeks to gather foreign intelligence--an authority that is particularly questionable in light of recent disclosures from the Foreign Intelligence Surveillance Court that the FBI has repeatedly provided misinformation in seeking such authority in the past.⁸

According to the organization People For The American Way:

Monitoring an individual's communications normally would require law enforcement to demonstrate probable cause of criminal activity to a judge. The counter-terrorism law, however, dramatically lowers the surveillance standard with respect to certain aspects of the Internet by requiring only that law enforcement personnel *certify* that the surveillance is relevant to a criminal investigation. The court *must* accept the certification, even if the court believes that law enforcement is on a fishing expedition. Such a provision falls far short of active judicial oversight.⁹

THE TRUTH

- The USA Patriot Act does not abrogate the role played by the judiciary in the oversight of the activities of federal law enforcement.
- Federal agents still have to obtain judicial approval before they can search a residence. U.S. Const. Amend. IV.
- Federal agents still have to obtain judicial approval before they can install a wiretap. Title 18, United States Code, Section 2518(1); Title 50, United States Code, Section 1804.
- District courts still have the power to suppress evidence obtained in violation of the Fourth, Fifth and Sixth Amendments. Fed.R.Crim.P. 12(b)(3)(C).
- District courts still have the power to dismiss faulty or insufficient indictments. Fed.R.Crim.P. 12(b)(3)(B).

- Court orders are necessary before federal agents install a trap and trace device on a telephone. Title 18, United States Code, Section 3121; Title 50, United States Code, Section 1842.

MYTH: The USA PATRIOT ACT empowered the government to start monitoring e-mails and web surfing by ordinary citizens.

The American Civil Liberties Union proclaimed:

Under this sweeping legislation, the government can now . . . monitor your e-mails and watch what Internet sites you visit.¹⁰

THE TRUTH

- The USA Patriot Act amended Title 18, United States Code, Section 3123(a) by authorizing courts to issue pen register and trap and trace orders that are valid "anywhere within the United States" and apply to facilities other than telephone lines. The court must have jurisdiction over the crime being investigated and the government must certify that the information "likely to be obtained" is "relevant to an ongoing criminal investigation." With such orders, the government is not permitted to intercept the content of the communication and is restricted to obtaining routing and addressing information. A search warrant issued by a court is required to read the contents of email if the email message is unopened and less than 180 days old. Title 18, United States Code, Section 2703 (a), provides in part:

A governmental entity may require the disclosure by a provider of electronic communication service of the **contents of a wire or electronic communication**, that is in electronic storage in an electronic communication system for one hundred and eighty days or less, **only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant.** (emphasis added)

- The Patriot Act did not change the standard needed to obtain a pen register. Under prior law, the government already could obtain a pen register for a telephone by certifying that the information likely to be obtained was relevant to an on-going investigation.

MYTH: The USA PATRIOT ACT is a present danger to the constitutional rights and privacy rights of library users.

The American Library Association recently resolved:

WHEREAS, certain provisions of the USA PATRIOT Act . . . and other related measures expand the authority of the federal government to investigate citizens and non-citizens; to engage in surveillance, and to threaten civil rights and liberties guaranteed under the United States Constitution and Bill of Rights; and

WHEREAS, the USA PATRIOT Act and other recently enacted laws, regulations, and guidelines increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent; now, therefore, be it

* * *

RESOLVED, that the American Library Association considers that sections of the USA PATRIOT ACT are a present danger to the constitutional rights and privacy rights of library users and urges the United States Congress to:

- 1) provide active oversight of the implementation of the USA PATRIOT Act and other related measures, and the revised Attorney General Guidelines to the Federal Bureau of Investigation;
- 2) hold hearings to determine the extent of the surveillance on library users and their communities; and
- 3) amend or change the sections of these laws and the guidelines that threaten or abridge the rights of inquiry and free expression; and, be it further¹¹

THE TRUTH

- In the wake of the devastating attacks on America on September 11, 2001, the Act provided the FBI and other federal law enforcement agencies with additional investigative tools to use in terrorism investigations. The provision most criticized by the American Library Association is Section 215, which permits an agent to apply for, and the Foreign Intelligence Surveillance Act (FISA) court to issue, a court order to produce "tangible things," which could include the records of library users. Another provision is Section 214, which permits the FISA court to order the installation of pen register or trap and trace devices on wire or electronic communications media, which could include library computers with Internet access and email capability. Contrary to the myth, however, these devices only reveal the

electronic addresses of the users of these media; they do not give law enforcement agents access to the contents of communications that are transmitted over them. Moreover, both Sections 214 and 215 of the Act provide for congressional oversight by requiring the Attorney General to report annually on the FBI's use of these authorities to Congress.

- FBI agents use the investigative technique of obtaining private records through legal process only as part of existing, duly authorized criminal, counter-terrorism, or foreign intelligence investigations. Such investigations may only be opened pursuant to specific guidelines issued by the Attorney General.
- In most of the comparatively very few instances in which records have been sought from libraries since September 11, 2001, they were obtained either voluntarily where permitted by state law or through long-established and well-recognized legal process, such as federal grand jury subpoenas. FBI Director Robert Mueller reports that, without exception, these records all pertained to specific, identified subjects of investigations.
- A February 2003 report prepared by the Congressional Research Service states: "Moreover, a Justice Department response to House Judiciary Committee questioning suggests that thus far exercise of the authority of Section 215 in a library context has been minimal or nonexistent." *Libraries and the USA PATRIOT Act*, Congressional Research Service, February 26, 2003.

MYTH: The Electronic Surveillance Provisions of the USA Patriot Act enables law enforcement to conduct "roving wiretaps."

Again, from the organization People For The American Way:

Under prior law, a wiretap was restricted to a particular telephone device. While the law needed updating to account take into account the use of multiple cell phones, the USA PATRIOT Act goes too far. Instead of including a reasonable balancing of individuals' privacy interests, the new law now establishes what amounts to a "no privacy zone" which follows a target of surveillance. If a target of surveillance enters your home, your telephone comes within a "no privacy zone" and can be tapped. Under these circumstances, it will be more difficult to ensure that innocent people aren't subject to wiretaps.¹²

THE TRUTH

- Prior to the advent of the USA Patriot Act, the government was permitted to conduct "roving wiretaps." Under Title 18, United States Code, Section 2518(11)(b), a court order authorizing

a wiretap did not have to specify the person whose assistance in the surveillance was required (e.g., a specific telecommunications carrier), where the court found that there was "probable cause to believe that the [target's] actions could have the effect of thwarting interception from a specific facility." The Act's critics made no mention of the prior existence of Section 2518(11)(b) in their position papers. The USA Patriot Act simply amended the Foreign Intelligence Surveillance Act of 1978, Title 50, United States Code, Sections 1801-1811 (FISA), to conform to the parallel provision found in the Federal Wiretap Statute.

- Before the amendment, under FISA a telecommunications carrier could only assist the government when directed to do so by a court order. Terrorists, however, are fairly adept at avoiding detection by using a variety of cell phones, multiple residences and other techniques. Each time a terrorist used a new phone, the government was required to apply to the FISA court for a new order directing the telecommunications carrier associated with the new phone to assist the government with the wiretap. The USA Patriot Act eliminates this cumbersome procedure.
- What the Act really did was update the law to account for modern technology. As Attorney General John Ashcroft noted:

The Patriot Act also modernized our surveillance tools to keep pace with technological change. We now have authority under FISA to track terrorists who routinely change locations and make use of multiple cell phones. Thanks to the new law, it is now clear that surveillance tools that were created for hard line telephones - pen registers, for instance - apply to cell phones and the Internet as well.¹³

MYTH: The USA Patriot Act infringes on political speech and the freedom of association.

According to the American Civil Liberties Union:

[The USA Patriot Act] permits detention and deportation of non-citizens who provide assistance for lawful activities of a group the government claims is a terrorist organization, even if the group has never been designated as a terrorist organization.

* * *

[T]he USA Patriot Act adds a new provision to the Immigration and Nationality Act section 212(a)(3)(B) that permits designation of foreign and domestic groups [as a terrorist organization] without . . . procedural safeguards. Under this new power, the Secretary of State could designate any group that has ever engaged in violent activity

- 9 -

a "terrorist organization" - whether it be Operation Rescue, Greenpeace, or People for the Ethical Treatment of Animals. The designation would render the group's non-citizen members inadmissible to the United States and would make payment of membership dues a deportable offense. Under the bill, people can be deported regardless of whether they knew of the designation and regardless of whether their assistance had anything to do with the group's alleged terrorist activity.

The USA Patriot Act also allows for detention and deportation of individuals who provide lawful assistance to groups that are not designated as terrorist organizations. It then requires the immigrant to prove a negative: that he did not know, and should not have known, that his assistance would further terrorist activity...Guilt by association is generally forbidden under the First Amendment and the history of McCarthyism shows the very real dangers of abuse. ¹⁴

Said People For The American Way:

The law established a new crime of domestic terrorism, with a definition so broad as to include certain acts of political protest involving threats or dangers to human life. When political protest harms property or individuals, those particular harmful acts are already punishable under various criminal laws. Sometimes domestic political protest activity inadvertently escalates to violence. To allow such incidents to be treated as terrorism could have a stifling effect on dissent. ¹⁵

THE TRUTH

- The USA Patriot Act amended Title 18, United States Code, Section 2331 by adding the definition of "domestic terrorism." Under the enactment, domestic terrorism consists of activities that:
 - (A) involve acts dangerous to human life that are a violation of the laws of the United States or any State;
 - (B) appear to be intended-
 - (i) to intimidate or coerce a civilian population;
 - (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by mass destruction, assassination or kidnaping; and

(C) occur primarily within the territorial jurisdiction of the United States.

Title 18, United States Code, Section 2331(5).

- Again, the Patriot Act's critics fail to mention that the definition of "domestic terrorism" is virtually identical to the preexisting definition of "international terrorism" found at Title 18, United States Code, Section 2331(1).

MYTH: The USA Patriot Act enables the government to conduct large-scale investigations of U.S. citizens for "intelligence purposes."

Again from People for the American Way:

Under prior law, there were stringent restrictions on the sharing of grand jury information by law enforcement personnel. In part these restrictions existed because information presented to grand juries may consist largely of accusations, rather than proof. The new law permits information from grand jury proceedings to be provided to the CIA, *without meaningful court oversight*. Such information sharing has been abused in recent years when the FBI routinely provided reports on domestic anti-Vietnam War activity to the CIA. Thousands of Americans engaged in political protests became the targets of CIA surveillance.¹⁶

THE TRUTH

- Rule 6(e)(3)(D) of the Federal Rules of Criminal Procedure permits the disclosure of grand jury information with other agencies only when "the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947) or foreign intelligence information...to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties."
- The federal official to whom the grand jury information is disclosed "may use the information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information." Fed.R.Crim.P. 6(e)(3)(D)(i).
- Under Fed.R.Crim.P. 6(e)(3)(D)(iii) "Foreign intelligence information" is defined as information, whether or not it concerns an "American person" and "relates to the ability of the United States to protect against --

- actual or potential attack or other grave hostile acts of a foreign power or its agent;
- sabotage or international terrorism by a foreign power or its agent; or
- clandestine intelligence activities by an intelligence service or network of a foreign power or by its agent.”

Foreign intelligence information also includes information "whether or not it concerns a United States person, with respect to a foreign power or foreign territory that relates to --

- the national defense or security of the United States; or
 - the conduct of the foreign affairs of the United States.”
- The USA Patriot Act requires that the government must provide the district court with written notice that the disclosure was made and identify those to whom the disclosure was made.
- Prior to the Patriot Act amendments, the government was permitted to disclose grand jury information to other attorneys for the government. No notice of the disclosure to district court was required.

MYTH: Various provisions of the USA Patriot Act violate the Fourth Amendment.

The Center for Constitutional Rights claims:

The sneak and peak search warrant provisions of the USA Patriot Act "contravenes the 'common law knock and announce' principle which forms an essential part of the Fourth Amendment's reasonableness inquiry."¹⁷

THE TRUTH

- The USA Patriot Act added subsection (b) to Title 18, United States Code, Section 3103a. The statute provides as follows:

(b) Delay- With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense against the laws of United States, any notice required, or that may be required, to be given may be delayed if-

(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication, or...any stored wire or electronic communication, except where the court finds reasonable necessity for the seizure; and

(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may be extended by the court for good cause.

- An "adverse result," as defined by Title 18, United States Code, Section 2705(a)(2) consists of: the endangerment of the life or physical safety of another individual; flight; the destruction of evidence; the intimidation of potential witnesses; or placing an investigation in serious jeopardy.
- Delayed notification under Section 3103a(b) depends wholly and solely upon judicial approval.
- The section also provides for delayed notice and not the absence of notice.
- It should be noted that magistrate judges have for years been able to authorize nighttime searches in contravention of the common law requirement that search warrants are to be executed during the daytime. Rule 41(c) of the Federal Rules of Criminal Procedure specifically authorizes nighttime execution provided that "reasonable cause" is shown.
- Section 3103a(b) also comports with the common law "knock and announce" requirement. The constitutionality of the doctrine was not resolved by the United States Supreme Court until 1995 in *Wilson v. Arkansas*, 514 U.S. 927, 931 (1995). There, the Court held that the knock and announce rule is generally part of the Fourth Amendment's reasonableness requirement, but further noted that the "flexible requirement of reasonableness should not be read to mandate a rigid rule of announcement that ignores countervailing law enforcement interests." *Id.*, at 934.

MYTH: The USA PATRIOT Act is unconstitutional.

According to a city council member in Arcata, California, after passing an ordinance requiring city officials to refuse to participate in investigations authorized by the USA PATRIOT Act:

The Patriot Act is unconstitutional.¹⁸

THE TRUTH

- In fact, no provision of the Patriot Act has been held unconstitutional by any court in the country. The Patriot Act was voted on 98-1 in the Senate and House of Representatives voted 357-66 to approve it.¹⁹

¹ People for the American Way, *USA Patriot Act: What are the Issues?*, December 2001, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=9392>.

² American Civil Liberties Union, *How the Anti-Terrorism Bill Permits the Indefinite Detention of Immigrants*, October 23, 2001, at <http://www.aclu.org/NationalSecurity/NationalSecurity.cfm?ID=9153&c=111>.

³ David Cole, *Enemy Aliens and American Freedoms*, *The Nation*, September 23, 2002.

⁴ Senator Patrick Leahy, *USA PATRIOT Act: Section-By-Section Analysis*, October 25, 2001.

⁵ American Civil Liberties Union, *The USA PATRIOT Act And Government Actions That Threaten Our Civil Liberties*, March 21, 2003, at <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=12164&c=206>.

⁶ Richard Lacayo, *The War Comes Back Home*, *Time Magazine*, May 12, 2003.

⁷ Letter Of Barbara Comstock, Director Of Public Affairs, To The Editor Of *Time Magazine*, Tuesday, May 13, 2003 at http://www.usdoj.gov/opa/pr/2003/May/03_opa_292.htm.

⁸ David Cole, *Enemy Aliens and American Freedoms*, *The Nation*, September 23, 2002.

⁹ People for the American Way, *USA Patriot Act: What are the Issues?*, December 2001, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=9392>.

¹⁰ American Civil Liberties Union, *What the Patriot Act Means to You*, at <http://www.aclu.org/TakeAction/TakeAction.cfm?ID=11930&c=242>

¹¹ 2003 American Library Association Midwinter Meeting, Resolution On The USA Patriot Act And Related Measures That Infringe On The Rights Of Library Users (2002-2003 CD # 20.1)

¹² People for the American Way, *USA Patriot Act: What are the Issues?*, December 2001, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=9392>.

¹³ Statement of John Ashcroft Attorney General of the United States before the Committee on the Judiciary United States Senate Concerning Oversight of the Department of Justice Presented on July 25, 2002.

¹⁴ American Civil Liberties Union: *How the USA Patriot Act Allows for Detention of People Engaging in Innocent Associational Activity*, October 23, 2001.

¹⁵ People for the American Way, *USA Patriot Act: What are the Issues?*, December 2001, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=9392>.

¹⁶ *Ibid.*

¹⁷ Center for Constitutional Rights, *The USA Patriot Act: What's so Patriotic About Trampling the Bill of Rights?*, November 2001.

¹⁸ Richard Lacayo, *The War Comes Back Home*, *Time Magazine*, May 12, 2003.

¹⁹ Letter Of Barbara Comstock, Director Of Public Affairs, To The Editor Of *Time Magazine*, Tuesday, May 13, 2003 at http://www.usdoj.gov/opa/pr/2003/May/03_opa_292.htm.