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**Security Versus Privacy:
The USA Patriot Act Impact on Civil Liberties**

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Free Palestine

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Abstract

After the 9/11 attacks, the United States government enacted various measures to support national security, with the USA PATRIOT Act standing out as a key federal law. This legislation vastly expanded the government's authority to spy on its own citizens, raising concerns about the erosion of civil liberties, particularly the right to privacy. The expanded powers granted by the act sparked a debate over the delicate balance between security and privacy, prompting a closer examination of its implications on individual freedoms. The USA PATRIOT Act, initially rejected by the Congress and the Bush administration, was later suggested again by George W Bush government. On the other hand, a carefully constructed compromise bill emerged from the Judiciary Committee, which makes this legislative context adds complexity to the examination of the act's impact on civil liberties. This research aims to explore the key provisions of the USA PATRIOT Act and examine the intricate balance between national security and individual privacy rights, focusing on the implications of the act on civil liberties. Even though the act expired in 2020, it still has a great impact on the government since some key provisions are still active until today with an unknown future.

ملخص

بعد هجمات 11 سبتمبر ، سنّت حكومة الولايات المتحدة الأمريكية سياسات مختلفة لدعم الأمن القومي، وبرز قانون "PATRIOT ACT" كقانون فيدرالي رئيسي. حيث وسع هذا القانون بشكل كبير من سلطة الحكومة في التجسس على مواطنيها، مما أثار مخاوف بشأن انتهاك الحريات المدنية، وخاصة خصوصيتهم. كما ان هذه الصلاحيات الموسعة التي منحها القانون صنعت جدلاً حول التوازن الدقيق بين الأمن والخصوصية، مما دفع إلى دراسة آثاره على الحريات الفردية عن كثب. كان قد تم رفض هذا القانون في البداية من قبل الكونغرس، لتعود حكومة جورج بوش وتقرحه مرة أخرى في وقت لاحق. حيث انه ، صدر عن اللجنة القضائية مشروع قانون توفيق تم إعداده بعناية فائقة. ليضيف هذا السياق التشريعي تعقيداً إلى دراسة تأثير القانون على الحريات المدنية. يهدف هذا البحث إلى التعمق في الأحكام الرئيسية الخاصة بالقانون. ودراسة التوازن المعقد بين تعليمات الأمن القومي وحقوق الخصوصية الفردية ، مع التركيز على آثار القانون على الحريات المدنية. بالرغم من انتهاء صلاحية القانون في عام 2020، لا يزال لديه تأثير كبير على الحكومة من خلال بعض البنود الرئيسية الراسخة و التي لا تزال سارية حتى اليوم، بينما تبقى تساؤلات حول امكانية اعادة ادراجه ضمن القوانين الامريكية مستقبلا.

List of Abbreviations and Acronyms

ACLU	American Civil Liberties Union
APHIS	Animal and Plant Health Inspection Service
CBRN	Chemical, Biological, Radiological, and Nuclear
CIA	Central Intelligence Agency
CISA	Cybersecurity and Infrastructure Security Agency
COPPA	Children’s Online Privacy Protection Act
DHS	Department of Homeland Security
ECPA	Electronic Communications Privacy Act
FBI	Federal Bureau of Investigation
FCRA	Fair Credit Reporting Act
FERPA	Family Educational Rights and Privacy Act
FEMA	Federal Emergency Management Agency
FISA	Foreign Intelligence Surveillance Act
GIC	Government Intrusion Concerns
HHS	Department of Health and Human Services
HIPAA	Health Insurance Portability and Accountability Act
HSC	Homeland Security Council
IRTPA	Intelligence Reform and Terrorism Prevention Act
IRS	Internal Revenue Service
ISPs	Internet Service Providers

NATO	North Atlantic Treaty Organization
NDAA	National Defense Authorization Act
NSC	National Security Council
NSA	National Security Agency
NSL	National Security Letter
NSS	National Security Strategy
OHS	Office of Homeland Security
OVP	Office of the Vice President
PET	Privacy-Enhancing Technologies
PFPA	Pentagon Force Protection Agency
PNGS	Perceived Need for Government Surveillance
RAND	Research organization
R&D	Research and Development
TIA	Total Information Awareness
TIPS	Terrorism Information and Prevention System
TSA	Transportation Security Administration
UN	United Nations
USA	United States of America
USA PATRIOT Act	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act
USAPA	USA PATRIOT ACT
WTC	World Trade Center
WTO	World Trade Organization

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Introduction

The balance between security and privacy in the United States became a main issue following the 9/11. As response, the government immediately broadened its powers to prevent any similar attacks, this led to the creation of the USA PATRIOT Act in 2001. The act aimed to improve law enforcement's ability competence to fight terrorism but also raised debate between maintaining national security and preserving civil liberties. Before the 9/11, security measures had less impact on privacy. However, September 11th, attacks led to great change in privacy landscape, the USA PATRIOT Act granted the U.S. government unprecedented access personal data, which raised concerns about nation's safety and citizens' privacy.

The implications of The USA PATRIOT Act on civil liberties raised an ongoing debate concerning the erosion of civil liberties, some analyses assert that the legislation has resulted in a compromise of individual privacy rights, while others argue that it has been instrumental in enhancing national security. Consequently, there is a pressing need for a thorough and methodical examination of the impact of the USA PATRIOT Act on civil liberties. Such an investigation is essential to ascertain the true extent and nature of the effects on individual freedoms, providing a comprehensive understanding of the complex dynamics between security measures and the preservation of privacy rights in the United States.

Eventually, our study aims to investigate the influence of the USA PATRIOT Act on civil liberties in the United States, and primarily answer following questions: What is the conceptual framework of national security in the United States? How did the 9/11 attacks impact privacy rights and civil liberties in the United States? How has the implementation of the USA PATRIOT Act impacted the balance between national security measures and the preservation of individual privacy rights?

What specific provisions of the USA PATRIOT Act have raised concerns regarding potential encroachments on civil liberties? To what extent has the USA PATRIOT Act influenced public perceptions and attitudes towards government surveillance and privacy? How have legal challenges and court decisions shaped the interpretation and application of the USA PATRIOT Act in relation to civil liberties? In what ways has evolving technology contributed to the complexity of the security versus privacy debate under the USA PATRIOT Act?

The subject at hand has garnered significant interest from scholars, researchers, and politicians alike. To underscore its significance before delving into this study, it is essential to provide a literature review that highlights key scholarly contributions exploring the evolving landscape of U.S. national security and the changing dynamics of privacy pre- and post-9/11. As we delve into the motivations behind the USA PATRIOT Act, our aim is to assess its impact on civil liberties, contributing to a nuanced understanding of the challenges posed by the intersection of security and privacy in the contemporary era.

In their book *American National Security* Amos. A Jordan and colleagues provide different definitions concepts and approaches that are essential to understand national security and investigate the topic in hand.

According to Amos. A, Jordan, et al., Political science theories can help analyze and assess the complex international system, allowing for reliable conclusions. A sound understanding of the international environment is essential for making good national security decisions. Additionally, the article “National Security Strategy” discusses the applicable aspects of U.S national security. It also highlights the necessity of integrating military, economic, and diplomatic efforts to navigate challenges such as cyber threats, terrorism and other issues. The article emphasizes the importance

of adaptive and comprehensive strategies. In addition to that, the department of justice focuses on the implementation of national security strategies and examines the approaches, diplomacy and military defense performed to deal with multiples crises that threaten the nation's peace.

Howard Davis in his book *Human Rights and Civil Liberties*, explores the evolution of privacy through history in the United States, he asserts that privacy is central element of civil liberties. Before the events of September 11th 2001, the right to privacy was fundamental to American democracy, protected by several legislations, however, after the attacks there was a shift in nation's approaches to privacy and security. In the article entitled "Privacy Law in the United States, the EU and Canada: The Allure of the Middle Ground, Avner Levin and Mary J. Nicholson, investigate the various legislations applied to protect privacy rights with the development of surveillance technologies and the expansion of government's ability to access private entities. The article advocates for a delicate equilibrium between privacy protection and national security measures. Finally, the U.S. Department of Justice website outlines the post- 9/11 landscape, underlining the responses (legislations and policies) aimed at improving national security efforts. Yet, these efforts often intersected with worries about civil liberties raising concerns about the limits of government surveillance and information gathering activities.

Sunya Kashan's article "The USA Patriot Act: Impact on Freedoms and Civil Liberties" is an important source to mention, in chapter three. This article elucidates the creation of the USA Patriot Act and the steps which was followed throughout this passage, giving a brief example also of the events of 9/11, and mentioning some criticism of the act. It also supplies various data that help in understanding the topic in hand, and accomplish the research in better ways.

In the official website of Justice government “USDOJ”, the DOJ website serves as a comprehensive resource for information on the department's various functions, initiatives, and services. Provided many important documents about the topic of USA Patriot Act, which was very helpful and clear due it’s menu that was intuitive.

It is important to note that the historical approach is employed for the sake of examining the different phases of the act, the atmosphere and events led to its enactment and to have a deep comprehension about what influences national security and how surveillance laws evolve. Moreover, qualitative methods are used in order to examine the individuals’ response to the act and does it influence their constitutional liberties and rights. Also, discourse analysis is applied to provide valuable understanding of the dominant discourses related to national security and civil liberties in the aftermath of 9/11 attacks and the implementation of the PATRIOT Act.

This dissertation includes three chapters. The first chapter entitled “Understanding the Foundations and Dynamics of National Security in the United States.”. It clarifies what is meant by national security and how Americans have approached it. In addition, it explores the fundamental processes, actors and institutions that contribute to the development of security strategies. Further, this section provides a comprehensive explanation about the resources used for national security and addresses the main challenges faced by U.S. national security. The second chapter “Privacy Rights in the US pre and Post 9/11 attacks”. This chapter discusses privacy concerns and civil liberties in the United States and how privacy is influenced by many factors. It also provides an analysis for privacy rights in the USA pre- and post-9/11 attacks, and sheds the light on the legal changes in the legislative landscape as well as it highlights the shift in public attitudes towards privacy and surveillance, providing a deep understanding of societal implications of enhanced security measures. The third chapter entitled “The USA PATRIOT Act and the erosion of civil liberties.” It examines the

motivations behind the Patriot Act and analyses its key provisions. Further, the chapter details the process of drafting, debating and enacting the Patriot Act unveiling the legislative complexities involved. It also analyzes the key provisions of the act illustrating its broad scope and impact, so it evaluates its influence on privacy and how much it is effective in deterring terrorism. Moreover, the chapter examines the controversies surrounding the act and concludes with discussing the future of the act.

Chapter One

Understanding the Foundations and Dynamics of National Security in the United States

Since the 9/11 attacks, the United States has undergone significant developments in its national security system. These changes aim to enhance the country's ability to protect itself and its population from potential threats. However, the concept of national security emerged during the Thirty Years War in Europe and the Civil War in England, around the 17th century. Rooted in historical conflicts, this system encompasses crucial elements such as power, military strength, and national defense.

Understanding the dynamics of national security in the United States is necessary to have a deep insight on how the nation protects its interests, protects its citizens, and navigates global challenges. This investigation delves into the context of national security and its multiple measures, approaches, strategic frameworks, and evolving frameworks that shape the U.S. security policies. This examination aims to reveal the complexities and imperatives that guide America's continuous efforts ensure stability and enhance its values at the global stage.

1.1. National Security: Definition

According to Jordan, et al., the term national security refers to the safeguarding of people, territory, and way of life. It includes protection from physical assault and in that sense is similar to the term defense. However, national security also implies protection, through a variety of means, of a broad array of interests and values. In one definition the phrase is commonly asserted to mean "physical security, defined as the protection against attack on the territory and the people of the United States in order to ensure survival the fundamental values and institutions intact, promotion of values, and economic prosperity." (3-4).

Other theorists claimed that the term national security is not only about defense but it also incorporates a variety of challenges, threats and actions. However, it would be insignificant without an intense military preparedness which is a fundamental component to national security. Despite that, military defense is not the only element of state security (Singh 1921). Charles Maier argues that: “National security... is best defined as the capacity to control those domestic and foreign conditions that the public opinion of a given community believes necessary to enjoy its own self-determination or autonomy, prosperity, and well-being.” (qtd. in Romm 5). From the previous quotations, it can be concluded that national security can be defined as safeguarding the nation from both external threats such as military aggression, espionage, terrorism or even non-human impositions including pandemics..., as well as internal threats like crime, political issues, corruption and economic instability...etc.

1.2. Approaches to National Security

The concept “approaches to national security” in the U.S. encompasses a range of strategies and perspectives, which are important for a deep understanding of the complex dynamics between security measures and civil liberties, focusing on three key approaches including public opinion, global vs domestic stability and intelligence gathering. These three approaches have been selected specifically because of their direct relevance to the context of the USA PATRIOT Act and its implications for civil liberties. Public opinion serves as a crucial element in shaping legislative actions and social attitudes concerning security measures (Amos, Jordan, et al. 23). Global stability vs domestic stability demonstrates the tensions between national security imperatives and protecting civil rights. Finally, intelligence gathering is fundamental to national security efforts, however, it raises ethical and legal debates regarding privacy and government surveillance. The focus on these approaches, aims to provide a clear and comprehensive analysis of the complex issues between security and privacy

1.2.1. Public Opinion

Americans' perspectives and opinions on national security are diverse, depending on factors like age, sex, region, religion...etc. Though, public opinion is fundamental in shaping national security policy in the United States. Realist views debate controlling foreign policy making by the elite, and they believe that public opinion is driven by emotions. On the other hand, liberals defend democratic involvement and participation in the policy making process, they claim that an open process is much better for policy development and continuity (Jordan, et al. 24-26).

For further explanation, realists argue that the elites should control foreign policy decision making, they believe that it is mainly shaped according to their interests. They claim that can be easily manipulated, so they support elite control to protect national interests from harm. In contrast, liberals believe that citizens should be involved in foreign policy decisions through democratic processes including transparency, accountability and citizen engagement. They assert that this approach allows multiple perspectives to be taken into consideration, which makes government decisions more valid and trusted by citizens. Through encouraging public participation, liberals claim that governments can establish policies which reflect society's policies and perspectives.

Advocates for the importance of public opinion in policy making claim that governors and administrators in the USA are adoptive to public opinion and open to their preferences. " Research on the opinion-policy link over long historical time periods has often produced evidence that policy reflects public opinion. " (Manza, et al. 19). Citizens in the US can be a part of policy making through multiple ways, such as elections voting, electing representatives..., this process is an integration of indirect procedures like surveys, and direct involvements of citizens such as public hearings. However, equal citizens participation in the US politics remains theoretical, in their book "*The Unheavenly Chorus*",

Schlozman, et al., state that factors like socio-economic status, economic need, social class and other factors influence the extent to which people can be effectively participate in policy making. They argue that the preferences and priorities of elites often override those of the general public, leading to policies that benefit the wealthy and powerful at the expense of the broader population. (117-44). This gap in political engagement can have a great impact on national security since the elites are dominating the political voice, they may prioritize certain security threats over others which can result in inappropriate distribution of resources and attention. In addition, this inequality influences public perception of threats as well as it affects the democratic oversight. Consequently, equality in political participation is crucial to national security to ensure that decisions reflect preferences and perspectives of all citizens, thus strengthening democratic governance and public trust in government actions.

1.2.2. Global stability vs Domestic stability

The United States' national security is highly impacted by global and domestic stability, starting from the economic status to military security; the stability of world nations directly affects America's safety and interests. Current events emphasize the need for collective action to handle global threats that exceed borders. Even so, the United States' persistent strength allows it to influence international politics to improve its interests and values ("Renewing America's Advantages" 7-9).

That is to say, the interconnected nature of global challenges raises the importance of collaborative actions in addressing them. Despite the intensive threat of these challenges, the writer believes in the ability of the United States to impact international policy so that it protects its own interests and values.

According to Slawotsky one of the fundamental elements to both global stability and domestic stability is economy

From an economic standpoint, raw economic strength is in itself one of the three vital pillars of hegemony. As a corollary, financial stability is a vital national security interest to ensure a continued robust economy and domestic social order. The financial sector is one of the bedrocks of the U.S.—and global—economy. Significant disruptive or destructive attacks against the financial sector could have catastrophic effects on the economy and threaten financial stability. This could occur directly through lost revenue as well as indirectly through losses consumer confidence and effects that reverberate beyond the financial sector because it serves as the backbone of other parts of the economy (Slawotsky 460).

Military security as well is a key aspect of stability, it ensures protection from threats either coming from the inside or outside the country according to president Biden “The United States will never hesitate to use force when required to defend our vital national interests. We will ensure our armed forces are equipped to deter our adversaries, defend our people, interests, and allies, and defeat threats that emerge” (“Renewing Advantages” 14). The United States goes for armed services as a last resort and defense tool when diplomacy fails. In addition, terrorism can be one major threat to regional and internal harmony, it is considered as a political threat for the reason that terrorists usually pursue political interests so that it is viewed as a transitional threat that can directly threaten the US national security.

1.2.3. Intelligence Gathering

Intelligence agencies work on gathering and analyzing data to assess threats, determine raised challenges, and inform decision making. Intelligence gathering is a part of any national security system, and data analysis is one part of a larger process developed to help the government in safeguarding states and citizens. “Properly conceived and applied, intelligence collection and analysis also identify opportunities for decision makers to shape the future by reinforcing positive trends and redirecting those headed in a problematic or negative direction”. (Fingar 50).

The process of gathering information and analyzing is known as the intelligence cycle and it goes through different phases: planning and direction, collection, processing, analysis and production, dissemination ending with new requirements. The first phase involves building intelligence requirements and priorities based on the political goals and national security objectives, while in the second phase intelligence agencies use various methods and means such as technical surveillance in order to gather relevant data. The third step is processing the collected information organizing, categorizing and analyzing it, to obtain insights possible threats and/or capabilities and opportunities significant for national security. The following stage, which is analysis and production, analysts analyze the processed data to identify potential threats and determine patterns to provide interpretation for policy makers. The fourth phase involves disseminating analyzed intelligence to involved stakeholders, including law enforcement agencies and military commanders in the sake of informing their decision-making processes. In the last step, the intelligence community receives feedback from authorities about the effectiveness of the information provided, then they use it to generate new requirements which may arise from changes in national security context or gaps in the existing intelligence coverage. (Johnson 35-77).



Fig.1. The Intelligence Cycle

Source : “Intelligence Cycle.” Wikipedia. 2024.

1.3. Safeguarding the Nation Methods and Resources of US National Security

The Cold War generation shapes the national security systems today. Starting From the late 1940s to the early 1990s, this generation lived through a long period of tension between the Soviet Union and the United States. This strong competition leads to the creation of many organizations, technologies, and policies focused on keeping countries safe from threats. Even though the Cold War is over, the lessons learned help nations deal with national security issues in the present day. The experiences of the Cold War generation offer valuable insights into the complexities of international affairs and the importance of a strong national security system (Kugler XVI).

However, the Cold War came to an end. A completely new era has emerged, and new methods and strategies for national security systems became needed at this point. In November 2004, President George W. Bush won reelection by defeating his Democratic opponent, Senator John F. Kerry. Unlike previous campaigns since 1992, which primarily focused on domestic issues, the 2004 campaign

emphasized national security matters. Future presidential campaigns also prioritize national security, and in the time between elections, national security remains a constant concern for the U.S. government and its citizens (Kugler 1).

In other words, in the present era, the challenges confronting U.S. national policy are extremely difficult due to high expectations and demands, which makes it adventurous world operations to the nation's status as a global superpower, the formulation of effective national security policies is very important. However, determining the effectiveness of these policies beforehand is necessary, as there is no room for examining new mistakes and errors.

Ongoing transformation of capabilities and organizations across all sectors, is demanded when national security faces a growing number of new threats. The military is in charge, especially when it comes to science and technology, developing new concepts, implementing changes efficiently, and fostering a culture of innovation and leadership. However, this transformation must extend beyond the military. Diplomacy, intelligence, law enforcement, and economic efforts needs also to be prepared for the rapid technological advancements (“A National Security Strategy” 1-5).

To address this complex landscape, the US government is implementing interagency approaches in order to work together facing any possible future events or danger. Additionally, preventive diplomacy, often backed by the potential use of the full military force, can help contain or resolve problems before they demand any military action. However, a well-coordinated national security system is required in order to effectively control these diverse tools. The following section explores the various methods employed within the US national security system to navigate this challenging environment (joint chiefs of staff).

1.3.1. Power and Strategy the Methods of US National Security

The United States safeguards its national security through a comprehensive strategy outlined in the National Security Strategy (NSS). This strategy, a product of collaboration between various government agencies, is constantly evolving to address the dynamic global landscape. The foundation of this approach lies in fortifying the US itself - economically, technologically, and through strong democratic institutions. Alongside this domestic focus, the US prioritizes building a robust network of allies, fostering international cooperation to tackle shared challenges and counter threats more effectively (Kugler 3).

A modernized military serves as a powerful deterrent against aggression, ready to defend US interests and engage in conflicts if necessary (*A National Security Strategy* 1). A diverse toolbox implements the multi-pronged approach. Diplomacy, through negotiation, alliances, and foreign aid, builds relationships, which promotes peace, and advances US interests. The US military deters aggression, defends the nation, and promotes regional stability. Extensive intelligence gathering allows for a clear understanding of threats and the development of effective responses. Law enforcement safeguards the nation from internal threats like terrorism and cybercrime (“usaid”). Economic power is a main tool in influencing other countries and promote US interests.

Finally, development aid helps economic growth, in order to create more secure global environment democracy, and stability is developing the nations. The focus on these different methods can change based on the particular dangers the US is dealing with, but all play a crucial role in ensuring national security. A multifaceted toolbox is used by the U.S. to safeguard its national security (Hastedt 385-401). Economic power allows the US to influence other countries, while development aid helps

stability in developing nations, ultimately creating a safer global environment. The emphasis on each method can adapt to address specific threats.

1.3.2. Building a Secure America

Madeleine Albright said that “The United States stands as the world's most powerful nation today, arguably surpassing even the Roman Empire at its peak”. The power of the U.S. necessitates a strong focus on national security, ensuring the safety and well-being of its citizens and safeguarding its core interests of sovereignty, security, prosperity, and values (The White House). By delving into the core of this focus, national security, examining its methods and the power it uses. Typically, national security strategies encompass a combination of military diplomatic, economic, and intelligence methods.

In their book “*Clausewitz in the Twenty-First Century*”, Hew Strachan and Andreas H. Rothe argue that the United States maintains strong military strength as the cornerstone of its national security strategy. The force's role is to deter aggression and protect U.S. interests around the world. When diplomacy fails and conflict must occur, U.S. military forces stand ready to defend the nation and its allies. This military approach is guided by the strategic principles of influential military theorist Carl von Clausewitz. Clausewitz's "war trinity" recognized the inherent brutality of war, the "raw violence", the unpredictability of combat, "chance and probability" and the political context, "political tools" that shape military operations (4).

Military leaders must navigate the “fog of war,” a state of uncertainty and incomplete information that can affect decision-making. Clausewitz also emphasized "friction," the challenges that inevitably arise during operations, such as communication breakdowns, logistical obstacles, and unpredictable human behavior. These factors require military strategy to be flexible and adaptable. Additionally,

strategically identifying an enemy's "center of gravity," its primary source of strength or weakness, enables targeted strategies to maximize effectiveness (Strachan and Rothe 52).

Finally, Clausewitz's famous dictum that "war is the continuation of politics by other means" emphasizes the importance of balancing military goals with broader political goals. By understanding these principles and maintaining a well-equipped and strategically aligned military, the United States strives to ensure national security and achieve its foreign policy objectives (Strachan and Rothe 258).

Clausewitz's theory primarily focuses on military strategy, it offers valuable insights for national security research. His idea of war as an extension of politics emphasizes understanding political motivations behind threats, and his concept of "friction" highlights the unpredictable nature of security challenges. Additionally, his emphasis on national will translates to the importance of public support in facing threats. However, Clausewitz's limitations lie in his focus on traditional warfare and underplaying non-military tools. For a comprehensive national security research project, it's best to combine Clausewitz's insights with theories on non-traditional threats, diplomacy, and intelligence gathering (Strachan and Rothe 109).

Critics argue Clausewitz's theory is outdated for modern conflicts like civil wars. However, they misunderstand his work. Clausewitz focused on the core aspects of war (passion, chance, reason) that apply to all wars, not just state-on-state battles. Additionally, those who focus on the changing technology and tactics of war miss the bigger picture. Clausewitz's theory deals with the fundamental nature of war as a social phenomenon, which makes it relevant even with new forms of conflict. This depth and flexibility keep his ideas valuable for understanding war today (Timothy van der Venne).

National security is not just about military power. Diplomacy plays a vital role in building bridges, not walls. A key approach is to build alliances and partnerships with other states, creating a

numbers advantage approach that deters aggression and allows states to pool resources to counter threats. Taking the NATO, as an example example, which was a military alliance established by the United States and European countries during the Cold War to deter Soviet aggression. Diplomacy also includes negotiation and conflict resolution. Richard Nixon, the 37th President of the United States, advocated a transition from conflict to diplomacy and expressed his hope by arguing that "Let us move from the era of confrontation to the era of negotiation" (Nixon).

This reflects the belief that diplomatic dialogue and negotiation can lead to more peaceful outcomes than confrontational tactics. Imagine the United Nations mediating a peace agreement to prevent war. International institutions like the UN, WTO, and regional organizations offer a global stage for cooperation. These institutions, as former UN Secretary-General Dag Hammarskjöld stated, "We were not created to bring countries to heaven, but to save them from hell" (qtd. in "fostering cooperation").

Finally, public diplomacy aims to shape international perceptions in favor of a nation's security goals. This isn't about propaganda, as former US Senator J. William Fulbright emphasized, but about building trust and understanding through cultural exchange programs and media outreach. By informing foreign audiences about a country's values and policies, public diplomacy can generate international support for its security objectives. In conclusion, these diplomatic methods – building alliances, engaging in conflict resolution, leveraging international institutions, and conducting public diplomacy – work together as a powerful toolbox for national security, creating a more peaceful and stable global environment (Nakamura and Weed 9).

National security is not only about military diplomatic strategies, but also economic intelligence. A nation's economic health is intricately linked to its national security. Economic intelligence acts as a

powerful tool for safeguarding this crucial aspect. By analyzing economic trends and vulnerabilities, it helps identify threats like foreign economic espionage. Like a spy stealing trade secrets from a leading tech company, crippling its innovation and potentially impacting national security if that technology is vital for military applications (Dumas 655). Economic intelligence goes further by safeguarding critical infrastructure. Foreign spies recruited within companies managing power grids or financial systems could disrupt these vital systems, causing economic chaos and instability. This highlights the crucial role of counterintelligence efforts in preventing insider espionage (Potte 126).

By deterring such activities, a nation not only protects its economic health but also maintains a technological edge. Foreign competitors gaining access to cutting-edge advancements can leave a nation vulnerable. Furthermore, successfully preventing insider espionage sends a powerful message of deterrence, fostering a stable environment where economic growth and technological advancements flourish, ultimately reducing the risk of conflict (Potter 98).

In essence, preventing insider espionage becomes a national security method by safeguarding economic well-being, protecting critical infrastructure, maintaining a technological edge, and promoting stability and deterrence. These factors combined contribute significantly to a nation's ability to thrive and defend itself in an increasingly complex global landscape. Economic intelligence empowers a nation to secure its economic well-being, maintain a competitive edge, safeguard critical infrastructure, and ultimately, bolster its national security (Kelly 8).

1.4. A Comprehensive Look at US Security Resources

In the ever-shifting landscape of global security, the United States maintains its role as a leading defender of democracy through a multifaceted Arsenal of Democracy. This arsenal extends far beyond just military might, encompassing a comprehensive set of resources that safeguard the nation and its

interests. This will delve into a comprehensive look at U.S. security resources, examining the crucial components that contribute to national security. Exploring the US military's unmatched conventional strength, technological edge, and strategic alliances that deter aggression and ensure national defense (Lin).

Furthermore, the economic engine of the nation plays a vital role. A robust economy allows the US to fund its military, invest in cutting-edge technologies, and project influence on the global stage. Economic intelligence empowers the nation to identify and mitigate threats like economic espionage and financial manipulation. Additionally, securing access to vital resources like energy and minerals is essential for powering the US economy and military capabilities (Bouchet 20).

Beyond these tangible resources, the human element proves equally crucial. The US utilizes diplomacy, international aid, and cultural exchange programs to build partnerships and promote its values, fostering a more secure international environment. By examining these various resources, we gain a deeper understanding of how the US safeguards its national security and its role in the global arena (Bouchet 39).

1.4.1. U.S. National Security Strengths: Military and Economic Power

For a long time, national security has primarily been understood through the lens of military strength. This makes sense in a world filled with conflict and heavily armed nations. Military force can undoubtedly protect a country's sovereignty and advance its interests. However, the destructive potential of modern weaponry and the growing dangers associated with military intervention raise a crucial question, are there less threatening and more effective ways to achieve security? According to Dumas:

“National security is often viewed in military terms, but the increasing destructiveness and danger of military force suggest that alternative methods may be more effective. Economic strength,

always a component of national power, should be more fully integrated into national security policy. Economics offers valuable tools for understanding arms races, military strategy, and other national security issues.” (653).

Economic power has always been a significant factor in national influence and power. This quote suggests that perhaps it's time to give economic considerations a more prominent role in national security strategies. The field of economics offers valuable tools for understanding security issues. Economists have already used mathematical models and economic analysis to study arms races, military strategy, and other security-related topics. Builds on this existing passage. It aims to offer a brief example of how economic tools can be used to develop more practical and effective national security policies.

While the passage emphasizes the importance of considering alternatives to purely military force, it's certain that military resources remain crucial for US national security. Historically, a strong military has been an important element of a nation's safety. It used a formula to show how national security (S) depended on the strength of the military (Mo) compared to the enemy's military (Me). If the military was stronger, and the security was better (Dumas 654).

However, in the late 1970s. Super powerful weapons, like nuclear bombs, came on the scene. These weapons were so strong that they weren't even considered in the old plans for national security. Even though having a stronger military than the enemy might still seem helpful. The development of these global arsenals, despite potentially increasing relative military advantage, ultimately reduces overall security.

While nuclear weapons remain a part of the US deterrence strategy, the focus is shifting towards a broader approach to national security. This entails developing a multifaceted military arsenal that extends beyond just relying on these destructive weapons. It tackles terrorism through counterterrorism

efforts, both domestically and abroad, conducting operations against terrorist organizations, training partner forces, and sharing intelligence to disrupt and dismantle their activities (Emory 292).

Alliance Building is another tool which creates a strong partnership with other countries are fostered through joint exercises and training programs, boosting allied capabilities and ensuring smooth cooperation. The US military resources are also related to, global presence, and cybersecurity, by using the first one it maintains a forward presence in key regions, deterring aggression through deployments, exercises, and diplomatic efforts. And by using cybersecurity, it recognizes the evolving threat landscape, the US prioritizes cybersecurity by defending against cyberattacks, developing defensive capabilities, and collaborating with other agencies and the private sector (Esper).

The economy is directly linked to US national security resources and the military. For instance, budgetary allocation, also known as budget basics, designates funds for defense spending, covering military equipment procurement, personnel salaries, and operational expenses. Additionally, the defense industrial base comprises companies manufacturing defense-related goods like weapons systems and electronics, bolstering national security by providing crucial equipment (“Budget Defense”).

The National Security Research Division at RAND is another vital resource, investing in research and development (R&D) to advance military technologies, ensuring a technological advantage over potential adversaries. Moreover, economic tools play a pivotal role. The economic resources of the United States encompass various assets contributing to national security. These include budgetary allocation for defense spending, support for the defense industrial base, investment in R&D for military technologies, safeguarding critical infrastructure, shaping trade and economic policies, and leveraging the American workforce's skills for defense-related industries and innovation (“National Security Research Division”).

1.4.2 The Arsenal of Democracy Resources for US National Security

In the ever-shifting landscape of global security, the United States maintains its role as a leading defender of democracy through a multifaceted "Arsenal of Democracy." This arsenal extends far beyond just military might, encompassing a comprehensive set of resources that safeguard the nation and its interests. Democratic values form the bedrock of U.S. national security. Principles like freedom, equality, and justice create a strong foundation for governance. These principles guide decision-making to ensure the protection of individual rights and liberties, fostering a sense of security and trust within the nation. This reinforces national unity and strengthens the resolve to defend these core values against external threats (National Security Strategy 16).

Democratic political systems encourage accountability and openness in public affairs, which thwarts corruption, stops the misuse of authority, and preserves public confidence. As a result, national security is improved and institutional legitimacy is strengthened through transparent and responsible government. Democracies are resilient and stable because they permit healthy political rivalry, accept a range of opinions, and settle disputes amicably, which lowers internal instability. Strong alliances and partnerships based on common ideals are typically formed by democratic states, strengthening national security measures by promoting military cooperation, strengthening collective security, and boosting information sharing. Furthermore, the United States advances global peace and stability through promoting democracy both at home and abroad. This is because democratic governance reduces the likelihood of conflict, stabilizes regions, and encourages cooperation between nations in the fight against cyberthreats, terrorism, and proliferation (Obama 38).

1.5. U. S National Security Challenges

Congress's primary and most crucial duty is to defend the country from enemies who would harm it. This includes providing the armed forces with the best modern weaponry, gear, and equipment, as well as treating them with decency during their service and upon their return home. Safeguarding the United States and its democratic allies also involves promptly and accurately evaluating international conflicts and selecting the most appropriate course of action, whether military, diplomatic, or a combination of both. This is where the USA, as a powerful country, faces some challenges. The United States confronts a complex network of dangers in the always changing field of national security that go beyond conventional military issues. Technological improvements and the interdependence of the global economy have made cyberattacks easier to launch. These malevolent attacks on private enterprises, governmental networks, and vital infrastructure have the potential to cause enormous disruption and harm (“Centre of Strategic and International Studies”).

Disinformation efforts and hostile foreign influence operations add to the complexity of the security situation. Through the spread of inaccurate or misleading information, these initiatives seek to stoke division and influence public opinion. Such strategies have the potential to undermine public confidence in democratic institutions and destabilize society at large (“CSIS”).

There are more threats to come. Coordinated attempts to weaken the economy and democracy, which are the core pillars of American strength, may also be undertaken by adversaries. This could entail using sabotage techniques to destroy important industries or economic espionage to steal confidential business information. The ultimate goals of these concerted activities are to undermine democratic standards and reduce America's economic competitiveness (“CSIS”).

Because of this, ensuring national security in the twenty-first century requires a diversified strategy that goes beyond conventional military power. The U.S. needs to keep an eye out for these new dangers and create thorough plans to defend vital infrastructure, hinder misinformation, and preserve the integrity of our democratic systems.

Conclusion

This chapter has provided a thorough examination of the national security system, exploring its historical roots, its evolving strategies processes, and the policy considerations that shape its effectiveness. By analyzing the significant developments undertaken since 9/11, alongside the core principles established centuries ago, the chapter sheds light on the continuous adaptation required to safeguard a nation, and the approaches of national security, which are the measures taking by the government. Moreover, it also studies the methods of national security and the challenges, which it faces.

In closing, it is important to acknowledge the ongoing need for critical assessment and refinement of national security policies. By recognizing the complexities and potential areas for improvement, as outlined in the chapter, nations can strive to ensure a robust and adaptable system capable of addressing ever-changing threats. This continuous evaluation allows for the identification of weaknesses and the implementation of strategic adjustments, ensuring that national security measures remain effective and relevant in the face of new challenges. By doing so, countries can enhance their ability to protect their interests and maintain stability in an increasingly unpredictable global landscape.

Chapter Two

Privacy Rights in the U.S. Pre- and Post 9/11 Attacks

Previous to the events of September 11th, 2001, in the USA privacy were mainly preserved through legal frameworks which emphasized individual's liberty and controlled government's surveillance. Legislations like The Privacy Act of 1974, and The Electronic Communications Privacy of 1986 set strict measures on the government's accessibility to personal information and limited its ability of gathering and controlling this data, embodying a strong commitment to civil liberties. Such laws, are consistently implemented by court decisions emphasizing the importance of privacy in democratic society. However, in the aftermath of the tragic events of 9/11 the United States witnessed a shift in its approaches to national security, and privacy. As a result of these terrorist attacks, the government had immediate responses and new measures, and passed a series of new legislations such as the USA PATRIOT Act of 2001, which enlarged surveillance powers and decreased privacy protections raising continuous discussions concerning balancing security improvements with personal liberty protection.

This chapter explores the tragic events of 11th September 2001, reporting the incidents and their profound impacts on national security measures and privacy. It analyzes the complex interplay between privacy and civil liberties both before and after the events of September 11th. The chapter examines privacy landscape in pre- 9/11, investigating the historical context, legal frameworks and the civil liberties protections existing in the United States. Moreover, it studies the shifts in privacy discourse and policy following the attacks, focusing on the legislative responses and their impact on civil liberties. Additionally, it examines the public attitudes and ongoing debates surrounding the balance between security measures and individual privacy rights.

By delving into these themes, this chapter aims to provide a deep understanding of the huge transformation of national security imperatives and personal privacy freedoms in the wake of 9/11 attacks.

2.1. Privacy and Civil Liberties

Privacy is the quality or state of being a part from company or observation, it is also freedom from unauthorized intrusion (Merriam-Webster “privacy”). In 1890 the famous study “The Right to Privacy” by Louis Brandies and Samuel Warren appeared to be a significant step to the creation of nowadays privacy concepts. Since then, privacy became widely recognized initiating an evolutionary process, and it emerged as a primary human right in western societies. The term privacy is complex, despite many efforts to define it, its evolving nature makes it challenging especially when it comes to changes in societal structures. This concept is influenced by economic, societal, and cultural factors, resisting specific and common definition, it encompasses individual agency and autonomy to decide what is private. Yet, international treaties recognize the right to privacy, raising debate about the effectiveness of legal protection while the subject of protection is not precisely defined (Lukács 256-57). However, privacy is not isolated concept, it is rather a subsequent of civil liberties. Protecting privacy ensures maintaining the broader spectrum of civil liberties.

Privacy and civil liberties are intertwined concepts, they are closely related to the context of human rights. According to Bhavani Thuraisingham “Civil Liberties are about protecting the rights of the individual whether it is privacy rights, human rights or civil rights” (3). The right to privacy is often considered as a fundamental element of civil liberties since it protects individuals from any intrusion (governmental, societal...) on their personal life. Moreover, perspectives see

that civil liberties law is concerned with the relationship between individuals and the state, and they claim that it emphasizes two key aspects which are democracy and privacy. Davis argues that they are interconnected concepts that fall under the umbrella of civil liberties he claims

...first, 'democracy' or the good of political participation. Civil liberties law is concerned with identifying the reasonable scope of the freedom of people to participate in political processes and seek to change or maintain the laws, government policies or public opinion. The second 'feature' is the idea of privacy. Civil liberties law is concerned with the reasonable scope of the claim that there is a significant part of a person's life that should be determined by that person alone and in respect of which the state, through its laws, should have no say.

To explain further, civil liberties law centers around safeguarding citizens' rights to participate in political actions and preserve privacy from state intrusion which is important as political activity is highly impacted by individual' conceptions of valuable features of life.

2.1.1. Privacy Rights in the USA (A Historical Perspective)

Historically, privacy encountered a long evolutionary process. Though, what should be considered private and what needs to be legally protected as private differs depending on the environment, society and individuals. The writers Levin and Nicholson believe that privacy is absolutely guaranteed when the government keeps hands of citizens personal life (359). The evolution of privacy in the United States is complex, it is marked by significant events, societal shifts and technology development. Basically, privacy is related to the most intimate aspects of human existence (house, family, personal life...), from the 14th to the 18th centuries, legal contests emerged about eavesdropping and unauthorized reading of personal correspondence. Towards the

late of 19th century, the focus reoriented to protecting personal information signifying the desire to preserve control over own's data (Holvast 740).

The broader discussion concerning privacy in the United States began immediately after WWII, according to the professor of law Gormley, scholars have been unable to determine a standard definition for legal privacy for the reason that it encompasses five separate species: the privacy of Warren and Brandeis (Tort Privacy), fourth amendment privacy, first amendment privacy, fundamental decision Privacy, and state constitutional privacy (qtd. in Smith 102).

2.1.1.1. The Privacy of Warren and Brandies

The word privacy is not explicitly mentioned in the U.S. constitution, the writer Breckenridge stated that the common law did not address any right to privacy. Apparently, U.S. courts did not acknowledge privacy as a right to be protected until the 19th century. To some extent, the recent interest in privacy goes back to the article entitled "The Right to Privacy" written by Samuel D. Warren and Louis D. Brandies which has been frequently referenced in different cases, this marked a great impact on legal decisions and perspectives, leading the U.S. supreme court to grant constitutional legitimacy to this idea. Eventually, this led to the evolution of privacy and determined its scope and conditions as a legal right (4-10).

In other words, there are no real privacy article neither in the constitution nor in the bill of rights. In 1890, two lawyers Samuel D. Warren and Louis D. Brandies published a law review article entitled "The Right to Privacy", one of the most influential essays in the history of American law, and with the fact that there was nothing serving as a specific notion of privacy, they relied on the common law system and used it to explain how it could be used to ensure privacy right. Further, the two partners were against any intrusion on citizens personal life, their proposed privacy tort

emphasized protecting individuals' inviolate personality rather than property rights. In addition, they believe in the idea of the right to let be alone and it was like the primary principle in their article, as they believed that individuals have inherited rights which are the right of life and privacy, liberty and property.

Gormley confirms this idea in his article "One Hundred Years of Privacy Law", he asserts that, in 1890, tort law lacked a clear concept of privacy when Warren and Brandeis wrote for the Harvard Law Review. They used a mix of English and Irish cases to argue that privacy rights were evolving in American law. Their work, though light on precedent, sparked this evolution and highlighted the need for law to grow with societal changes, emphasizing that new rights emerge as society develops. Simply, Brandies and Warren wanted to demonstrate that privacy must be a crucial guaranteed right in America, and noted a remarkable step towards recognizing privacy rights in the U.S. laws. Furthermore, they claim that laws could be change with society's need.

Moreover, the idea of individuals right to privacy focuses on the right of controlling the propagation of individuals' information posing legal action against any privacy violation. Warren and Brandies principles became widely adopted, leading to the development of privacy laws across various American states. Additionally, the historical media revolution in the late 19th century, had a significant role in fostering the acceptance of privacy rights, their concept of privacy expanded into diverse legal classifications, including violating isolation or loneliness, exposure of embarrassing facts, and misrepresentation in the public eye (Gormley). Eventually their creation led to the improvement of nowadays privacy jurisprudence, reflecting the necessity of balancing autonomy with the evolving media practices.

2.1.1.2. First Amendment vs Fourth Amendment Privacy

The first amendment to the United States constitution is one of the crucial and cherished parts of the Bill of Rights. It states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” (U.S. Const. amend. I). This amendment ensures a variety of individuals’ freedoms, such as freedom of speech, freedom of religion, freedom of the press, the right to assemble, and the right to petition the government.

The relationship between privacy and the first amendment in the American law is complex, the amendment protects several freedoms where the concept of privacy is interpreted without being actually mentioned, and it is intertwined with those freedoms through judicial interpretation and legal precedent. The 1st amendment involves an exceptional form of privacy which has developed to moderate free speech rights. This amendment is seen as parasitic concept, not directly originated in the constitution, but evolved to counterbalance free speech. Despite this, the supreme court has acknowledged and institutionalized this form of privacy (Haydel). Overall, privacy of the first amendment is complex, it has evolved to compensate the core principles of the amendment, creating a complex legal dynamic.

In the other hand, privacy in the fourth amendment is insured through different requirements. The amendment states that citizens have the right of protection from unreasonable searches and seizures without judicially sanctioned warrants issued with probable cause and specific description of the place to be searched, and the individuals or items to be seized (U.S. Const. amend. IV). The 4th amendment holds a lot of significance, it is considered as a devout

protection for individual liberty, it protects people from unwarranted governmental searches and seizures. Further, it reinforces the importance of privacy in the broader context of constitutional rights and freedoms.

According to Stuntz a Harvard law professor the fourth amendment preserves personal privacy through controlling or limiting police intrusion on specific individual activities, unless they have valid reasons. It dictates that law enforcement can detect public actions and behavior without justification, make bounded searches only if there is reasonable suspicion. For example, police can observe public behavior without any justification, inspect a pedestrian's pocket if they have reasonable suspicion of a weapon or criminal activity, search a car if there's probable cause to believe it holds evidence of a crime (a higher standard than reasonable suspicion), and search a private residence only with both probable cause and a warrant obtained beforehand. This implies that houses have more privacy than vehicles, which in turn have more privacy than individual's properties, and lastly, public behavior afford the least privacy (1121). That means, the level of justification required depends on the degree of intrusion. So, the more invasive the action, the stronger the justification is needed according to the 4th amendment.

Nevertheless, many scholars criticized how the fourth amendment is interpreted and applied. Stuntz claims that emphasizing privacy in the amendment is controversial seeing that it contradicts with the reality of the modern government regulation. He believes that the concept of privacy in relation to government is unachievable because of the development of the administrative state, which necessitates broad regulation in different areas such as health, welfare, and industry. Stuntz argues that strong privacy protection may hinder government regulation efforts, and that by prioritizing privacy, the amendment law has ignored concerns concerning coercion and violence in law enforcement (qtd. in Solove 1165-66).

Further, the Chair in Criminal Justice Advocacy Sundby suggests another view on the amendment's focus on privacy, he argues that in nowadays' highly non-private world, and with judiciary hesitant to expand personal rights, a privacy centered approach has not served the fourth amendment well. Rather, he proposes redefining the amendment to focus on promoting trust between the government and its citizens (qtd. Solove 1121). In summary, Fourth Amendment law tends to protect individual privacy while permitting necessary law enforcement activities. However, critiques underscore the complexities of balancing privacy concerns with the practicalities of governance and the importance of addressing broader issues within the legal framework.

2.1.1.3. Fundamental Decision Privacy and State Constitutional Privacy

The concept of fundamental decision privacy revolves around the constitutional protection of personal autonomy in making important life choices, challenging the boundaries of legal interpretations, specifically regarding issues like abortion and contraception. The term appeared notably in the landmark cases of *Griswold V. Connecticut* and *Roe V. Wade*. *Griswold* created the notion of material privacy while *Roe* expanded privacy rights to include women's decisions regarding pregnancy (Justia U.S Supreme Court). These cases initiated a significant shift from traditional privacy considerations merging with different constitutional amendments. This new form of privacy, grounded in the "Due Process Clause of the Fourteenth Amendment" was inspired by improvements in medical technology. In contrast to earlier forms of privacy, which focused on peace and controlling information dissemination, fundamental decision-privacy emphasized self-determination and the right to take profound life decisions. Yet, it was a subject to examination and debate, with scholars questioning its impact on individual freedoms. Even so, fundamental decision-privacy, modeled a unique position within the broader realm of individual autonomy,

raising continuous discussions about its limits and implications within constitutional jurisprudence (Legal Information Institute).

In brief, fundamental decision privacy defends individual's autonomy in significant life choices, while state constitutional privacy rights have been vital in broadening privacy protections in American legal history. Both concepts emphasize autonomy and assure that such decisions remain within the realm of personal choice rather than government control.

2.2. Privacy Rights in the USA Pre-9/11

In the past times, measures of privacy rooted in individuals themselves, or in groups protections. This dynamic continued largely stable throughout the Middle Ages. However, as governments increasingly invaded private affairs, necessitated external support, including legal statutes and the emergence of self-regulation. Eventually, other measures including security protocols and privacy-enhancing technologies (PET), were integrated to cope with the evolving threats to personal privacy (Holvast 750).

According to Jones privacy intrusions were not prominently discussed in the public sphere in the U.S. she claims that: "Before 9/11, privacy intrusions in the United States did not seem to get much airtime. Overseas there were some concerns that certain programs involving cameras on the streets and in businesses were a threat to privacy" (17). So, the focus on privacy was limited until the events of September 11th, 2001, which led to a significant reassessment of privacy norms.

Privacy is one of the most critical issues in the United States, especially with the widespread of technological assimilation. It involves a variety of aspects, including individual's autonomy, preservation of sensitive information, and supervision over one's personal space. Debates over government surveillance and information gathering by digital companies, raised the need for

exploring the significance of privacy within the U.S. context, and investigating the various approaches and legislations to protect privacy.

2.2.1. Legislations to Protect Privacy

The development of privacy legislation in the U.S. has been characterized by a range of laws passed by the congress, and most of them enacted within the past two decades. These legislations have largely been provoked by technological improvements perceived to intrude upon personal privacy (Regan 466). So that, the legislative efforts aim to ensure individuals' right to privacy, they reflect the variety of the approaches within privacy landscape in the United States. In addition, these legislations distributed across federal and state constitutions, common law and other statutes to address specific issues in various sectors and jurisdictions.

2.2.1.1. Legislation Protecting Privacy from Government

Today, with the rapid improvements of technology where personal information became increasingly stored and processed electronically, protecting individuals' privacy has become a necessity for people all over the world. In the United States, safeguarding personal privacy rights is a profound concern which led the U.S. government to enact various legislative measures in order to establish clear guidelines for gathering, using, and disseminating personal data by federal agencies.

Initially, one of the main regulations in this area is "The Privacy Act of 1974", according to the U.S. department of justice the Privacy Act of 1974 establishes a set of guidelines known as fair information practices. These guidelines regulate how federal agencies collect, store, use, and share information about individuals in their records systems. A records system refers to a collection of records that an agency controls and can retrieve information from using the individual's name or

an assigned identifier. To comply with the Privacy Act, agencies must publicly announce their records systems through publication in the Federal Register. The Act strictly prohibits the disclosure of an individual's record from a records system without their written consent, except in cases that fall under one of twelve specific exceptions outlined in the Act. Additionally, the Act grants individuals the right to request access to and correction of their records, while also imposing certain record-keeping obligations on agencies.

Simply, the act sets rules for how the government controls personal data of the citizens. It applies to records stored by federal agencies, such as Social Security Administration or the Internal Revenue Service (IRS). These records called "system of records", are collection of information about individuals. So, the "The Privacy Act of 1974", preserve privacy by supervising how government gathers, uses and shares their data.

Further, The Electronic Communications Privacy Act of 1986 (ECPA) is also one of the regulations protecting citizens' privacy rights and ensuring transparency in government practices. It dictates that the government officials attempting entrance to electronic communications, like emails or digital records controlled by Internet Service Providers (ISPs), and public libraries, must get an authorization known as "Title III" order from a federal judge (Levin and Nicholson 363). This act has three main titles, title I broadens the restriction against unauthorized obstruction of communications to involve particular kinds of electronic communications with exceptions for specific purposes. It prevents exposing the contents any conversations delivered by online communication service, with some exceptions. It also permits civil actions to recover damages for interception, exposure or willful use of wire, oral, or electronic communication. Title II deals with stored wire and digital conversations and transactional records access, considering it a criminal offense to access electronic communication services without a warrant, except under specific

circumstances. It outlines procedures for governmental entities, to get access to online discussions in storage and permits subscribers to civil actions for violations. Finally, Title III deters the installation or use of pen registers or trap and trace devices without having a court consent. It allows legal attorneys and state officials to apply for court permissions for this kind of devices, if the data is needed to be gathered because of its relevance to a criminal investigation. It also mandates criminal stances for interfering with satellite operations (Congress.Gov).

In addition to this, there are multiple acts including The Privacy Protection Act of 1980, which protects first amendments rights rather than privacy in general. It prevents the government from searching and seizing media designed for public exposure, including newspapers or broadcasts without court certificate. Besides, there is The Family Educational Rights and Privacy Act (FERPA), enacted in 1974. It aims to safeguard the privacy of student records in federally-funded educational institutions. It hinders these institutions from sharing students' records without permission and grants students access to their information, allowing them to check and correct inaccuracies. Furthermore, the Driver's Privacy Act of 1994 prevents the public sharing of personal data from state department of motor vehicle records for marketing purposes without drivers' warrant. Even though, it was criticized for infringing the state jurisdiction, it was upheld by the supreme court, but still provides limited protection as individual's data can be shared for other purposes. Lastly, The Right to Financial Privacy Act which is created to protect the confidentiality of personal financial records from government intrusion. It provides fourth amendment protection for bank records, demanding authorization, such as a warrant for access. It also prevents financial institutions from obtaining blanket consent from clients and prohibits disclosing records to them (Levin and Nicholson 362-64).

To sum up, these acts work together as a shield for privacy rights different domains. They protect free speech, students' records, preserve personal information from public disclosure, and ensure the confidentiality of financial records. Even if each act addresses specific areas of privacy, together they promote a solid framework aims at preserving individual privacy rights in the United States. Yet, some acts underwent modifications through amendments introduced by the USA PATRIOT Act such as the ECPA, which reveals the impact of 9/11 attacks on the balance between security and privacy.

2.2.1.2. Legislations Protecting Privacy in the Private Sector

In the private sector in the USA there are several legislations that have a significant role in protecting consumers' privacy in different domains. The Fair Reporting Act (FRA) is one of these acts, it confirms the accuracy, fairness, and confidentiality of consumer's data in credit reporting. It also grants consumers the right to access their credit reports for correction and to regulate who can access this information (Bureau of Justice). The Financial Modernization Act or "Gramm-Leach Bliley Act", requires financial institutions to clarify their information-sharing activities and enforces protecting personal data. In addition, the act limits the sharing of nonpublic personal data with third parties (Wikipedia). The Identity Theft and Assumption Deterrence Act targets identity theft with criminal penalties and introduces assistance programs for victims and increases the ability of law enforcement agencies to take legal measures against offenders (Congress.Gov).

In the field of cable services and video rentals, The Cable Communications Policy act and The Video Privacy Protection Act safeguard subscribers' privacy by confining the unauthorized sharing of personal data and ensures that subscribers are aware about information gathering activities. There is also The Telephone Consumer Protection Act which enforces rigid restrictions

on telemarketing practices, including the use of automated phone system and requires telemarketers to respect do-not-call requests in addition to imposing penalties for failure to comply. Additionally, The Telecommunications Act of 1996 involves provisions to protect the privacy of consumers in telecommunications, and requires service providers to secure the confidentiality of consumers' information (Levin and Nicholson 364-66).

Moreover, The Health Insurance Portability Accountability Act of 1996 (HIPAA), enforces federal guidelines to uphold the security of medical data and records, to ensure the patient privacy in healthcare transactions (National Library of Medicine). Besides, The Children's Online Privacy Protection Act (COPPA) of 1998 emphasizes the protection of children's under 13 online privacy and demands a verifiable parent consent before using children's personal data collecting and sharing it (Federal Trade Commission). Together these acts set a holistic elaborate structure that addresses different aspects of consumer's privacy, manifesting the importance of privacy protection in the private sector. However, after 9/11 events and the enactment of the Patriot Act many of these acts were influenced by expanded federal access to consumer information for national security purposes. The Fair Credit Reporting Act (FCRA) for example allowed federal agencies broader access to credit reports without requiring court order under national security justifications (Bureau of Justice). Thereby, this increased the obligations of private sector entities to comply with federal information requests while potentially compromising individual privacy rights.

2.3. The Events of September 11th 2001 (Perspectives about the Attacks)

In the morning of September 11th, 2001, a four organized terrorist attacks lunched by al-Qaeda -an extremist group- in the United States. Nineteen hijackers from al-Qaeda seized control of four domestic airplanes, two of them crushed purposefully into the World Trade Center towers (WTC), resulting in severe damage and heavy fires. The third plane crashed into the Pentagon in Arlington, Virginia. Upon knowing about the other attacks passengers of the four hijacked planes undertook a resistance leading to its crash in rural area of Pennsylvania. These attacks resulted in the death of 2,977 person from different countries, and thousands more were injured, and had a long-term health effect because of the exposure to released gases and toxins, which continued to impact survivors (9/11 FAQs). These attacks were a warning for the U.S.A revealing that terrorism is at its front door, consequently leading the U.S. government to take immediate reaction and starting what is known as the war on terror.

This latter was a broad and comprehensive response to terrorist threats manifesting a significant departure from traditional warfare models establishing new approaches to fight a decentralized network of extremist groups led by al-Qaeda. The new approaches encompass new strategies and measures to combat terrorism abroad and domestically. Abroad, the “war on terror” was in form of military operations aimed at dismantling terrorist networks, specifically al-Qaeda and its allies and associates. Initially, these operations focused on Afghanistan claiming that Taliban is helping al-Qaeda leader Oussama Bin Lading, and providing him sanctuary. Thereafter, the war extended to involve Iraq, were the U.S. government aimed to overthrow the regime of Saddam Hussein, accusing him of constructing mass destruction weapons and supporting terrorism, while many reports stated that they did not find anything related to such weapons in Iraq (Holloway

31-47). This sparked a significant debate and controversy over the legitimacy and consequences of the invasion.

Domestically the U.S. government implemented immediate legislative actions and security initiatives, to protect the nation from similar attacks. These new measures aim at enhancing surveillance, intelligence gathering, and information sharing.

2.3.1. Legislations Enacted Post-9/11

The tragic events of 9/11 attacks had a profound impact on the United States at various areas and levels, in response to the unpredictable threat of terrorism, stakeholders immediately enacted a series of legislative measures including the Total Information Awareness project (TIA), the Terrorist Information and Prevention Systems (TIPS), and the USA PATRIOT Act – which is our main focus – aimed at fostering national security and preventing future attacks. These legislations are crucial in protecting the nation and bolstering its defenses, as well as enhancing counterterrorism capabilities.

One of the main regulations is The USA PATRIOT Act which stands for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. This act is considered as a landmark legislation, and it is passed shortly after the 9/11 precisely on October 26th, 2001. The USA Department of Justice believes that the act contributes to the prevention of catastrophic attacks since September 11, 2001. It states that the Patriot Act enhances counter-terrorism efforts by expanding investigative tools and intelligence gathering, facilitating data sharing among agencies, promoting laws to cope with technological advancements, and imposing stiffer penalties on individuals supporting terrorism. The Patriot Act introduces new surveillance approaches and methods to track terrorists experienced at escaping detection using

frequent location and communication device changes. Furthermore, the Act makes it easy to access to essential business records necessary for tracing terrorism-related activities, subject to judicial oversight. It enhances improved information sharing among government agencies by ignoring legal barriers, enhancing the capacity to detect and defeat terrorist plots (“Patriot Act”).

Another important legislation is The Homeland Security Act, enacted in 2002. On September 20, 2001, president George W. Bush declared the establishment of the office of Homeland Security initiating a rapid integration of homeland security responsibilities. Eventually, the official creation of the Department of Homeland Security (DHS) on November 25, 2002 through the Homeland Security Act, consolidated the Office of Homeland Security and unified segments from twenty-two organizations including the Transportation Security Administration, U.S. Customs and Broader Protection, Federal Emergency Management Agency (FEMA), the U.S. Secret Service, and the U.S. Coast Guard, brought together under the (DHS), enlarging it to become the third-largest department in the U.S. government. Tasked with a wide-ranging mission to obstruct terrorist attacks, enhance America’s resilience against terrorist and manage the recovery in the aftermath of the attacks, DHS was granted considerable autonomy. Additionally, the Homeland Security Act legally established the Homeland Security Council (HSC), resembling the National Security Council (NSC), to provide council to the president on homeland security issues and foster the collaboration in developing and implementing policies across various agencies (Jordan, et al. 125-26). This restructuring spurred analogous changes at state and local levels, aimed at enhancing coordinated efforts to safeguard the nation, the creation of the Department of Homeland Security represents a significant milestone in bolstering the nation's security infrastructure.

Besides, many other legislations including Intelligence Reform and Terrorism Prevention Act (IRTPA), enacted in 2004. The act implemented multiple regulations aimed at optimizing intelligence cooperation and information disclosure in the wake of 9/11. The U.S. department of justice claims that the act is composed of eight separate titles which address topics of vital interest to terrorism prosecutors and others engaged on the legal front of the war on terror. These topics include: reform of the intelligence community, improvements in the intelligence capabilities of the Federal Bureau of Investigation, revamping and uniformity of security clearance procedures, measures to enhance transportation security, improvements in border protection, immigration and visa procedures, new tools for terrorism prosecutors, implementation of 9/11 Commission Recommendations, and establishment of interagency mechanisms concerning information and intelligence sharing, infrastructure protection and analysis, and civil rights and civil liberties (Edelman 1). In addition to that, many other legislations including Foreign Intelligence Surveillance Act (FISA) Amendments Act, Protect America Act, and National Defense Authorization Act (NDAA), are passed to upgrade the U.S. government's intelligence gathering abilities, specifically in the context of foreign intelligence and national security.

However, these acts are highly debated due to their impact on privacy rights, civil liberties, and constitutional principles. Jones believes that these efforts have a significant impact on privacy rights she claims that: "...certain concessions have been made concerning our most fundamental rights. Some consider the new laws designed to combat terrorism actually encroach on our freedoms. One right at the forefront of the controversy is the right to privacy (17). As such, these issues remain subjects of ongoing debate and scrutiny within the legal, political, and civil liberties communities.

2.4. Civil Liberties and Privacy Rights Post 9/11 Events

The events of 9/11 attacks and the instant governmental reactions, have shifted and reshaped the landscape of privacy rights in the United States. It raised important questions concerning the balance between security and civil liberties in an era of heightened national security concerns. The legislative measures and the implemented security initiatives highly influenced these rights, the new legislations granted law enforcement agencies extended powers to conduct surveillance, gather intelligence, and tracking suspected terrorists. Yet, they allowed gathering and sharing sensitive and personal information without court permission or warrant. According to Dinev: “privacy advocates and civil libertarians have argued that these initiatives will increase the likelihood that personal information, such as credit histories, spending habits, unlisted telephone numbers, medical, employment and travel history, will be increasingly available and more easily accessed without the individual’s knowledge” (48).

Americans’ freedoms have been intruded upon from different aspects in several manners. Under the efforts of fighting terrorism, law enforcement authorities and decision-makers in the United States have been granted the power to lunch searches of houses, and workplaces without pre-warning, use mobile wiretapping to intercept phone calls, and track computers and emails correspondence, including the interception of discussions between attorneys and their clients (Whithead and Aden 1083). This means that for safeguarding American citizens, they have to give up some privacy rights since such measures allows the government to ignore typical legal procedures and violate individuals’ privacy.

The U.S. senator Wyden asserts that privacy must be one of the government’s primary concerns, he claimed that: “Those who bear the responsibility to put security first must understand

that if civil liberties are not prominent among their concerns, their efforts may diminish the uniquely American freedoms they seek to protect” (331). The new security measures posed a clear violation to some constitutional rights, specifically of the first and fourth amendments, measures like warrantless searching and collection of personal data through the Patriot Act for example or the (FISA) threaten privacy rights granted by the fourth amendment. Similarly, the surveillance activities controlling personal conversations, evidently infringes upon rights of free speech, and association granted by the first amendment.

In the aftermath of September 11th, 2001, the American government employed extensive surveillance activities to monitor and intercept citizens communications, activities and behaviors. In modern society this is called “Big Brother Surveillance”, the term initially introduced by the novelist George Orwell in his novel “1984”, today these practices involve the use of advanced technologies including cameras, facial recognition systems, social media monitoring...etc. However, the Big Brother Surveillance represents a serious threat to individual privacy rights, civil liberties, and democratic values (Mell 375- 89). Therefore, post 9/11 anti-terrorism efforts have been highly criticized, so that Mathieu Deflem and Shannon McDonough highlighted this issue claiming that

Civil liberties organizations as well as a number of academic scholars have routinely criticized post-9/11 counterterrorism initiatives as unconstitutional and major threats to civil liberties and privacy. Harmonizing with the claims from civil liberties groups are contributions in the popular and scholarly discourse on surveillance and counterterrorism that lament the purported negative impact of governmental policies and related surveillance and intelligence activities on personal rights and liberties.

Overall, there is always an ongoing tension between national security imperatives the protection of personal freedoms in the post-9/11 era, where the U.S. government aims to protect the nation even if that necessitates violating constitutional rights, and by comparing pre- and post-9/11 privacy rights in the U.S., it is evident that there is a major transition in the equilibrium between security measures and personal liberties. Pre- the attack, privacy rights were typically more substantial, with less government unreasonable intrusion. Pre- the attack, privacy rights were typically more substantial, with less government unreasonable intrusion, while post- 9/11 witnessed a high expansion of governmental surveillance powers, and decrease in privacy protection specifically through legislations like the Patriot Act.

2.5. Shifts in Public Attitudes Towards Privacy and Surveillance

In the wake of the tragic events of September 11th, 2001, there has been a remarkable change in public attitudes concerning privacy and surveillance. This evolution reflects changing perceptions about the trade-offs between personal freedoms and national security in the context of heightening concerns about terrorism.

Initially, Americans were separated regarding the extent of surveillance, with varied levels of support according to the target and the method of surveillance. Huddy et al., in discussing public attitudes government surveillance policies and their impact on civil liberties states that there are indications of decreased support for surveillance overtime. Besides, they note different feelings regarding the treatment of suspected terrorists, with great support for military commissions and less support for sharing specific personal details. Nevertheless, there was a robust advocacy for the foundation of national identity system and identity checks, even if some limits of security checks were recognized. All in all, most of Americans believed that fighting terrorism would require

scarifying some freedoms – such as privacy – with majority conveying this perspective following 9/11 in contrast to prior events (419-20). Consequently, the attacks of 9/11 increased the level of awareness within individuals about government surveillance and how it influences ones' privacy. Despite this, shortly after the events people accepted the new security regulations to maintain national peace. Over time, public attitudes evolved with some individuals being more critical to surveillance practices potentially infringing their civil liberties.

Further, in a study of individuals' attitudes towards internet government surveillance, Xu and Dinev Professors of business and management, discuss the beliefs about government surveillance, the study proposes two constructs: Perceived Need for Government Surveillance (PNGS) and Government Intrusion Concerns (GIC). PNGS reflects individuals' assessment of the need for government surveillance to enhance security measures, while GIC captures concerns about government intrusion into online behaviors and activities. PNGS is influenced by individuals' perceptions of security risks, with government surveillance seen as a beneficial factor protecting personal data and online activities. On the other hand, GIC reflects individuals' negative perceptions of government surveillance, including concerns about privacy invasion and inhibiting effects on behavior and productivity. Overall, the study aims to explore how individuals balance their concerns about government intrusion with their perceived need for security measures, shedding light on the complex dynamics of the Security-Liberty balance in the context of government surveillance (49-50).

Furthermore, they shed the lights on the concepts of “internet self-efficacy” and “social awareness” in order to make a comprehensive exploration of public attitudes regarding privacy and surveillance. They defined internet self-efficacy as individual's belief in their capability to use internet in effective ways and defend themselves against cyber threats, which shapes their

perception of civil liberty and security legislations. So, internet users who believe in their ability in to avoid online risks are less accepting government security initiatives. In the other hand, social awareness discusses individuals' interaction and understanding of social issues including government security policies. Those with high levels of awareness are highly informed with surveillance reforms and new implementations for privacy and civil liberties (51-53). As a result, internet self-efficacy impacts the perceived need for government surveillance negatively, though positively affects concerns about government infringements. In contrast, people with social awareness are more likely to express greater need for government surveillance, while expressing concerns about government infringement.

Conclusion

In conclusion, the debate on privacy rights in the United States goes through a complicated landscape, shaped by prior instances, legislative measures and social changes. The creation laid by early thinkers such as Warren and Brandies, emphasized the significance of privacy as a fundamental component of civil liberties. Gradually, the interplay between the first and the fourth amendments, alongside with state constitutional provisions built a framework for protecting individual privacy in the face governmental intrusion.

The pre-9/11 era knew a remarkable effort, to promote privacy protections through legislative means, with emphasis on limiting government overreach. Nonetheless, the devastating events of September 11th, 2001, provoked a major upheaval in national perspectives urging immediate legislative reactions aimed at developing national security measures. Subsequently, the post-9/11 landscape witnessed law regulations and new reforms such as enacting the USA

PATRIOT Act of 2001, which extended the government's surveillance powers, increasing concerns about preserving civil liberties and privacy rights.

In the aftermath of 9/11, there emerged a delicate trade-off between security imperatives and individual rights provoking an ongoing discussion over the scope of government surveillance and its implications for privacy. The promoting nature of technology, further complicates this dynamic, as improvements in surveillance abilities raise questions about the limits of privacy in this increasingly interconnected world.

Moreover, shifts in public attitudes towards privacy and surveillance manifest a nuanced recognition of the initiative balance needed, with concerns for both security and civil liberties. As society struggles with these issues, a comparative examination of pre- and post- 9/11 privacy rights emphasized the raised tension between security imperatives and individual liberties, calling for sustained efforts in protecting privacy rights against changing threats challenges.

In essence, the issue of privacy rights in the U.S. pre- and post- 9/11 serves as a testament to the continuous efforts to achieve a delicate balance between security and liberty, asserting the importance of well- established legal systems and dynamic public disclosure in maintaining the essential principles of democracy.

Chapter Three

The USA Patriot Act's Role in the U.S Government

The USA was seen as the most secure country in the world. During the 1990s, the nation experienced a period of relative peace and prosperity, following the end of the Cold War, where the nation managed to build strong national security. However, this sense of security wouldn't last forever. A new threat was born: terrorism, which wasn't nearly as prominent in the public consciousness as it became after the attack.

The 9/11 attacks were a turning point in U.S. history. A terrorist group attacked the North and South towers of the World Trade Center in New York City, which ended with the collapse of both towers. This sad event cost the nation catastrophic losses in terms of economy, security, and human life. The United States of America made significant changes in various aspects of society, policies, and international relations, including the War on Terror, security measures, a heightened national security focus, impacts on civil liberties, and diplomatic relations. As a result of this, the USA PATRIOT Act was born, aiming to unite and strengthen America by providing appropriate tools to stop future terrorist acts like those of 9/11. The Act also aimed to achieve several objectives, including enhancing surveillance power, improving information sharing, and financial investigation.

Furthermore, the legacy of the USA PATRIOT Act is complex, with both supporters and critics. This complexity stems from its impact on both national security and civil liberties, particularly civilians' privacy rights. Critics argue that the Act disregards citizens' rights and grants the government excessive authority to intrude on their privacy. The chapter discusses the U.S. government's response to the 9/11 terrorist attacks, specifically the creation of the USA

PATRIOT Act. It examines the debate surrounding this legislation and its impact on both civil liberties and efforts to prevent terrorist attacks. The PATRIOT Act granted the government expanded powers to monitor and gather information on its citizens, which raised concerns about the potential infringement on individual rights and privacy. However, proponents of the Act argued that these measures were necessary to enhance national security and protect the country from future terrorist threats.

3.1. Immediate Responses of the 9/11 Attacks

The 9/11 attacks pushed the USA to take action to secure the country and prevent future attacks. "War on Terror" is one key response, which is to launch military operations in Afghanistan. It aimed to stop the Taliban regime and eliminate al-Qaeda. Additionally, creating the Department of Homeland Security by the government to bolster national security. The USA Patriot Act further strengthened law enforcement's powers. Security measures followed these political decisions, combating terrorism is the main aim of this act reflecting the government's commitment to protect the nation. Enhancing airport security became very important as the attacks used airplanes to achieve it, achieved through the TSA ("Transportation Security Administration"). Increased intelligence sharing and surveillance capabilities further underscored this commitment.

3.1.1. The US government Action After the 9/11

After the 9/11 attacks the USA made big improvements to keep the nation safe from any future terrorism. However, there is still more to plan for since the terrorist danger is facing the country. In addition to that the government moves quickly to create a security plan to safeguard the nation from foreign-directed attacks, moreover strengthen the ability of federal, state, and local authorities to get ready to face any future threats. Creating the Department of homeland security in, 2003, (DHS) is a part of these plans, where it merges 22 different agencies and offices into one

important department at the cabinet level, that's to say, making these agencies and offices under the new department ("Implementing Commission 9/11 Recommendations").

In his proposal to create (DHS), president George W. Bush declares that " The president most important job is to protect and defend the American people."(1) Highlighting the importance of creating actions towards any possible danger, that could harm the nation. The president suggests making new Department of Homeland security, which would change the U.S government a lot, that would organize its tasks into one department that focuses on protecting the country ("Homeland security" 1).

According to Bush in his proposal of creating the Homeland Security "responsibilities for homeland security are dispersed among more than 100 different government organization."(1). That is to say that the tasks related to homeland security are divided among over 100 separate agencies and organizations, and his aim is to collect all of them under one department. The following diagram illustrates the US government organizations for DHS before redesigning. The chart contains categories, which outlines the structure of the US departments and agencies that are involved in the DHS. The chart is arranged in a grid with the names of various departments at the top, such as Agriculture, Commerce, HHS (Health and Human Services) ...and so on. Below each department name are boxes linked by lines that represent sub-agencies or divisions. For example, under Agriculture, there are boxes for Food Safety, APHIS (Animal and Plant Health Inspection Service). At the top of the chart, there are also positions listed such as Vice President and President, with acronyms for various councils and offices like OVP (Office of the Vice President), NSC (National Security Council), OHS (Office of Homeland Security), and others. The flowchart indicates a complex network of relationships and lines of authority among various government entities involved in homeland security. This includes intelligence agencies like the CIA (Central

Intelligence Agency), law enforcement like the FBI (Federal Bureau of Investigation), military branches like the U.S. Army, and many others. It helps to visualize the structure of homeland security-related departments and agencies before a reorganization took place.

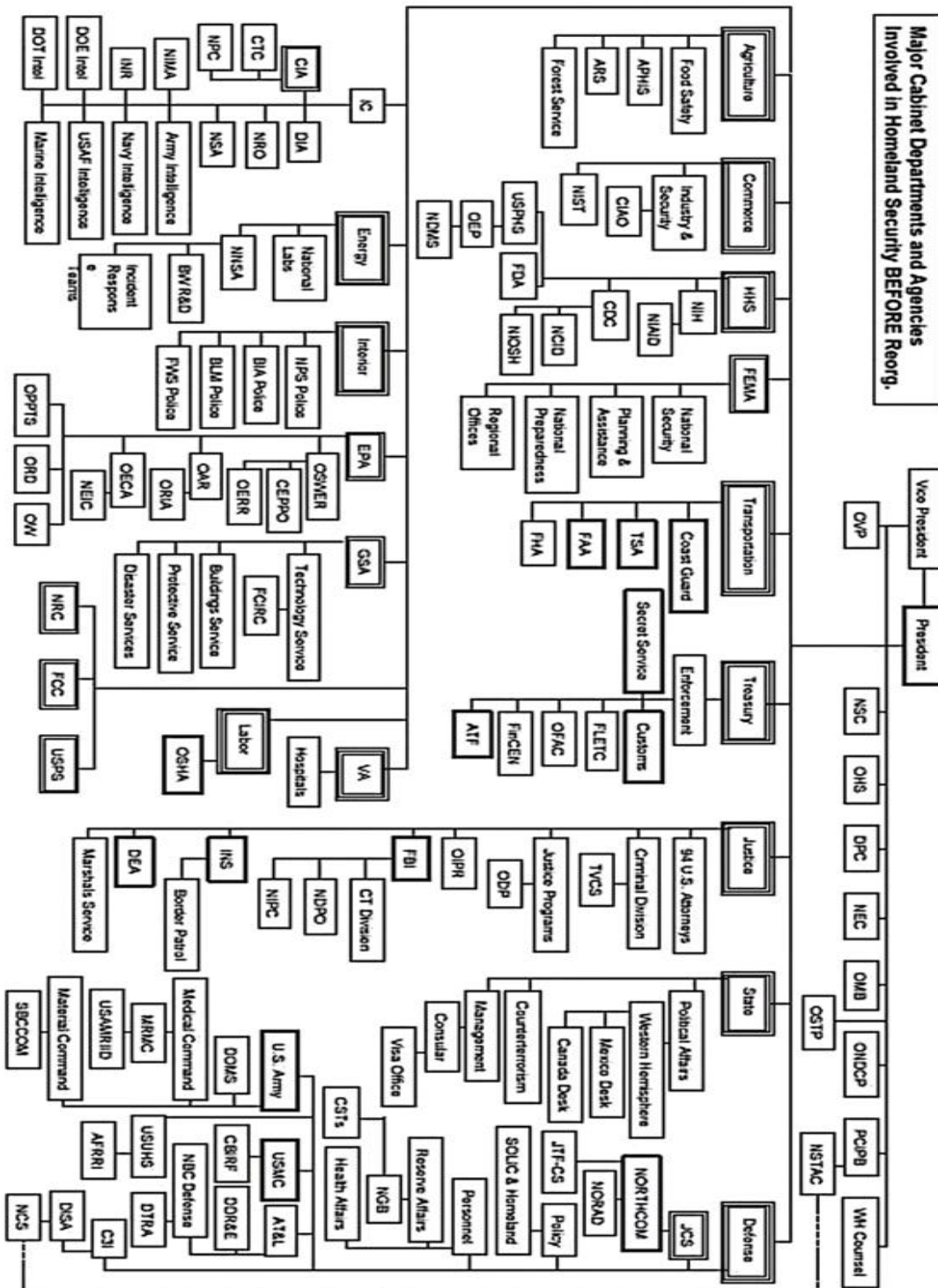


Fig.2. Major Cabinet Departments and Agencies Involved in Homeland Security Before Reorganization.

Source: Department of Homeland Security. "President George W. Bush Address." June 2002.

The second chart represents the hierarchy and division of responsibilities of the previous organizations within the Department of Homeland Security after reordering them. The department is led by a secretary, with a Deputy Secretary and a State, Local, and Private Sector Coordination unit reporting directly to them. DHS comprises two main operational areas. The left column focuses on border and transportation security, emergency preparedness and response, science and technology, and information analysis and infrastructure protection. Border and transportation security includes border security, transportation security, Customs and Border Protection, Immigration Services, and Immigration Enforcement. Emergency preparedness and response encompasses preparedness, response, and recovery efforts. Science and technology support DHS efforts through research and development. Information analysis and infrastructure protection involves threat analysis, vulnerability assessment, and the development of protective measures. The right column details Chemical, Biological, Radiological, and Nuclear Countermeasures (CBRN) with its sub-units dedicated to infrastructure coordination, societal and economic security, human capital, public affairs, and management.

Organization of the Department of Homeland Security

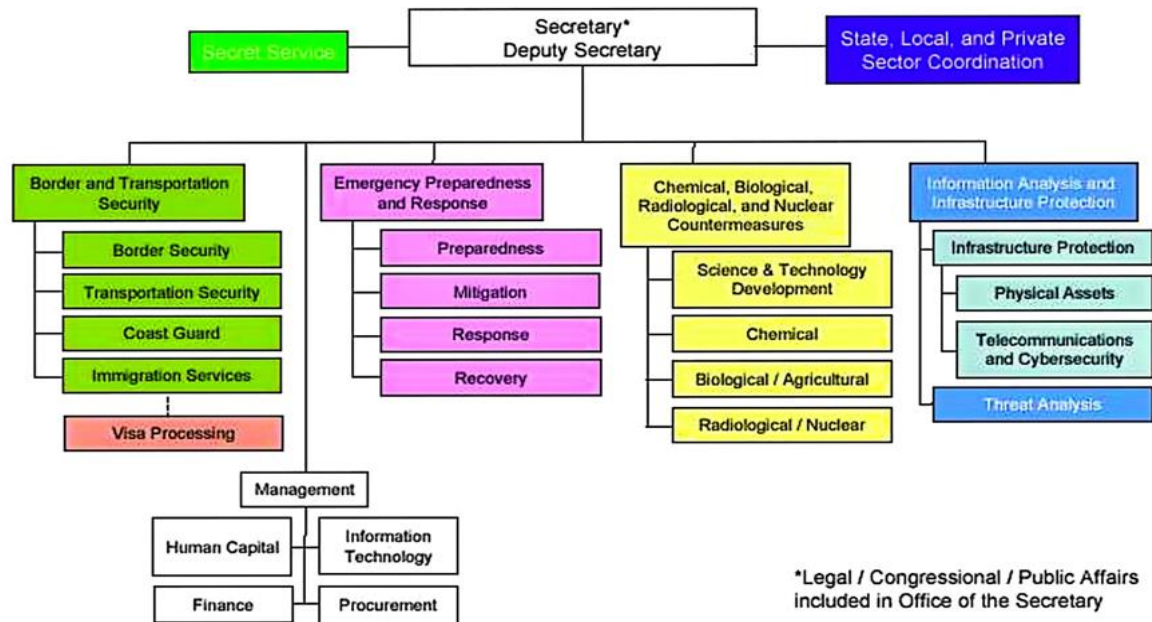


Fig.3. Organizations of the Department of Homeland Security.

Source: Department of Homeland Security. "President George W. Bush Address." June 2002.

Launching war on terror is another action which includes military operations against everyone who wants to export terror, as well as each government that supports or shelters them (Bush). The GWO, included the wars in Afghanistan and Iraq, in the hopes of defeating Talian. However, this term is not only used to describe what is mentioned, it is also used in diplomatic, financial and any other actions that are possible to be a terrorist's plans ("Georgewbushlibrary"). Furthermore, it is explained when Bush announces that " our war on terror begins with Al-Qaeda, but it will not end until every terrorist group of global reach has been found, stopped and defeated."("Georgewbushlibrary"). This quote,

highlights that the operations against terrorism begins with Al-Qaeda, but it doesn't end there. He emphasizes that the fight continues until every terrorist group with global influence is found and defeated.

The USA PATRIOT Act established itself as law forty-five days after the September 11th attacks, citing national security concerns. This act significantly changes surveillance laws, granting the government broader powers. These include monitoring telephone and email communications, collecting financial records such as bank statements and credit reports, and more easily tracking the online activity of American citizens. The PATRIOT Act aims to apprehend terrorists and prevent future attacks (“American Civil Liberties Union”).

The act is a tool for stopping terrorists in the USA, aiming to create a more secure country and protect the lives of its citizens. However, it is not very welcomed by some groups, making a debate about its validity as a law in the nation. This chapter examines the USAPA (the USA PATRIOT Act) from its creation to the present day and questions whether it is truly effective in preventing terrorism in the country or not.

3.2. The USA Security Measures After 9/11

Following the events of September 11, heightened attention is directed towards airport security, resulting in the implementation of various measures to prevent similar incidents. These measures include restrictions such as allowing only passengers with valid tickets for the day of travel to pass through security, prohibiting sharp objects in carry-on luggage, and permitting vehicles to only load and unload at designated curbside areas (Gerace). On November 19, 2001, the 107th Congress passed the Aviation and Transportation Security Act, which was subsequently signed into law by President George W. Bush. This legislation mandated the establishment of the

Transportation Security Administration (TSA), responsible for federal screening procedures, 100 percent screening of checked baggage, expansion of the Federal Air Marshal Service, and fortification of cockpit doors. In addition to airports, the TSA was tasked with overseeing security across all modes of transportation (Gerace).

The federal cyber workforce is considered as crucial as any other security measures by the U.S. government, especially after the events of 9/11. The US government has taken significant steps to enhance cybersecurity following 9/11. By fostering collaboration, investing in technology, enforcing regulations, providing training, and building international partnerships, agencies like the Department of Homeland Security and CISA play a vital role in protecting the nation's digital infrastructure. These efforts are essential for safeguarding against evolving cyber threats and ensuring the security and resilience of critical systems and networks (Gilmer).

3.3. The U.S.A PATRIOT Act

The PATRIOT Act, also known as U.S.A PATRIOT Act, passed shortly after the terrorist attacks on September 11, 2001. It grants law enforcement agencies expanded authority to investigate, indict, and bring terrorists to justice. As well as imposing harsher penalties for committing and supporting terrorist crimes. The acronym of this act is explained as the following, starting with U.S.A, which it doesn't stand for the United States of America as it shows, but it is an abbreviation of (Uniting and Strengthening America). On the other hand, there is PATRIOT, which summarizes (Protecting Appropriate Tools Required to Intercept and Obstruct Terrorism). By this the full name of the act is explained (Chen).

3.3.1. The Creation of the U.S.A PATRIOT Act

On October 23, 2001, following the September 11th attacks, the House introduced the USA Patriot Act, a compromise bill addressing national security concerns. The House passed the Act by a significant margin, on October 24th. The Senate swiftly followed suit, passing the House bill without amendments on October 25th by a vote of 98-1. President Bush signed the USA Patriot Act into law the next day (“Britannica”).

The U.S.A PATRIOT Act, which is a sudden change to the nation’s surveillance. These changes are a part of a longstanding law enforcement that was rejected before, however the approval of it after the attacks is due to the pressure from Bush Administration (“aclu”).

The Senate version of the Patriot Act, which closely resembles legislation requested by Attorney General John Ashcroft, goes directly to the full House of Representatives without discussion, debate, or hearings. Many senators complain they have little chance to read it, let alone analyze it, before voting. The House holds hearings and submits a carefully crafted compromise draft to the Judiciary Committee. But then, without debate or consultation with rank-and-file lawmakers, House leadership scraps the compromise bill and replaces it with legislation that mirrors the Senate version. No discussion or amendments are allowed, and members again have little time to read the thick bill before being forced to vote on it (“aclu”).

In simpler words The Senate version of the USA Patriot Act is very similar to Attorney General John Ashcroft's request. It skips committee consideration and goes directly to the full House. Senators complained they didn't have enough time to read it before voting. The House, by contrast, would need more time to hold hearings and send the compromise bill to the Judiciary Committee. However, House leaders abruptly abandoned the compromise without consulting other lawmakers. They replaced it with a version similar to the one in the Senate. There was no

opportunity for discussion or revision, and lawmakers had little time to read the bill before voting. This shows how busy and controversial the legislative process can be.

Additionally, the law removes barriers between intelligence agencies and law enforcement, increases financial reporting requirements to combat terrorism financing, and gives the attorney general greater authority to detain and deport suspected terrorists. The USA PATRIOT Act's expansion of government power puts it at the center of an ongoing debate about the balance between security and civil liberties. While there was clear political support for expanding government power after 9/11, as evidenced by the bill's easy passage, it also faced fierce opposition from civil rights activists, privacy advocates and immigrant rights groups. They argued that the Patriot Act constituted an excessive and unreasonable infringement of the rights to privacy, freedom of association, and due process (Legis 435). Statement of president George W. Bush on passage of the bill to reauthorize the USA PATRIOT act on March 9, 2006

I applaud the Senate for voting to renew the Patriot Act and overcoming the partisan attempts to block its passage. The terrorists have not lost the will or the ability to attack us. The Patriot Act is vital to the war on terror and defending our citizens against a ruthless enemy. This bill will allow our law enforcement officials to continue to use the same tools against terrorists that are already used against drug dealers and other criminals, while safeguarding the civil liberties of the American people (“Whitehouse”).

By saying "renew the Patriot Act," Bush here illustrates that the Patriot Act already existed but had not been passed as it's mentioned before as law enforcement. This quote argues that the PATRIOT Act is crucial in the fight against terrorism because terrorists remain a constant threat. It allows law enforcement to use existing methods against these dangerous enemies, similar to how they fight other criminals, while still protecting the basic rights of American citizens.

3.3.2. Key provisions of the U.S.A PATRIOT Act

In the context of the USA PATRIOT Act discussion, key provisions refer to the most significant changes or additions made to existing laws. These provisions have a major impact on how law enforcement investigates crimes, particularly terrorism (Cambridge).

Some key provisions of the legislation include amendments to the Wiretap Act 1968; amended in 1986 and 1994, which prohibit the government from intercepting private, telephone and electronic communications except by court order in serious criminal circumstances Authorization. Sections 201 “Authority to Intercept Wire, Oral, and Electronic Communications Relating to Terrorism”, and 202 “Authority to Intercept Wire, Oral, and Electronic Communications Relating to Computer Fraud and Abuse Offenses” (“USA PATRIOT ACT”). The USA PATRIOT Act adds computer crimes and terrorist crimes to the list of serious crimes for which law enforcement officials can seek court warrants to conduct wiretaps (“Britannica”). The Patriot Act also allows investigators to use existing tools to investigate organized crime and drug trafficking. Many of the tools the law provides law enforcement to fight terrorism have been used for decades to fight organized crime and drug traffickers and have been reviewed and approved by the courts. Sen. Joe Biden (D-Del.) expressed support for this during debate on the bill, "the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the mob should be good for terrorists." (“Congress record”). section 106 “Presidential authority.” (“USA PATRIOT ACT”). grants the President of the United States specific powers and authorities aimed at enhancing national security and combating terrorism, which is linked to section 215 “Access to records and other items under the Foreign Intelligence Surveillance Act.” and other provisions aiming to provide the executive

branch with the necessary tools to address the complex and evolving threat of terrorism (“USA PATRIOT ACT”).

Section 209 “Seizure of Voice-Mail Messages Pursuant to Warrants” (“USA PATRIOT ACT”). States that voicemails are not entitled to the same protections that apply to telephone conversations, but only to the weaker protections that apply to phone records and emails stored by third parties, usually internet service providers (“Britannica”). meaning they are available and monitoring for further terrorist crimes by law enforcement authorities. Before the Patriot Act, courts could allow law enforcement to use electronic surveillance to investigate many common non-terrorism crimes, such as drug crimes, mail fraud and passport fraud. Agents can also use wiretaps to investigate some, but not all, of the crimes that terrorists often commit (“Justice”). In Section 210, the law adds an individual subscriber's credit card or bank account number to the records that can be obtained from communications service providers through a subpoena (“Britannica”).

The reauthorization legislation also provides the tools to protect the waterways and seaports from terrorists and thieves. It gives federal law enforcement new tools to combat terrorists, including new or enhanced penalties for crimes such as smuggling goods into and out of the United States or bribing officials to compromise port security with intent to cause international harm or commit domestic terrorism. Would-be terrorists now face the U.S. Coast Guard, which has new enforcement tools at sea, including penalties for refusing an order to stop and transporting explosives, biological agents, chemical weapons or radioactive or nuclear materials. Carrying out terrorist acts (“U.S Department of Justice”).

Section 216 “Modification of authorities relating to the USA of pen registers and trap and trace devices” (“USA PATRIOT ACT”). Allows the use of trap-and-trace devices and pen registers, which record the origin or destination of a particular phone call to monitor electronic communications, including email and Internet surfing. A court order for such surveillance does not require probable cause, the disclosure of facts that would lead a reasonable person to believe that the surveillance would likely reveal evidence of the target's criminal activity, but only requires the government's confirmation that the information sought is likely to be relevant to a criminal investigation related (“justice”).

However, the USA Patriot Act also includes provisions concerning civil liability for unauthorized disclosures that is found in Section 223 “Civil liability for certain unauthorized disclosures.” (“USA PATRIOT ACT”). The included provisions under this section are: Civil Remedies for Unauthorized Disclosures (to protect the information of civilians), Scope of Protected Information (where they can sue and get money or court orders if someone shares a private or confidential information without permission), and Exceptions and Defenses (which is a legal exception since there can be justifications that allow for the disclosure of protected information, such as serving the public interest or whistleblowing). The civil liability provisions aim to protect individuals’ privacy rights by deterring unauthorized disclosures of sensitive information and everything related to their privacy (“Michigan”).

On the other hand, Muslims are targeted after the 9/11 attacks, facing discrimination against Arab and Muslim Americans. The USA PATRIOT Act section 102 “Sense of Congress condemning discrimination against Arab and Muslim Americans.” It addresses concerns about potential negative consequences and civil rights issues that may arise due to increased national security measures. Some key points of this section are : Condemnation of Discrimination (as there

is a discrimination against Arab and Muslim Americans, Congress explicitly condemns it (beside bigotry, and violence), Recognition of Contributions in order to acknowledge the significant contributions of Arab and Muslim Americans to the United States, and also emphasizes that these communities, like all other American communities, contribute to build American society and should be respected and protected (“USA PATRIOT ACT”).

The USA PATRIOT Act allows federal agents to pursue sophisticated terrorists who can evade detection by authorizing the use of mobile listening devices, which monitor specific suspects rather than specific devices. This provision is critical because international terrorists frequently change their locations and communication methods. Additionally, the law allows law enforcement authorities to delay notifying suspects of an investigation to prevent them from fleeing, destroying evidence, or intimidating witnesses. Such delayed notification search warrants have long been used in criminal cases and have proven to be effective. Additionally, the law authorizes federal agents in national security terrorism cases to seek court orders to obtain business records, facilitating investigations by providing valuable insights into a suspect's activities and relationships. These measures enhance the ability of law enforcement agencies to combat terrorism while respecting constitutional guarantees (“justice”).

The PATRIOT Act promotes information sharing and collaboration among government agencies to better understand this issue. It removes a major legal obstacle that prevents law enforcement, intelligence agencies, and the defense community from negotiating and coordinating efforts to protect the American people and national security. Government prevention efforts should not be limited by boxes on an organizational chart. Now, police, FBI agents, federal prosecutors and intelligence officials can protect communities by connecting the dots to detect terrorist attacks before they occur (“Congress record”). As Senator John Edwards (D-North Carolina) says about

the Patriot Act, "we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing." (Press release).

The Patriot Act updates laws to accommodate new technologies and threats. It keeps legal authorities informed of the latest technologies and enables law enforcement agencies to effectively respond to the challenges of the digital age. For example, in the investigation of the murder of Wall Street Journal reporter Daniel Pearl, law enforcement took advantage of the law's new powers and used high-tech methods to identify and locate some of the perpetrators. Additionally, the law allows law enforcement to obtain search warrants in any county where terrorist activity occurred, rather than just the county where the search was conducted. This provision reduces delays in terrorism investigations that span multiple counties. Additionally, victims of computer hacking can now request law enforcement assistance to monitor intruders on their computers, making the law technology-neutral and providing hacking victims similar protections to physical intrusion victims ("usdoj").

The Patriot Act increases penalties for terrorist offenders and recognizes the threat posed by individuals involved in terrorist activities, whether they directly carry out attacks or financially support terrorist activities and this is mentioned in section 805 "Material support for terrorism." And also, section 806 "Assets of terrorist organizations." The law introduces new offences, such as a ban on harboring terrorists, which targets those who knowingly harbor individuals involved in various terrorist attacks. In addition, maximum penalties will be increased for crimes commonly associated with terrorism, such as arson and providing material support to terrorist's section 810 "Alternate maximum penalties for terrorism offenses." The law also increases penalties for conspiracy and ensures individuals can be prosecuted for planning terrorist activities. In addition, terrorist attacks on public transportation and acts of bioterrorism are also punishable, section 801

“Terrorist attacks and other acts of violence against mass transportation systems.” (“USA PATRIOT ACT”). In addition, the statute of limitations for certain terrorism offenses will be abolished, while the statute of limitations for other offenses will be extended, taking into account the seriousness and long-term impact of such offences (“usdoj”).

However, after months of debate — including 23 congressional hearings with more than 60 witnesses — the Senate must act to reauthorize the USA Patriot Act before these critical provisions expire. The House voted to reauthorize the bill with strong bipartisan support. Four years after voting 98-1 to pass the USA Patriot Act, it’s time for the Senate to finish its job and allow law enforcement to retain the vital tools they need to keep America safe. Although no civil rights violations have been recorded in four years, the current bill adds more than 30 new important civil rights protections. Unless the Senate reauthorizes the USA Patriot Act, these additional civil liberties will also be lost (“usdoj”). These protective measures include:

The reauthorization bill updates key provisions, including sunseting Sections 102-103, which address FISA multi-point electronic surveillance and the “lone wolf” provisions. It introduces new protections for Section 215 court orders, requiring high-level approval and transparency for reports and court challenges. Section 107 adds reporting requirements for emergency disclosures, while Section 108 provides additional safeguards for multi-point electronic surveillance. Section 109 requires increased reporting to Congress of FISA authorities. Additionally, Section 114 improves protections for expired search warrants by setting time limits and requiring public reporting. In addition, sections 115 to 119 strengthen protections for national security correspondence agencies and provide for transparency, judicial review and public reporting. Finally, Section 126 requires the Department of Justice to submit a report on the data

mining program (“usdoj”). Finally, Section 126 requires the Department of Justice to submit a report on the data mining program, enhancing transparency and accountability in its use.

3.4. Impact and Legacy of the USA PATRIOT Act

The impact of the USA Patriot Act has many sides. On the first side it provides law enforcement agencies with an expanded power to stop terrorism, including surveillance capabilities, and makes it very easy for the government agencies to have stronger connections between each other. This directly leads to controlling any future terrorist attacks, while it also enhances national security of the USA. On the other side, the act raises worries about civil liberties and privacy rights, such as freedom of speech, privacy, and protection against unreasonable searches. Moreover, the act is criticized as well for the lack of transparency, potential for abuse, and targeting certain groups, particularly minority groups like immigrants. Additionally, the impact of the USA Patriot Act is a complex and ongoing debate, between security and privacy (“aclu”).

3.4.1. Impact on Privacy Rights

The Bush administration rushed the lawmakers to pass the act for the sake of national security, and it is passed quickly that the approach to adopt and devise a strategy has significant flaws. According to Kam C. Wong, Chair, Department of Criminal Justice at Xavier University;

The USA PATRIOT Act was ‘rushed’ passed Congress by the Bush administration without following the usual legislative procedure, i.e., agency review, public hearings, mark up, floor debate, and conference report, in both chambers. More significantly, throughout the entire USA PATRIOT Act legislative process, neither the Congress nor the Administration has systematically investigated, judiciously examined, openly debated, and comprehensively considered the relative merits (qt. in Kashan 86).

The quote indicates that the USA PATRIOT Act was "rushed" through Congress by the Bush administration, without following the usual legislative procedures like agency review, public hearings, markup, floor debate, and conference report. It also implies a lack of transparency and public scrutiny during the passage of the Act, as the usual legislative steps were bypassed.

On top of that, the ongoing terrorist threat posed by Attorney General John Ashcroft's warnings forces dissident lawmakers to remain silent and toe the government's line out of fear of being labeled disloyal and unpatriotic. The Attorney General proposes the Patriot Bill, which was passed by the House of Representatives and the Senate on September 19, 2001. The bill is improved, with changes made to some existing federal criminal laws, such as the Pen Register and Trap and Trace Act, Bank Secrecy Act, Money Laundering Act, Immigration and Nationality Act, and Foreign Intelligence Surveillance Act. On October 25, 2001, the House and Senate hold a meeting. The final bill is submitted to President Bush and signed the next day. Therefore, in the expedited process, opposing views are not given a chance to be expressed, which gives way too soon after the law is passed, causing a lot of debate and controversy, making it one of the most influential forms of legislation Controversial laws in American history (Kashan 86).

One of the hidden consequences of the Patriot Act is an unprecedented and dangerous expansion of presidential power. Attorney Joseph Margulis, who successfully argued *Rasool v. Bush* in a Supreme Court " The president has treated the war on terror as an armed conflict and has invoked his constitutional power as commander in chief. The precise scope of the president's war power is ill defined and subject of endless constitutional debate" (Kashan 03). In his book *How Would a Patriot Act? Defending American Values from a President Run Amok*. Working Assets Publishing. Glenn Greenwald argued that The NSA operated under President Bush's authority without court approval. Wiretapping of Americans began without authorization, constituting an

illegal act under constitutional law. Similarly, President Bush's administration stirred controversy by maintaining secrecy about Jose Padilla, a U.S.-born citizen accused of plotting bombings (46). He was held in solitary confinement for more than three years as an enemy combatant without the right to trial. These actions by the President only serve to illustrate the absolute power of the President with complete disregard for existing laws, habeas corpus, and the constitutional rights of all residents of this country (Kashan 87).

The mistreatment of prisoners at Guantanamo Bay by the Bush administration, which on one hand advocates for human rights and values, yet violates them on the other. The administration's legal stance is that these prisoners lack the rights and protections guaranteed by the Geneva Conventions because they are foreign nationals detained outside the territory of the United States, effectively resulting in unlimited detention without charges (Margulies 11).

Besides the inhumane treatment caused by the USAPA, and Bush administration, the holy book of Muslims the Quran is also treated disrespectfully, since Al-Qaeda believed in the Quran-based authority to govern, which made it a target to the Act. A recent report from the Justice Department's inspector general examines complaints made under the Patriot Act. Most complaints come from Muslim Americans and Americans of Arab descent. The report documents numerous claims of Muslims and Arabs being beaten or verbally abused while detained by government officials. Additionally, some financial institutions interpret the Patriot Act broadly, leading to the blacklisting of Muslim account holders simply because their names match those on a government list (Ahmed and Senzai).

For a country that champions human rights, the creation of the Patriot Act impacts the freedom and civil liberties of the people of the United States. The act makes it easier for the

government to spy on ordinary Americans by expanding the authority to monitor phone and email communications, collect bank and credit reporting records, and track the online activities of innocent individuals. While most Americans believe it is created to catch terrorists, the Patriot Act actually turns regular citizens into suspects. On May 26, 2011, Senator Ron Wyden (D-OR), said, "I want to deliver a warning when the American people find out how their government has secretly interpreted the Patriot Act, they will be stunned and they will be angry." ("aclu"). He stated that when the American people discover how their government has been interpreting the Patriot Act in secret, they will be both stunned and angry. This implies that the government's application of the Patriot Act extends beyond what is publicly understood or intended, potentially infringing on civil liberties and privacy rights without public knowledge or consent.

3.4.2. Effectiveness of the USAPA in Preventing Terrorism

On June 9, 2005, President Bush highlights the role of the PATRIOT Act in winning the war on terror, showing its effectiveness in protecting the homeland, saving American lives, and preventing terrorism. He states that the Act helps stop many other terrorist attacks. For example, it enables the arrest and prosecution of over 400 individuals on terrorism-related charges, with more than half resulting in convictions. It also facilitates breaking up terrorist cells in various states by allowing greater information sharing between intelligence and law enforcement agencies, thus enhancing their ability to detect and prevent potential attacks (Peters and Woolley).

Moreover, Before the PATRIOT Act, legal and bureaucratic barriers prevented criminal investigators from collaborating with intelligence officers. The PATRIOT Act removes these barriers, enabling law enforcement and intelligence agencies to share information and work together to apprehend terrorists. This improved information sharing has been effective. For

instance, the FBI agents in Ohio charged Iyman Faris with supporting al-Qaida and plotting to destroy a New York City bridge. His capture involved a coordinated investigation by over a dozen agencies in the Southern Ohio Joint Terrorism Task Force, made possible by the PATRIOT Act (Peters and Woolley).

The Ministry of Justice says the law plays an important role in detecting and preventing numerous terrorist attacks since its passage. It helps break down barriers between law enforcement and intelligence agencies, allowing for better information sharing and more effective counterterrorism operations. Additionally, the law provides investigators with tools similar to those used in criminal cases, such as the ability to more effectively track terrorists and obtain search warrants (“justice”).

Critics, on the other hand, point out that the law raises serious concerns about civil liberties and claim that it leads to unwarranted surveillance and infringements on personal liberties. Despite these criticisms, supporters of the law argue that the expanded surveillance and investigative powers it provides are necessary for national security and have proven effective in disrupting terrorist activity (Carafano et al).

The USA Patriot Act’s provisions aim to enhance security at home by offering and implementing stricter measures against any possible future attack of terrorism. However, it is very necessary to respect and protect civilians’ rights, especially those related to privacy. The Act is successful in almost every operation related to the subject, whether at home or outside America. The Act also creates consequences for some ethnic groups, such as Arab Americans and Muslim Americans, since the Act expands the government's surveillance, leading to Arab Americans and

Muslims often feeling that they are being unfairly targeted or singled out by these measures more than others.

3.4.3. Long-term Consequences for Civil Liberties

The Patriot Act has caused considerable controversy since its passage. The American Civil Liberties Union (ACLU) was one of the earliest and most vocal critics, filing several lawsuits challenging the law's constitutionality. In 2004, a U.S. District Court judge for the Southern District of New York ruled that a provision allowing authorities to request financial records from companies in terrorism investigations was unconstitutional. The court concluded that the section prevented a valid legal challenge because the government did not have to prove a compelling need for the information and the law did not provide a process for challenging police actions (Morgan).

The PATRIOT Act greatly expands the government's ability to conduct surveillance without traditional judicial oversight. This includes the use of National Security Letters (NSLs), which allow the FBI to request personal information from companies, libraries, and financial institutions without a court order and impose confidentiality obligations on recipients. These powers are criticized for violating Fourth Amendment rights against unreasonable searches and seizures (“aclu”). According to Caroline Fredrickson, the Director of the ACLU Washington Legislative Office, states that “In the panic following the events of 9/11, our nation’s lawmakers hastily expanded the government’s authority to a dangerous level and opened a Pandora’s box of surveillance.” (“aclu”).

In other words, In the aftermath of the 9/11 terrorist attacks, the U.S. government and lawmakers quickly expand the powers and authority of the government, particularly in areas of

surveillance and monitoring of citizens. The phrase "opens a Pandora's box of surveillance" is a metaphor implying that this expansion of government power and surveillance capabilities opens a host of problematic and dangerous consequences on the nation.

In March 2006, Bush signs legislation updating the Patriot Act, making several provisions of the act permanent, extending two provisions through 2009, and incorporating a number of new legal protections. Bush approves two separate bills: the Patriot Act Improvements and Reauthorization Act of 2005 and the Patriot Act Additional Reauthorization Amendment of 2006, a series of amendments to the updated legislation that reflected a compromise agreement that includes additional civil liberties rights. Ahead of the reauthorization, Jurist guest columnist Susan Herman argued that the statutory system suffered from a lack of balance that rendered it unconstitutional. However, Jurist guest columnist Wendy Kiefer believes the newly approved legislation strikes a balance between security and civil liberties, as well as between government agencies (Morgan).

In summary, the PATRIOT Act aims to enhance national security. However, its implementation has created extensive debate and concern over its impact on civil liberties. The controversy focuses on the balance between effective counterterrorism measures and the preservation of constitutional rights.

3.5. Controversies and Civil liberties Concerns

As it is mentioned in this chapter before, the USAPA Has both opponents and proponents. Supporters claim that the act actually helps a lot in preventing terror. Critics of this act care more about civil liberties, stating that the act gives the government too much power to monitor and investigate ordinary citizens, which affects people's freedom in a direct way ("The USA PATRIOT Act: Preserving Life and Liberty").

3.5.1. Government Overreach

The law is created after the 9/11 attacks, but many of its rules were actually written before that. They are like a wish list of greater powers for the police. These expanded powers are criticized as going against the Fourth Amendment's requirement for warrants. They are also seen as overly invasive to the privacy of regular citizens. This leads to opposition from lawmakers like Senator Feingold (Accurso).

The USA PATRIOT Act sparks significant controversy due to concerns about government overreach and its impact on civil liberties. Critics argue that the Act grants the government excessive surveillance powers, allowing for the monitoring of ordinary Americans without adequate oversight. As a result to that, the New York Times, in December 2005, reports that the national security agency without a warrant is tapping into telephone calls of civilians, the thing that violates federal statutes and constitution. Furthermore, there is a direct access to the telecommunications infrastructure by some largest America's companies. The program that is confirmed by president Bush and other officials, who strongly insisted, in front of all precedent, that it is legal. Additionally, the agency also uses board data mining systems which also allows to

analyze information about the communications of millions of people. Moreover, there is also illegal kidnapping, detaining and torturing many prisoners by the government, that claims it has the power to do so under the USAPA for the national safety (“acul”).

On top of that, the Act's "sneak and peek" warrants, intended for terrorism-related investigations, has predominantly been used in drug-related cases, with terrorism accounting for less than 1% of these warrants. This misuse underscores concerns about the broad application of the Act beyond its original intent. Former FBI agent Michael J. Woods wrote in 2005 that, prior to passage of the PATRIOT Act, the FBI “had five separate legal authorities that addressed the need to compel production of transactional information in counterintelligence investigations,” including “three types of national security letters (under the RFPA, ECPA, and FCRA) ... and the FISA business records authority.” (Accurso).

Former FBI agent Michael J. Woods explains that before the PATRIOT Act was passed, the FBI has five distinct legal mechanisms to obtain transactional information during counterintelligence investigations. These mechanisms include three types of national security letters (NSLs) authorized under various laws (the Right to Financial Privacy Act (RFPA), the Electronic Communications Privacy Act (ECPA), and the Fair Credit Reporting Act (FCRA), as well as the Foreign Intelligence Surveillance Act (FISA) business records authority. These tools are used to compel the production of records and information necessary for national security purposes. The PATRIOT Act consolidates and expands these authorities, streamlining the process for the FBI to obtain such information in their counterintelligence and counterterrorism efforts.

In other words, the USAPA grants the government authority to obtain more information, even from civilians. This broad scope of surveillance and data collection causes significant

criticism of the act. Critics argue that it infringes on civil liberties by allowing excessive government monitoring and investigation of ordinary citizens. This sparks a debate about the balance between national security and individual privacy, with many concerned that the act compromises fundamental freedoms in its pursuit of counterterrorism (“justice”).

3.5.2. The Future of the Patriot Act

The USA PATRIOT Act, originally passed in response to the September 11, 2001 terrorist attacks, includes "sunset" rules, which force Congress to check and reauthorize the program regularly. This system makes sure the law does not stay in effect forever without review. Although the Act ended in March 2020 without reauthorization, many of the powers and authorities it gave to federal law enforcement agencies keep being used. These include rules for better surveillance and information-gathering that have been added to other laws or kept through separate legal ways. Despite the expiration of these provisions, the surveillance infrastructure established by the PATRIOT Act largely remains intact. Federal law enforcement agencies still retain significant surveillance powers through other laws and provisions within the broader framework of the Foreign Intelligence Surveillance Act (FISA). These powers enable ongoing monitoring and data collection efforts for counterterrorism purposes (“Epic”).

Simultaneously, another act was born on September 28, 2016. The Justice Against Sponsors of Terrorism Act (JASTA). The bill passed the senate with no opposition in May 2016, and passed by the house of representative. In fact, the bill is first introduced in December 2009 and reintroduced to the Senate on September 16, 2015 (“CSIS”). The act was passed under president Barack Obama’s government, and he has made it clear that he intends to veto the legislation passed, in his veto message Obama stated that “I am returning herewith without my approval S. 2040, the

"Justice Against Sponsors of Terrorism Act" (JASTA), which would, among other things, remove sovereign immunity in U.S. courts from foreign governments that are not designated state sponsors of terrorism." ("Obamawhitehouse.archives").

Obama here explains that the JASTA bill would allow the foreign governments to be sued in U.S. courts, even though they are not officially considered state sponsors of terrorism. In other words, the JASTA bill would change the normal rules about when foreign governments can be sued in court. This change could end up being harmful to the United States if other countries started making similar changes to their own laws, which will cause problems for U.S. national interests if other countries applied them globally ("Obamawhitehouse.archives").

The primary aim of JASTA is to grant civil litigants the most extensive grounds possible to pursue legal action against individuals, organizations, and foreign nations that have offered support, whether direct or indirect, to foreign entities or individuals involved in acts of terrorism against the United States. In order to achieve this objective, JASTA introduces several modifications to current legislation, which make it very similar to the USA PATRIOT ACT (Kirtland and Lom). However, the bill would allow families of those killed in the Sept. 11, 2001, attacks to sue Saudi Arabia for any role its officials played in the terrorist attack (Cordesman 2). On the other side, the recent inability to enact the USA Freedom Act, which aimed to renew and modify portions of the PATRIOT Act, stands out as a significant development. This failure resulted in the expiration of certain provisions, such as Section 215, which had authorized the collection of business records and was a crucial element of the National Security Agency's bulk telephone metadata collection program ("amnestyusa").

The fate of the PATRIOT Act laws remains a topic of ongoing debate within the halls of Congress. Proposals for reauthorization often include demands for heightened oversight and reforms intended to address privacy-related apprehensions. Nonetheless, the ultimate destiny of these provisions continues to be uncertain, as legislative endeavors to either reauthorize or reform the act persist in being actively debated (“cardin.senate”).

The Act is likely to be renewed in the future to maintain strong security measures in the US. And it is expected to focus more on protecting civil liberties and individual privacy rights. As the country evolves, with the importance of balancing security and privacy. Criticism and concern from various groups was and will be present always, including American citizens and immigrants, especially Arab and Muslim Americans. Their concerns come from the Islamophobia in American society since the 9/11 attack until today, which makes it an obstacle to the Act, since those groups have an impact due to their large numbers today.

Conclusion

The USA PATRIOT Act, enacted in response to the September 11, 2001, terrorist attacks, has been a vital yet contentious piece of legislation in the American history. Designed to enhance national security, it significantly expanded government surveillance capabilities, allowing for broader monitoring and information sharing among law enforcement and intelligence agencies. Key provisions, such as Section 215, enabled the bulk collection of telephony metadata, which proponents argue is essential for preemptive counterterrorism efforts. However, these expanded powers have sparked significant controversy and civil liberties concerns. Critics, including the American Civil Liberties Union (ACLU), has challenged the constitutionality of the Act, particularly its impact on Fourth Amendment rights against unreasonable searches and seizures.

Judicial rulings and public outcry have led to ongoing debates about the balance between security and privacy.

As of now, certain provisions, including Section 215, is expired, reflecting the legislative and public pushback against unchecked surveillance. The future of the PATRIOT Act remains uncertain, with discussions in Congress focusing on potential reauthorizations, reforms, and the need for increased oversight and transparency to protect civil liberties while maintaining national security.

In conclusion, the legacy of the PATRIOT Act is characterized by its role in transforming U.S. counterterrorism strategies and its enduring impact on civil liberties. The ongoing legislative debates and judicial scrutiny underscore the complexity of balancing effective security measures with the protection of individual rights.

Conclusion

Since the events of 11th September 2001, the conflict between national security and civil liberties became major issue in the United States. This dissertation examines this multifaceted relationship through a deep analysis and investigation of the frameworks of national security, the development of privacy rights, and great impact of the USA PATRIOT Act. The findings bring to light the notable shifts in government's approaches and attitudes regarding security and privacy.

First, the study explored the basic concepts and dynamics of national security in the United States. National security has a complex and progressing nature and it is influenced by different factors such as public opinion, global and domestic stability, and intelligence gathering. The U.S. has implemented a varied array of methods and resources such as military power, strong economy...etc. to build a secure nation and maintain peace. These efforts show the resistance of the U.S. against threats and its commitment to protect its citizens and maintain stability. The first chapter on national security provided a comprehensive analysis by showing how these strategies and resources have been used in the face of different challenges to protect the nation.

The study then turned to privacy rights; by making comparison between pre- and post- 9/11 landscapes, privacy rights were highly protected by legal frameworks and social values. The right to privacy was considered a basic and fundamental aspect of American life, with significant legal protections against unwarranted government intrusion. Even so, the 9/11 attacks marked a significant change, resulting in enacting the USA PATRIOT Act a legislation that broadened government surveillance, decreased and violated privacy protection. Along with this change there are changes in public attitudes, with a stronger readiness to accept increased surveillance for

security benefits. Chapter two investigated the legislative changes and how they affected privacy, and it demonstrated the transformation of privacy landscape in the name of national security.

Examining the USA PATRIOT Act is the core of the study, the act introduced new measures aim at upgrading national security, but it provoked considerable regarding the erosion of civil liberties. Our examination reveals that while the act showed effectiveness in some areas, it has also enlarged government's reach and accessibility to individuals' personal life. The profound implications for civil liberties sparked an ongoing debate and legal challenges. The analysis of the USA PATRIOT Act covered its key provisions, the process of its enactment, and the subsequent legal and social ramifications. It became clear that the Act has fundamentally altered the balance between security and freedom in the United States.

The future of the USA PATRIOT Act is uncertain, the emerging security threats and development in technologies can increase the need for enhanced surveillance methods to prevent any challenges from exposing the national peace to danger. However, there are rising efforts and calls to ensure the protection of civil liberties, so that legal challenges and public scrutiny are likely to play significant role to shape the act's future. Government officials must balance maintaining peace and sustaining security with preserving citizens' right to privacy, and possibly lead to enhancements to promote transparency, oversight, and accountability. The goal will be to create adaptable security measures that safeguard national interests without broadly infringing on privacy rights, maintaining the core values of democracy and individual freedoms.

To conclude, this research underlines the complicated and often the continuous connection between national security and civil liberties. The USA PATRIOT Act performs as a major case study in interpreting how these mechanics manifest in reality. As the U.S. keeps navigating this

complex landscape, continuous research, debate, and caution will be vital in protecting national security and fundamental rights that characterize American democracy. The future will require progressive, creative solutions that ensure solid security measures while consistently safeguarding civil liberties, upholding the intricate balance that is necessary for the preservation of secure, free and democratic society.

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