

Liberty and Security

The PATRIOT ACT

Handout A: Preamble and Fourth Amendment

Preamble

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.



Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Instructions

1. Read the Preamble and the Fourth Amendment. Discuss with a partner or two:
 - a. What concepts or principles of government do these statements have in common?
 - b. In what ways might tension develop between the goals expressed in the Preamble and the guarantees contained in the Fourth Amendment?
2. Prepare to share your insights with the class.

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Handout B: Department of Justice Summary of the PATRIOT Act.

Vocabulary terms: electronic surveillance, wiretaps, FISA, FISC.

Instructions: As you read, make marginal notes to identify constitutional principles and goals of government related to this law.

Congress enacted the Patriot Act by overwhelming, bipartisan margins, arming law enforcement with new tools to detect and prevent terrorism: The USA Patriot Act was passed nearly unanimously by the Senate 98-1, and 357-66 in the House, with the support of members from across the political spectrum.

The Act Improves Our Counter-Terrorism Efforts in Several Significant Ways:

1. The Patriot Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking. Many of the tools the Act provides to law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers, and have been reviewed and approved by the courts. As Sen. Joe Biden (D-DE) explained during the floor debate about the Act, "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." (Cong. Rec., 10/25/01)

- **Allows law enforcement to use surveillance against more crimes of terror.** Before the Patriot Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing.
- **Allows federal agents to follow sophisticated terrorists trained to evade detection.** For years, law enforcement has been able to use "roving wiretaps" to investigate ordinary crimes, including drug offenses and racketeering. A roving wiretap can be authorized by a federal judge to apply to a particular suspect, rather than a particular phone or communications device. Because international terrorists are sophisticated and trained to thwart surveillance by rapidly changing locations and communication devices such as cell phones, the Act authorized agents to seek court permission to use the same techniques in national security

investigations to track terrorists.

- **Allows law enforcement to conduct investigations without tipping off terrorists.** In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when the subject is told that a judicially-approved search warrant has been executed. Notice is always provided, but the reasonable delay gives law enforcement time to identify the criminal's associates, eliminate immediate threats to our communities, and coordinate the arrests of multiple individuals without tipping them off beforehand. These delayed notification search warrants have been used for decades, have proven crucial in drug and organized crime cases, and have been upheld by courts as fully constitutional.
- **Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases.** Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. These records were sought in criminal cases such as the investigation of the Zodiac gunman, where police suspected the gunman was inspired by a Scottish occult poet, and wanted to learn who had checked the poet's books out of the library. In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment.

2. The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots." The Act removed the major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people and our national security. The government's prevention efforts should not be restricted by boxes on an organizational chart. Now police officers, FBI agents, federal prosecutors and intelligence officials can protect our communities by "connecting the dots" to uncover terrorist plots before they are completed. As Sen. John Edwards (D-N.C.)

said 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, 10/26/01)

- Prosecutors and investigators used information shared pursuant to section 218 in investigating the defendants in the so-called "Virginia Jihad" case. This prosecution involved members of the Dar al-Arqam Islamic Center, who trained for jihad in Northern Virginia by participating in paintball and paramilitary training, including eight individuals who traveled to terrorist training camps in Pakistan or Afghanistan between 1999 and 2001. These individuals are associates of a violent Islamic extremist group known as Lashkar-e-Taiba (LET), which operates in Pakistan and Kashmir, and that has ties to the al Qaeda terrorist network. As the result of an investigation that included the use of information obtained through FISA, prosecutors were able to bring charges against these individuals. Six of the defendants have pleaded guilty, and three were convicted in March 2004 of charges including conspiracy to levy war against the United States and conspiracy to provide material support to the Taliban. These nine defendants received sentences ranging from a prison term of four years to life imprisonment.

3. The Patriot Act updated the law to reflect new technologies and new threats. The Act brought the law up to date with current technology, so we no longer have to fight a digital-age battle with antique weapons-legal authorities leftover from the era of rotary telephones. When investigating the murder of *Wall Street Journal* reporter Daniel Pearl, for example, law enforcement used one of the Act's new authorities to use high-tech means to identify and locate some of the killers.

- **Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred.** Before the Patriot Act, law enforcement personnel were required to obtain a search warrant in the district where they intended to conduct a search. However, modern terrorism investigations often span a number of districts, and officers therefore had to obtain multiple warrants in multiple jurisdictions, creating unnecessary delays. The Act provides that warrants can be obtained in any district in which terrorism-related activities occurred, regardless of where they will be executed. This provision does not change the standards governing the availability of a search warrant, but streamlines the search-warrant process.
- **Allows victims of computer hacking to request law enforcement assistance in monitoring the "trespassers" on their computers.** This change made the law technology-neutral; it placed electronic trespassers on the same footing as physical trespassers. Now, hacking victims can seek law enforcement assistance to combat hackers, just as burglary victims have been able to invite officers into their homes to catch burglars.

4. The Patriot Act increased the penalties for those who commit terrorist crimes. Americans are threatened as much by the terrorist who pays for a bomb as by the one who pushes the button. That's why the Patriot Act imposed tough new penalties on

those who commit and support terrorist operations, both at home and abroad. In particular, the Act:

- **Prohibits the harboring of terrorists.** The Act created a new offense that prohibits knowingly harboring persons who have committed or are about to commit a variety of terrorist offenses, such as: destruction of aircraft; use of nuclear, chemical, or biological weapons; use of weapons of mass destruction; bombing of government property; sabotage of nuclear facilities; and aircraft piracy.
- **Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists:** including arson, destruction of energy facilities, material support to terrorists and terrorist organizations, and destruction of national-defense materials.
- **Enhanced a number of conspiracy penalties,** including for arson, killings in federal facilities, attacking communications systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crew members. Under previous law, many terrorism statutes did not specifically prohibit engaging in conspiracies to commit the underlying offenses. In such cases, the government could only bring prosecutions under the general federal conspiracy provision, which carries a maximum penalty of only five years in prison.
- **Punishes terrorist attacks on mass transit systems.**
- **Punishes bioterrorists.**
- **Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes.**

The government's success in preventing another catastrophic attack on the American homeland since September 11, 2001, would have been much more difficult, if not impossible, without the USA Patriot Act. The authorities Congress provided have substantially enhanced our ability to prevent, investigate, and prosecute acts of terror.

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Handout C: Senator Rand Paul's Letter of Opposition to the PATRIOT ACT

February 15, 2011

Rand Paul, an ophthalmologist, was elected as a U.S. Senator from Kentucky in 2010. In 2011 he served on the Homeland Security Committee, and he sent the following letter to members of the Senate.

Passage 1

Dear Colleague:

[Revolutionary era patriot] James Otis argued against general warrants and writs of assistance that were issued by British soldiers without judicial review and that did not name the subject or items to be searched.

He condemned these general warrants as “the worst instrument[s] of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever w[ere] found in an English law book.” Otis objected to these writs of assistance because they “placed the liberty of every man in the hands of every petty officer.” The Fourth Amendment was intended to guarantee that only judges—not soldiers or policemen—would issue warrants. Otis’ battle against warrantless searches led to our Fourth Amendment guarantee against unreasonable government intrusion.

a. What were writs of assistance? Why did James Otis object to them?

b. What “fundamental principles of law do you think James Otis and Senator Paul had in mind?

Passage 2

My main objection to the PATRIOT Act is that searches that should require a judge's warrant are performed with a letter from an FBI agent—a National Security Letter (“NSL”).

I object to these warrantless searches being performed on United States citizens. I object to the 200,000 NSL searches that have been performed without a judge's warrant.

I object to over 2 million searches of bank records, called Suspicious Activity Reports, performed on U.S. citizens without a judge's warrant.

As February 28th approaches, with three provisions of the USA PATRIOT Act set to expire, it is time to re-consider this question: Do the many provisions of this bill, which were enacted in such haste after 9/11, have an actual basis in our Constitution, and are they even necessary to achieve valid law-enforcement goals?

a. What are NSLs and why do you think the FBI would want to use them? In what ways are NSLs similar to/different from writs of assistance? What principles/goals of constitutional government might be violated by such tools of the executive branch? What principles/goals of government might be strengthened?

b. In *Carroll v. United States* (1925), the Supreme Court ruled that warrantless searches of cars that might be transporting liquor in violation of the National Prohibition Act (1919) were unconstitutional. The court explained that it “would be intolerable and unreasonable if a prohibition agent were authorized to stop every automobile on the chance of finding liquor, and thus subject all persons lawfully using the highways to the inconvenience and indignity of such a search...”. This case established the *Carroll* doctrine, which allows a police officer to conduct a warrantless search of a vehicle only if he has probable cause to believe that a vehicle is transporting contraband or other items related to a crime, and that the vehicle could be removed from the area before a warrant could be obtained. To what extent, and based on what constitutional principles, is the *Carroll* doctrine relevant in considering of NSLs?

Passage 3

The USA PATRIOT Act, passed in the wake of the worst act of terrorism in U.S. history, is no doubt well-intentioned. However, rather than examine what went wrong, and

fix the problems, Congress instead hastily passed a long-standing wish list of power grabs like warrantless searches and roving wiretaps. The government greatly expanded its own power, ignoring obvious answers in favor of the permanent expansion of a police state.

It is not acceptable to willfully ignore the most basic provisions of our Constitution—in this case—the Fourth and First Amendments—in the name of “security.”

For example, one of the three provisions set to expire on February 28th—the “library provision,” section 215 of the PATRIOT Act—allows the government to obtain records from a person or entity by making only the minimal showing of “relevance” to an international terrorism or espionage investigation. This provision also imposes a year-long nondisclosure, or “gag” order. “Relevance” is a far cry from the Fourth Amendment’s requirement of probable cause. Likewise, the “roving wiretap” provision, section 206 of the PATRIOT Act, which is also scheduled to expire on the 28th, does not comply with the Fourth Amendment. This provision makes possible “John Doe roving wiretaps,” which do not require the government to name the target of the wiretap, nor to identify the specific place or facility to be monitored. This bears an uncanny resemblance to the Writs of Assistance fought against by Otis and the American colonists.

a. What provisions of the PATRIOT Act were set to expire in 2011 under a sunset provision?

b. What did Senator Paul see as the real reason behind the PATRIOT Act?

c. Section 215 of the Patriot Act authorizes the government to obtain “any tangible thing” relevant to a terrorism investigation, even if there is no probable cause to believe that the “thing” actually relates to suspected terrorists or terrorist activities. What constitutional protections may be violated by this, and other aspects of Section 215?

Passage 4

Other provisions of the PATRIOT Act previously made permanent and not scheduled to expire present even greater concerns. These include the use and abuse by the FBI of so-called National Security Letters. These secret demand letters, which allow the government to obtain financial records and other sensitive information held by Internet Service Providers, banks, credit companies, and telephone carriers—all without appropriate judicial oversight—also impose a gag order on recipients.

NSL abuse has been and likely continues to be rampant. The widely-circulated 2007 report issued by the Inspector General from the Department of Justice documents

“widespread and serious misuse of the FBI’s national security letter authorities. In many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General Guidelines, or the FBI’s own internal policies.” Another audit released in 2008 revealed similar abuses, including the fact that the FBI had issued inappropriate “blanket NSLs” that did not comply with FBI policy, and which allowed the FBI to obtain data on 3,860 telephone numbers by issuing only eleven “blanket NSLs.” The 2008 audit also confirmed that the FBI increasingly used NSLs to seek information on U.S. citizens. From 2003 to 2006, almost 200,000 NSL requests were issued. In 2006 alone, almost 60% of the 49,425 requests were issued specifically for investigations of U.S. citizens or legal aliens.

In addition, First Amendment advocates should be concerned about an especially troubling aspect of the 2008 audit, which documented a situation in which the FBI applied to the United States Foreign Intelligence Surveillance Court (FISC) to obtain a section 215 order. The Court denied the order on First Amendment grounds. Not to be deterred, the FBI simply used an NSL to obtain the same information.

A recent report released by the Electronic Frontier Foundation (“EFF”) entitled, “Patterns of Misconduct: FBI Intelligence Violations from 2001-2008,” documents further NSL abuse. EFF estimates that, based on the proportion of violations reported to the Intelligence Oversight Board and the FBI’s own statements regarding NSL violations, the actual number of violations that may have occurred since 2001 could approach 40,000 violations of law, Executive Order, and other regulations.

Yet another troublesome (and now permanent) provision of the PATRIOT Act is the expansion of Suspicious Activity Reports. Sections 356 and 359 expanded the types of financial institutions required to file reports under the Bank Secrecy Act. The personal and account information required by the reports is turned over to the Treasury Department and the FBI. In 2000, there were only 163,184 reports filed. By 2007, this had increased to 1,250,439. Again, as with NSLs, there is a complete lack of judicial oversight for SARs.

a. Why do you think Senator Paul wrote that these other provisions of the PATRIOT ACT “present even greater concerns”?

b. What did he mean by “NSL abuse,” and what do you think is the most troubling example he gave? What constitutional principles or protections are called into question by these abuses?

c. What role did Senator Paul believe the PATRIOT Act played in initiating these abuses?

Passage 5

Finally, I wish to remind my colleagues that one of the many ironies of the rush to advance the PATRIOT Act following 9/11 is the well-documented fact that FBI incompetence caused the failure to search the computer of the alleged 20th hijacker, Zacarias Moussaoui. As FBI agent Coleen Rowley stated, “the FBI headquarters supervisory special agent handling the Moussaoui case ‘seemed to have been consistently almost deliberately thwarting the Minneapolis FBI agents’ efforts” to meet the FISA standard for a search warrant, and therefore no request was ever made for a warrant. Why, then, was the FBI rewarded with such expansive new powers in the aftermath of this institutional failure?

In the words of former Senator Russ Feingold, the only “no” vote against the original version of the PATRIOT Act,

“[T]here is no doubt that if we lived in a police state, it would be easier to catch terrorists. If we lived in a country that allowed the police to search your home at any time for any reason; if we lived in a country that allowed the government to open your mail, eavesdrop on your phone conversations, or intercept your email communications; if we lived in a country that allowed the government to hold people in jail indefinitely based on what they write or think, or based on mere suspicion that they are up to no good, then the government would no doubt discover and arrest more terrorists. But that probably would not be a country in which we would want to live. And that would not be a country for which we could, in good conscience, ask our young people to fight and die. In short, that would not be America.”

I call upon each of my Senate colleagues to seriously consider whether the time has come to re-evaluate many—if not all—provisions of the PATRIOT Act. Our oath to uphold the Constitution demands it.

a. Why do you think he wrote to his fellow Senators that their oath to uphold the Constitution demanded that they re-evaluate the PATRIOT ACT? What constitutional principles do you think he had in mind?

b. Underline or highlight 5 or 6 sentences in Senator Paul’s speech that you think most powerfully convey his views.

Note: On May 26, 2011, Congress voted to extend for four years the following provisions that had been set to expire. The House of Representatives vote was 250 – 153, and the

Senate vote was 72 – 23. Later that same evening, President Obama signed the legislation.

- Section 206 of the PATRIOT Act, which provides for roving wiretaps of those who try to avoid Foreign Intelligence Surveillance Act (FISA) monitoring.
- Section 215 of the PATRIOT Act, which allows the FBI to apply to the FISA court to issue orders granting the government access to any tangible items in foreign intelligence, international terrorism and clandestine intelligence cases.
- Section 6001 of the Intelligence Reform and Terrorist Prevention Act of 2004, which closes a loophole that could allow individual terrorists not affiliated with specific organizations to avoid FISA surveillance (the “lone wolf” provision).

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Handout D: Remarks from President Barack Obama, August 9, 2013

In May and June 2013, Edward Snowden released to journalists information about secret U.S. National Security Agency (NSA) programs. Snowden was a computer systems administrator who had worked for the Central Intelligence Agency, the Defense Intelligence Agency, and as a private contractor inside National Security Administration facilities. He maintained that, through warrantless domestic surveillance, classified NSA programs violated the U.S. Constitution. He saw himself as a whistle-blower to help stop such abuses by making them public. In June, Snowden was charged with theft of government property and violation of the Espionage Act of 1917. He fled the U.S. in order to avoid prosecution, arriving in Moscow, Russia, and receiving temporary asylum to remain there in August. Shortly thereafter, President Obama held a press conference to address some of the concerns raised by Snowden's activities. Snowden has since been granted approval to live in Russia at least until 2017.

The White House East Room

Office of the Press Secretary
For Immediate Release
August 09, 2013; 3:09 P.M. EDT

Remarks by the President in a Press Conference

Passage 1

THE PRESIDENT: Good afternoon, everybody. Please have a seat.

Over the past few weeks, I've been talking about what I believe should be our number-one priority as a country -- building a better bargain for the middle class and for Americans who want to work their way into the middle class. At the same time, I'm focused on my number-one responsibility as Commander-in-Chief, and that's keeping the American people safe. And in recent days, we've been reminded once again about the threats to our nation.

As I said at the National Defense University back in May, in meeting those threats we have to strike the right balance between protecting our security and preserving our freedoms. And as part of this rebalancing, I called for a review of our surveillance programs. Unfortunately, rather than an orderly and lawful process to debate these issues and come up with appropriate reforms, repeated leaks of classified information have initiated the debate in a very passionate, but not always fully informed way.

Now, keep in mind that as a senator, I expressed a healthy skepticism about these programs, and as President, I've taken steps to make sure they have strong oversight by all

three branches of government and clear safeguards to prevent abuse and protect the rights of the American people. But given the history of abuse by governments, it's right to ask questions about surveillance -- particularly as technology is reshaping every aspect of our lives.

In passage 1, what specific incidents might the President have had in mind when he noted, "But given the history of abuse by governments, it's right to ask questions about surveillance -- particularly as technology is reshaping every aspect of our lives."

Passage 2

I'm also mindful of how these issues are viewed overseas, because American leadership around the world depends upon the example of American democracy and American openness -- because what makes us different from other countries is not simply our ability to secure our nation, it's the way we do it -- with open debate and democratic process.

In other words, it's not enough for me, as President, to have confidence in these programs. The American people need to have confidence in them as well. And that's why, over the last few weeks, I've consulted members of Congress who come at this issue from many different perspectives. I've asked the Privacy and Civil Liberties Oversight Board to review where our counterterrorism efforts and our values come into tension, and I directed my national security team to be more transparent and to pursue reforms of our laws and practices.

And so, today, I'd like to discuss four specific steps -- not all inclusive, but some specific steps that we're going to be taking very shortly to move the debate forward.

First, I will work with Congress to pursue appropriate reforms to Section 215 of the Patriot Act -- the program that collects telephone records. As I've said, this program is an important tool in our effort to disrupt terrorist plots. And it does not allow the government to listen to any phone calls without a warrant. But given the scale of this program, I understand the concerns of those who would worry that it could be subject to abuse. ...

For instance, we can take steps to put in place greater oversight, greater transparency, and constraints on the use of this authority. So I look forward to working with Congress to meet those objectives.

Second, I'll work with Congress to improve the public's confidence in the oversight conducted by the Foreign Intelligence Surveillance Court, known as the FISC. The FISC was created by Congress to provide judicial review of certain intelligence activities so that a federal judge must find that our actions are consistent with the Constitution. However, to build greater confidence, I think we should consider some additional changes to the FISC.

... while I've got confidence in the court and I think they've done a fine job, I think we can provide greater assurances that the court is looking at these issues from both perspectives -- security and privacy.

So, specifically, we can take steps to make sure civil liberties concerns have an independent voice in appropriate cases by ensuring that the government's position is challenged by an adversary.

Number three, we can, and must, be more transparent. ... So at my direction, the Department of Justice will make public the legal rationale for the government's collection activities under Section 215 of the Patriot Act. The NSA is taking steps to put in place a full-time civil liberties and privacy officer, and released information that details its mission, authorities, and oversight. And finally, the intelligence community is creating a website that will serve as a hub for further transparency, and this will give Americans and the world the ability to learn more about what our intelligence community does and what it doesn't do, how it carries out its mission, and why it does so.

Fourth, we're forming a high-level group of outside experts to review our entire intelligence and communications technologies. We need new thinking for a new era. We now have to unravel terrorist plots by finding a needle in the haystack of global telecommunications. And meanwhile, technology has given governments -- including our own -- unprecedented capability to monitor communications.

So I am tasking this independent group to step back and review our capabilities -- particularly our surveillance technologies. And they'll consider how we can maintain the trust of the people, how we can make sure that there absolutely is no abuse in terms of how these surveillance technologies are used, ask how surveillance impacts our foreign policy -- particularly in an age when more and more information is becoming public. And they will provide an interim report in 60 days and a final report by the end of this year, so that we can move forward with a better understanding of how these programs impact our security, our privacy, and our foreign policy.

a. In passage 2, what concrete steps did the President describe in order to increase the confidence of the American people with respect to our surveillance programs? What constitutional principles are suggested by each of these steps?

b. To what extent did President Obama agree with Snowden's views?

Passage 3

So all these steps are designed to ensure that the American people can trust that our efforts are in line with our interests and our values. And to others around the world, I want to make clear once again that America is not interested in spying on ordinary people. Our intelligence is focused, above all, on finding the information that's necessary to protect our people, and -- in many cases -- protect our allies.

It's true we have significant capabilities. What's also true is we show a restraint that many governments around the world don't even think to do, refuse to show -- and that includes, by the way, some of America's most vocal critics. We shouldn't forget the difference between the ability of our government to collect information online under strict guidelines and for narrow purposes, and the willingness of some other governments to throw their own citizens in prison for what they say online.

And let me close with one additional thought. The men and women of our intelligence community work every single day to keep us safe because they love this country and believe in our values. They're patriots. And I believe that those who have lawfully raised their voices on behalf of privacy and civil liberties are also patriots who love our country and want it to live up to our highest ideals. So this is how we're going to resolve our differences in the United States -- through vigorous public debate, guided by our Constitution, with reverence for our history as a nation of laws, and with respect for the facts.

a. In passage 3, what specific examples might the President have had in mind in referring to “the willingness of some other governments to throw their own citizens in prison for what they say online”?

b. President Obama stated that we resolve our differences in the United States “through vigorous public debate, guided by our Constitution, with reverence for our history as a nation of laws, and with respect for the facts.” What specific constitutional principles and/or virtues are suggested by this manner of resolving disputes?

For further study: conduct research to learn the current status of each of the steps that President Obama described in this 2013 news conference.

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Handout E: Twitter Feed

Create a text message or Twitter feed (including hashtags or #) dialogue between President Obama (@Obama) and Senator Paul (@Paul) which illustrates their positions. Provide at least 3 comments each that depict each position.

Twitter feed layout showing alternating tweets from @Obama and @Paul. Each tweet box contains a profile picture placeholder and a name label.