

The United States Patriot Act and Its Impact upon the American Society

قانون الولايات المتحدة الوطني وتأثيره على المجتمع الأمريكي

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Abstract

The attacks of September 11th, 2001 affected migratory practices in the United States by providing political and institutional power with the main rationale for a harsher and more restrictive approach to immigrants, the US administration has pursued a very short-term policy, which is out of step with its long-term interests and consequences. These practices, far from resolving the problems affecting the United States in terms of security and the management of migratory flows, have only accentuated political and ideological polarization. Neoconservatives and supporters of the “clash of civilizations” have constantly advocated an offensive approach towards the nations and peoples held responsible for the tragic events of September 11, 2001. In terms of migration policy, the fear of admitting terrorists to American territory has resulted in discriminatory attitudes toward foreign nationals. The research attempts to show how discrimination resulting from the “war on terror” has weakened the image of the United States abroad, mainly in countries where anti-Americanism is raging, and how it has jeopardized the diplomatic and economic objectives of the United States government.

Keywords: Patriot Act, the United States of America, the 9:11, the Muslims, terrorism.

ملخص

أثرت هجمات 11 سبتمبر 2001 على تسيير الهجرة في الولايات المتحدة من خلال توفير للقوة السياسية والمؤسسية تطبيق قرارات أكثر صرامة وأكثر تقييداً للمهاجرين ، فقد اتبعت الإدارة الأمريكية سياسة قصيرة المدى للغاية ،التي لا تتماشى وعواقبها على المدى الطويل. هذه الممارسات ، بعيداً عن حل المشاكل التي تؤثر على الولايات المتحدة من حيث الأمن وإدارة تدفقات الهجرة ، أدت فقط إلى زيادة الاستقطاب السياسي والأيديولوجي. لقد دعا المحافظون الجدد وأنصار "صراع الحضارات" باستمرار إلى نهج هجومي تجاه الأمم والشعوب المسؤولة عن الأحداث المأساوية التي وقعت في 11 سبتمبر 2001. وفيما يتعلق بسياسة الهجرة ، فقد أدى الخوف من دخول الإرهابيين إلى الأراضي الأمريكية إلى المواقف التمييزية تجاه الرعايا الأجانب.

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يحاول البحث إظهار كيف أدى التمييز الناتج عن "الحرب على الإرهاب" إلى إضعاف صورة الولايات المتحدة في الخارج ، خاصة في البلدان التي تنتشر فيها المشاعر المعادية لأمريكا ، وكيف عرّضت الأهداف الدبلوماسية والاقتصادية للحكومة الولايات المتحدة للخطر.

الكلمات المفتاحية: قانون باتريوت ، الولايات المتحدة الأمريكية ، 9:11 ، المسلمون ، الإرهاب

1.Introduction:

The ashes barely fell on the ruins of the World Trade Center on September 11, 2001, in the south of Manhattan, when a psychosis invaded America. After these attacks, should we wait for other attacks? Would they increase from an all-out offensive? Is the enemy already in the walls? Who to believe and who to watch closely?

To address all of these frightening questions, Congress voted to urgently, seven weeks after the tragedy, on October 26, 2001, a law called the "USA Patriot Act" (a law to unify and strengthen America by providing appropriate tools for intercept and obstruct terrorism), which will upset the relationship of individuals with a government that looks like a "big brother".

In 300 pages, the federal authorities inherit an unequalled power for a western democracy, in the name of the "war against terror" started by President George W. Bush: the fundamental freedoms are considerably limited by a thick arsenal of preventive measures and repressive. In practice, the FBI is authorized to search personal data, medical records, taxes, bank statements, without having to justify itself.

The NSA can wiretap any American citizen without a prior judicial warrant, whether it be their telephone communications or electronic messages. The police can carry out searches at the reboot. Finally, the law approves the controversial designation of "illegal enemy combatant" allowing to apprehend, kidnap, interrogate the supposed terrorists, and confirms the creation of the Guantanamo camp to keep them locked up. The closure of the camp, Barack Obama's old election promise in 2008, remains a logistical nightmare: where to send the remaining 127 detainees, assuming that some of them can take up arms against America? (Tirman, 2004).

This research aims at shedding the light on one of the most important acts drafted by the American government and its impact on American society including the Muslims.

In order to answer the following question:

To what extent does an Act, that aims to protect the United States of America, Affect the Americans?

2. Historical Background of USAPA

On October 26, 2001, President George W. Bush signed the USA PATRIOT Act, a comprehensive counterterrorism law that implements a wide range of measures aimed at enhancing national security, improving surveillance of terrorist activities, facilitating information sharing and the fight against money laundering. The title of this article focuses, as the title suggests, on the impact that the provisions of the USA PATRIOT Act are likely to have on non-US banks and other non-US people. However, to understand this impact, it is first necessary to discuss the direct effects of the law on American banks and financial institutions, since the impact on others is largely derived from it (Tirman, 2004 p. 9).

Before examining the provisions of the USA PATRIOT Act, it is worth spending a few minutes reviewing the history of its enactment. This is important for two reasons: first, it shows the haste with which this massive piece of legislation has passed through Congress,

second, it shows the overwhelming emotional and political support that has brought the legislation forward so quickly (Carafano, 2012).

On September 17, 2001, shortly after the September 11 attacks, the Bush administration submitted a bill to members of Congress, entitled Mobilization against Terrorism Act, which aimed to strengthen the government's ability to eliminate terrorist organizations, to prevent terrorist attacks and to punish terrorists. The proposed legislation included provisions that would expand the capacity of the intelligence community to conduct itinerant research on suspected terrorists and to detain those suspected of being involved in terrorism. The legislation also included provisions relating to money laundering, immigration, the expansion of US jurisdiction to seize and confiscate assets related to terrorism and related matters (Tirman, 2004).

The administration bill served as the basis for Senate bill S.1510, entitled "Uniting and Strengthening America (USA) Act of 2001", which was introduced in the United States Senate by Senator Thomas Daschle on October 4, 2001. It was the subject of a limited debate, was never marked in committee and, on October 12, 2001, was approved by 96 votes against. Meanwhile, on October 2, 2001, Representative James F. Sensenbrenner introduced the law "Provide the appropriate tools necessary to intercept and obstruct terrorism (PATRIOT) Act of 2001" (HR2975) to the House of the Representatives United States. Under pressure from the Bush administration, Republican House leaders replaced the original language of HR 2975 with a language closer to that contained in S. 1510. On October 13, 2001, the House of Representatives approved a modified version of the PATRIOT law by a vote of 337-79.

Rather than following the normal procedure of holding an official conference to resolve differences between the legislation of the House and that of the Senate, the main leaders of the two houses met with officials of the administration to reach an agreement on a dozen articles, then presented a "clean bill" (HR 3162). Part of the resolution agreed by the leaders of Congress was to keep the names of the two respective laws by combining them into a single title that would encompass all of the consolidated legislation. The result was the "Unify and strengthen America by providing the appropriate tools required to intercept and obstruct the 2001 Terrorism Act" (the "USA PATRIOT Act 2001").

The consolidated USA PATRIOT law of 2001 was adopted by the House of Representatives on October 24, 2001, and by the Senate on October 25, 2001, after a brief debate. The law was then signed by President Bush on October 26, 2001. It has been the subject of public debate and controversy since its promulgation.

1.1. USAPA Immediate Impacts

The USA PATRIOT Act contains ten separate titles and depending on the print format used, varies in length from 130 to 160 pages. To get an idea of the scope of the law, it is useful to list the titles of the provisions contained in the Law

Title I: Enhancing Domestic Security against Terrorism

Title II: Enhanced Surveillance Procedures

Title III: International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001

Title IV: Protecting the Border

Title V: Removing Obstacles to Investigating Terrorism

Title VI: Providing for Victims of Terrorism, Public Safety Officers, and Their Families

Title VII: Increased Information Sharing For Critical Infrastructure Protection

Title VIII: Strengthening the Criminal Laws against Terrorism

Title IX: Improved Intelligence

Title X: Miscellaneous

(USA Patriot Act, 2001)

Most of the provisions relevant to this document are contained in Title III and will receive the greatest attention. However, certain provisions of Titles II and VIII are also relevant and will be discussed. First, the law is very broad in nature. Although social institutions and individuals in the United States are directly affected, the law has important implications for American citizens and non-American individuals. The law creates new general information-gathering obligations for U.S. security institutions, which have an indirect effect on non-U.S. financial institutions and which create significant new costs for everyone involved. The law also creates unprecedented new investigative and law enforcement powers for US government officials, not only in relation to terrorist activities, but also for money laundering and a wide range of other crimes.

Second, the law is a work in progress it contains many provisions that are ambiguous or subject to discretion in their application by representatives of the United States government. Some of these uncertainties will be resolved by regulations and other directives issued by the State Department and other agencies of the executive branch. Other ambiguities will have to be finally resolved by the American courts or perhaps by clarifying the legislation of Congress.

In the meantime, those affected by the law must be diligent in trying to comply with its provisions but also be vigilant to ensure that the law is implemented fairly and in accordance with fundamental rights. It is to be hoped that government officials charged with exercising the new power conferred on them by law understand that their power must be exercised in a fair and responsible manner. To do otherwise would be doomed to failure, not only for the immediate tasks at hand but also for the fundamental freedoms and principles that the USA PATRIOT Act was designed to protect.

1.1.1. Impacts on American non-Muslim

In theory, the Patriot Act, with its consequences incompatible with the American democratic ideal, was seen as a temporary measure. Scheduled for four years, it has been renewed regularly by Congress. In 2011, Obama signed his renewal until June 2015. The revelations in June 2013 of ex-NSA analyst Edward Snowden about NSA listening programs against millions of American citizens, a direct consequence of the Patriot Act, sparked a violent outcry (Amitai Etzioni, 2006). Attached to the myth of “small government (federal government with limited powers)” and to the sacrosanct notion of freedom, more and more Americans are now demanding the dismantling of the most liberticidal measures or at the very least, the takeover of these activities by the judiciary (David Lombard Harrison, 2007). High-tech manufacturers are looking for a solution against NSA intrusions, which are considered very bad for business.

But beware, retort supporters of the Patriot Act, this arsenal has torpedoed many conspiracies hatched against America by "lone wolves". Statistics, largely incomplete, do not allow to prove the effectiveness of the device. In 2013, out of 11,129 search forms, only 51 related to counterterrorism investigations. In the emotional wake of September 11, a shocked and grieving nation demanded answers and justice. Legislators are committed to providing both the Patriot Act.

Nineteen years later, the law has significantly increased the government's ability to provide surveillance, broadened the definition of terrorism and sought to strengthen border security. This has led to roaming wiretaps and the much-criticized collection and storage of US citizens' telephone and Internet metadata while forcing communications companies to provide this data.

The law, and subsequent revelations about government surveillance of the Americans, also helped push a GOP-dominated Congress to narrow its reach. The law also ultimately helped bring a public debate on the conflict between the government's desire to protect its citizens and the civil liberties of its citizens.

1.1.2. Impacts on American Muslims

As a group directly affected by the Patriot Act, the American Muslim community shares a common characteristic: Islam is the fastest-growing religion in the United States today. The Muslim population in the United States is estimated to be between two and five million (Ayers 187). According to another estimate, the Muslim population in the United States is six to seven million (Gaskew 347). This means that this number represents at least 5% of the American population, which is still a minority in the American population. According to Hacking, there are 1.5 million Muslims over the age of eighteen and 850,000 minors. This has a growing implication on the voting power of the Muslim community, which has traditionally voted for the Democrats. Hacking says 63% of American Muslims vote for Democrats. Muslims in America are not the same after the 9/11 attacks which changed America forever and this change has profoundly affected the seven million-strong American Muslim community.

Abdus Sattar Ghazali,

Portrait of a Post 9/11 American Muslim

Al-Jazeera, September 8, 2005

According to Leonard, the Muslim American population in the United States can be divided into 42% African Americans, 24.4% South Asians, 12.4% Arabs, 6.2% Africans, 3.6% Iranians and 9% Europeans and others. The first large group, African Americans, found Islam an alternative to Christianity and white American culture. Arabs generally come from countries such as Lebanon, Syria, Egypt, Jordan, Palestine, Iraq, North Africa and Saudi Arabia. The third group is made up of South Asian Muslims from India, Pakistan, Bangladesh and Afghanistan. All of these groups have been affected by the events of September 11, but the diversity of backgrounds and interests is so great that it is difficult to speak of an American Muslim community as a coalition or power bloc.

However, several think tanks and interest groups have supported American Muslim interests, such as the North American Islamic Trust and the Council on American-Islamic relationship (CAIR). These groups have not been as organized or effective as groups such as the pro-Israel

lobbies, so before the Patriot Act was published, American Muslim problems rarely entered the policy-making process. Competing with the lobby of the Israeli group, which contributed 41.3 \$ million in 2007, the pro-Arab group paid only 297 \$ thousand to political candidates. CAIR recently documented cases of discrimination against American Muslims and helped bring them to court. In 2008, CAIR filed 2,652 civil rights cases (Hacking 923). "And we must be mindful that as we seek to win the war that we treat Arab Americans and Muslims with the respect they deserve."

Statement from President Bush (September 13th, 2001)

The Muslim community is mainly organized through mosques, which also manage Muslim charities because "zakat", or tithing, is one of the central pillars of Islam. These charitable groups have been affected by the provisions of the Patriot Act, including electronic surveillance policies, and it is also the groups that have recently brought anti-discrimination actions against the government, although they have not had much of success (Hacking 934). Muslims in the United States believe that they were discriminated against not only after September 11 but also before that. There have been numerous incidents of American Muslims being discriminated against. According to Nimer, American Muslims have been affected by several incidents such as the Oklahoma City bomb in 1995 and the Transworld Airlines crash in 1996. These incidents have left American Muslims facing discrimination, violence and harassment every time an incident occurs while travelling, working or performing daily activities. Unfortunately, American Muslims have faced the most difficult period of discrimination and harassment from the United States government and the public after the September 11 attacks (Henderson, 2002).

Since September 11, the Bush and Obama administrations have made policy changes that have affected the American Muslim community. The policy changes involved legislative measures. One of the main pieces of legislation was the Patriot Act. This act restricts visas. It also allowed the federal government to arrest suspected terrorists through the use of racial profiling. The FBI has been authorized to increase surveillance of Muslim American citizens these measures have negatively affected American Muslim communities. The effects included the violation of rights. All these measures degraded and demoralized the American Muslim community.

"The act, written in response to the September 11 attacks, in theory, applies to all citizens, but it was written with Muslims in mind and in practice denies them their civil liberties by empowering law enforcement authorities to raid their homes, offices, and mosques in the name of the war on terrorism."

Geneive Abdo (2005)

The American Muslim community suffered different treatment after September 11 from the Bush and Obama administrations. The Bush administration had a negative impact on the Muslim community and made Muslims react in the form of not supporting the Republican Party in the last election. The American Muslim community has chosen President Obama as a hope for a positive change in his status.

1.1. Long Term Consequences

September 11 brought many changes to America. The first and most important were changes in attitude, e.g. more confidence in government, increased faith in religion, increased family unity and more compassion for strangers (Markus Prior, 2002). It has also led the public to become more involved and to become involved as citizens in various ways, thus revitalizing American democracy. This has led people to become more informed about politics, to sacrifice their personal rights in government, to get involved in the war on terror and to feel "proud to be American, embracing "patriotism" rather than "individualism.

For better or for worse, September 11 was a transformative event, for the people, for the nation. September 11 changed the ethics of the nation. This event transformed people's lives. It made them aware of what they can say or do, what they can read and who they can associate with. He also prepared them for war with a heightened sense of patriotism and a willingness to support America, "rightly or wrongly." More importantly for this project, he instigated some people to hate strangers while others were ashamed of their identity. In terms of culture and values, the biggest change noticeably after 9/11 was the nation's contemptuous attitude towards human, civil and constitutional rights in the face of terrorist threats. Has become acceptable, if not necessary, to torture suspected terrorists for information, imprison terrorists (Taliban and Al Qaeda members) without due process, compromise the privacy rights of citizens on behalf of security, and withhold information from journalists to facilitate the conduct of a war on terror.

Controversial, September 11 transformed the United States from an open and democratic society into a closed garrison state. Michael describes twelve characteristics that define, with ratings, a state of national security.

These are visible increases in uniform security (100%) e.g. increased private security and lack of responsibility in law enforcement (75%), e.g. military jets patrolling the sky indiscriminate arrests and unconstitutional detention of immigrants.

Reduction of judicial supervision and strengthening of the executive treatment of suspects (3) (30%), e.g. as evidence of the reduction of judicial control, the creation of military courts and the extension of the FISA secret courts in the handling of terrorist cases. With regard to the executive ill-treatment inflicted on the suspects, the discriminatory and abusive treatment of Muslims by the government, the abusive use of the FISA process (12,179 cases since 1979 including 1 without result) and the oppressive character of the Military Court

Secret of the ruling authority and threatening impulse (60%), e.g. the "Secret surrounding (4) the justification for the war in Afghanistan and new military actions" and "the FISA Enlarged . "Court Criminal Supervision Orders

Media serving the State (55%), e.g. concentration of media ownership and lack of (5) criticism of government activities

National resources devoted to the security threat (85%), for example, 40 billion \$ in (6) emergency congressional funds after September 11 allocated to counterterrorism activities

Patriotism passes to nationalism (60%), for example. Waving the American flag, (7) increasing ROTC and application to the FBI and CIA and increasing blind confidence in the government

Lack of critical response from religions (30%), e.g. Bushen registered the church to (8)

.support his war on terror

Mentality in wartime and permanent war economy (100%), e.g. the creation of the (9) Department of Homeland Security with 170,000 employees and a \$ 37.7 billion budget for the .first year

Individuals and target groups (60%), e.g. type of interrogation and interrogation of (10) foreign nationals and students, especially those of Middle Eastern origin or Muslim .persuasion

Direct attack on dissent (10%, for example, local police (e.g. Denver) keeping files on (11) peace activists and organizations and conservative public interest groups, reporting and .criticizing the opinions of liberal and anti-war teachers

Increased surveillance (35%), e.g. increased surveillance in public places and (12) government involvement in the defence of cyberspace. The impact of the USAPA on Muslims .is testimony to such a process of transformation

The impact of 11 September, including the USAPA, and its implications for America are not yet understood by scientists, nor appreciated by the people (C. William Michaels, 2002).

1.1. **Resistance to USAPA:**

As Congress begins critical discussion on the renewal of the horrific USA PATRIOT Act, this dangerous attack on the Bill of Rights written by former attorney general John Ashcroft and now Homeland Security secretary Michael Chertoff is the right time to show just how far this miserable law is seen out there in mainstream America.

According to records held by an organization called the Bill of Rights Defense Committee, 372 cities, towns and counties, and five of the 50 states, somehow passed laws declaring themselves "patriots Act free zones."

These states and communities, which collectively comprise 57 million people or almost a quarter of the American population, are as politically diverse as they could be. The states, for example, include Alaska, Montana and Maine, all firmly or moderately conservative and Republican, and Vermont and Hawaii, both Liberals and Democrats. The communities that have adopted such ordinances are also diverse, ranging from ultra-liberal San Francisco and Cambridge to ultra-conservative Dallas and Savannah.

Most of the laws and orders that have been adopted are quite similar and order local and national law enforcement authorities not to cooperate with federal agents and orders they consider unconstitutional, for example, warrantless searches in library loan documents or document delivery. Undocumented foreigners at the INS a remarkable affront and challenge to federal authority. Some, such as the Alaska resolution, go further and ask the State Congress delegation to take active steps to repeal sections of the PATRIOT Act which are considered threats to freedom and the Declaration of rights.

The message is clear. Despite all the efforts of the Bush administration and its Congress cheerleaders and supporters of the PATRIOT Act such as Republican Representative Tom Delay and Democratic Senator Joe Lieberman to scare the Americans into giving up their freedoms in the name of self- Calling war on terrorism, the general public is not convinced and is more concerned by the threats of the government to the freedom than by certain terrorists armed with mythical weapons of mass destruction (Thorne and Kouzmin, 2007). The Bill of Rights Defense Committee, as well as organizations like the American Civil Liberties Union and the Friends' Committee on National Legislation, has done a good job of raising awareness of resistance to the USA PATRIOT Act. The BRDC in particular helped by

providing a model order or resolution and by offering advice and organizational instructions (<http://www.bordc.org/Tools.htm>), based on experience, for those who want their community added, to this resistance movement.

Opponents of the PATRIOT Act should also contact their congressional representatives, as the issue is currently before Congress, to demand an end to the law. The law (drafted without hearing by Chertoff, who at the time was Ashcroft's right hand in charge of terrorist prosecutions), and adopted almost without opposition and without discussion by the two chambers of Congress, came with a delay. If it is not renewed, its provisions automatically expire. But the administration is making great efforts to renew the measure, and even plans to come back with measures that would go even further by removing traditional civil liberties and legal protections (Jaeger, 2003).

The popular campaign to oppose the USA PATRIOT Act is a remarkable effort, especially given the way it has been virtually overlooked by mainstream corporate media. Its primary focus on the local organization, rather than directly on Congress, is also a model of political struggle in an era when there is no effective opposition party in Washington, as is its ability to unite people. Diverse and antagonistic political perspectives (Boyle, 2003)

I. Methods and Materials:

This research aims at shedding the light on one of the most legal and controversial texts adopted by the US government. It reflects exactly the American Policy that is in contradiction with the constitution and the ideal claims of democracy and freedom. The methodology used for that purpose is descriptive and informative which permits to put forward and to explain some issues that influenced not only the internal American policy but also that of the foreign ones as well.

I. Results and discussion :

The Patriot Act symbolizes the degree of the protectionist policy of America during the Post 9/11 attacks; however, this act opens the door to several cases of abuse done by the American Administration towards some communities including the American Muslims. The rise of segregation, racism and civil violence become part of the daily acts in America that the minorities are suffering until our days. The Act was one of the main factors that pushed the Americans to elect Donald Trump who is considered as the first defender of America for Americans and with his promises to protect America from aliens, he succeeded to convince the public opinion to be violent against all people who seem to be different from the perfect American citizen.

4 Conclusion:

As argued, through the Patriot Act, the United States government has abused its power by doing so much harm to the American Muslim community. The policy process, in this case, was based on an emergency, but now the situation has changed

Therefore, the changes must be seriously considered. Aspects of the Patriot Act and 206 should be changed, rewritten or deleted. The American Muslim community must learn to influence government policies through their elected officials and to use American mass media effectively to raise awareness of the problems they face. In addition, more advocacy coalitions with civil rights groups and members of Congress need to be formed. Until the American Muslim community is more unified and can define itself in positive terms, the Patriot Act and the wiretapping provisions are likely to remain the same.

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