**KEY PROVISIONS OF THE PATRIOT ACT OF 2001**

***Source:*** *Abramson, L., & Godoy, M. (2005). The Patriot Act: Key controversies. NPR. Retrieved from http://www.npr.org/news/specials/patriotact/patriotactdeal.html*

Passed in the weeks after the Sept. 11 attacks, the Patriot Act was designed to enhance federal anti-terrorism investigations.

1. **Information Sharing**

Sections of the Patriot Act allow information from criminal probes to be shared with intelligence agencies and other parts of the government. Information could then be shared between the FBI, the CIA, the National Security Council, and the Department of Homeland Security.

Supporters say the provisions have greatly enhanced information sharing within the FBI, and with the intelligence community at large.

Critics warn that unrestricted sharing could lead to the development of massive compiled databases about citizens who are not always the target of criminal investigations.

This part of the Patriot Act is at the heart of the effort to break down the "wall" that is used to separate criminal and intelligence investigations. The Justice Department has frequently blamed the wall for the failure to find and detain the Sept. 11 hijackers. CIA agents had information that both men were in the United States and were suspected terrorists, but the FBI says it did not receive that information until August of 2001.

1. **Roving Wiretaps**

The Patriot Act also allows one wiretap authorization to cover multiple devices of a suspect, eliminating the need for separate court authorizations for a suspect's cell phone, PC and Blackberry, for example. Once a suspect is identified, all communication devices can be tapped for conversations between the suspect and others.

 If someone has casual contact with the suspect, his or her conversations are recorded because of the surveillance and eavesdropping of the suspect.

Opponents say this is a privacy violation but supporters say that terrorists frequently use multiple communication devices.

1. **Access to Records**

The act allows easier access to business records in foreign intelligence investigations. This provision allows investigators to obtain books, bank records, papers, documents and other items sought "in connection with" a terror investigation. Critics of this part of the act are concerned that even what a suspect is reading could be used in a criminal trial.

Library groups said the law could be used to demand the reading records of patrons. But the government points out that the First Amendment activities of Americans are specifically protected by the law. The Justice Department has released previously classified statistics to show the law has never been used against libraries or bookstores. But the act's critics argue that there's no protection against future abuse.

1. **Foreign Intelligence Wiretaps and Searches**

Criminal investigators have a high bar to reach when asking for permission to wiretap or search a suspect's home. The bar is lowered by the Patriot Act where investigators must only prove the suspect is an "agent of a foreign power." Previously, investigators had to show that the "primary purpose" of the order was to gather foreign intelligence; the Patriot Act lowered that requirement to a "significant purpose." It allows investigators to get a foreign intelligence wiretap or search order, even though they not might end up bringing criminal charges.

Critics say the Patriot Act creates a new risk-- that investigators will too easily use spying and terrorism as an excuse for launching foreign intelligence wiretaps and searches. They point to the fact that the number of intelligence wiretaps now exceeds the number of criminal wiretaps. Since these probes are conducted in secret, with little oversight, abuses would be difficult to uncover.

1. **“Sneak & Peek” Warrants**

This section allows for "delayed notice" of search warrants, which means the FBI can search a home or business without immediately notifying the target of the investigation. The Justice Department says this provision has already allowed investigators to search the houses of drug dealers and other criminals without providing notice that might have jeopardized an investigation. Investigators still have to explain why they want to delay notice, and must eventually tell the target about the search.

Critics say that investigators already had the power to conduct secret searches in counterterror and counterespionage probes. The Patriot Act, they say, authorized the use of this technique for any crime, no matter how minor. They say that "sneak and peek" searches should be narrowly limited to cases in which an investigation would be seriously jeopardized by immediate notice.

1. **Material Support**

The antiterrorism law passed in 1996, in the aftermath of the Oklahoma City bombing, outlawed providing "material support" to foreign terrorist organizations, and expanded the definition of support to include "personnel" and "training." The Patriot Act expanded material support to include "expert advice or assistance." Anyone identified as helping a terrorist in any manner, is also open to criminal charges.

The Justice Department has said this expansion is critical to cutting off the networks of support like weapons and money that make terrorism possible. Some judges however contend the provision is too vague. They say it will lead to guilt by association and might criminalize unwitting contact by innocent persons with a terrorist or terrorist group. For example if a charitable contribution is somehow linked back to a terrorist group by the Justice Department, then this could be construed as “material support”.