

Compliance, the Patriot Act, and Post-9/11 Surveillance: 22 Years Later



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Today is September 4, 2023. Next week, September 11, 2023, marks 22 years since the devastating attacks in the United States, and the beginning of increased efforts to surveil in the name of safety and security. This newsletter covers the Patriot Act of 2001, introduces an activity that critically analyzes a document archived from the Department of Justice, and resources to help question two decades of normalized surveillance under the Act.

To critically examine and understand the Patriot Act, we have provided an activity through the lens of compliance. Those who live in the United States are subject to increased surveillance because of the Act. We comply, because if we do not, we are labeled as non-compliant. Non-compliance means we are threats. But who are “we”? Those who are “threats” and “non-compliant” are bodies who are subject to hyper-surveillance by state entities, often without

being given the opportunity to comply: those who are Black, people of color, LGBTQIA+, disabled, and non-citizens. How do we question or resist a system that we are entangled in? Compliance might be understood as the name we give to accepting (or rejecting) technical instruction, procedure, or regulation. Compliance is complex: it keeps processes consistent and reliable while (allegedly) keeping people safe and accountable.

Patriot Act

From the [Justice archives](#):

The Department of Justice's first priority is to prevent future terrorist attacks. Since its passage following the September 11, 2001 attacks, the Patriot Act has played a key part - and often the leading role - in a number of successful operations to protect innocent Americans from the deadly plans of terrorists dedicated to destroying America and our way of life. While the results have been important, in passing the Patriot Act, Congress provided for only modest, incremental changes in the law. Congress simply took existing legal principles and retrofitted them to preserve the lives and liberty of the American people from the challenges posed by a global terrorist network.

[A Violation of Rights, Disguised under Liberty](#):

Since its passing in 2001, six weeks after September 11, 2001, the Patriot Act has been critically analyzed for its impacts on the United States. In particular, the increase in surveillance tactics has created concerns about government power. For example, under the Act, the government can:

1. Record searches (Section 215).
2. Search private property without notice to the owner (Section 213).
3. Collect and implement more foreign intelligence information (Section 218).
4. Collect "addressing" information about the origin and destination of communications, as opposed to solely the content (Section 214).

Compliance Activity

The following is an optional activity that can be adopted for your course(s) to consider the ways in which the Patriot Act impacts people within the United States. Who does the Act serve? Impact? How? What components (phrases, policies, amendments) display the intended purpose of the Act: to counteract terrorism?

Annotation Assignment: Identifying Compliance in the Patriot Act*

Print out or have access to either the Department of Justice archive pdf (from above and in the resources) or the full text Patriot Act (depends on your course). Please be able to highlight the text, whether on a computer or physical copy. After carefully reading through the text, follow the steps below:

1. Describe the Act in detail sufficient for someone who has not read it to understand its context and features: Who is implicated by the Act? What is the context in which the Act has been written? Who has authored

the text and who is its target audience or user? Where is the text published or made accessible to its audience/users?

2. Highlight (on the actual text) where you see language that invites, demands, or invokes compliance.
3. Then, based on what you've highlighted, describe the language the document uses to indicate expectations or mandates of compliance: What is the tone of this language? What patterns do you see across examples (if any)? What ambiguities (if any) do you see in the language—places where users might be confused by language around compliance.
4. Identify and explain how the Act is asking for compliance: What would it mean to be “compliant”? Who must be compliant? What would that look like? What would non-compliance look like? What are the consequences for non-compliance?
5. Finally, explain what you learned from the steps above: What do you now understand about compliance based on working with the Act that you did? How does this impact your understanding of “citizenship” in more general terms?

*This assignment is adopted from a forthcoming book chapter.

Resources and Contemporary Surveillance Legislation

- Department of Justice Archives https://www.justice.gov/archive/ll/what_is_the_patriot_act.pdf
- ACLU Surveillance Under the Patriot Act <https://www.aclu.org/documents/surveillance-under-usapatriot-act#:~:text=Section%2015%20of%20the%20Patriot%20Act%20violates%20the%20Constitution%20in,or%20will%20commit%20a%20crime>
- EPIC and the Patriot Act
- <https://epic.org/issues/surveillance-oversight/patriot-act/>

Act Now:

Organizations, especially the ACLU, have taken action against some contemporary surveillance legislation. Examples range from Acts imposing on reproductive health, trans care, native families, warrantless surveillance, and much more. For example, [this website](#) lists how you can take action to inform local representatives of topics that matter—around the nation.

Here's a recent example of a letter written by the organization (ACLU) on behalf of citizen privacy, free speech, and security: [ACLU Letter Opposing EARN IT Act, STOP CSAM Act, and Cooper Davis Act](#).

Recent DRPC Publications and Presentations

Publication:

Banville, M. C. (2023). Am I who I say I am? the illusion of choice: Biometric identification in healthcare (Order No. 30603350). Available from ProQuest Dissertations & Theses Global. (2830119112). Retrieved from <https://www.proquest.com/dissertations-theses/am-i-who-say-illusion-choice-biometric/docview/2830119112/se-2>

Conferences:

Banville, M., Frost, Erin, & Sharp-Hoskins, Kellie. (2023, September). Feminist Literacies and Medical Compliance: Complicating the “Noncompliant Patient” [Panel Presentation]. Feminisms and Rhetorics Conference. Atlanta, GA, United States.

Banville, M. (2023, September). Am I who I say I am? The Illusion of Choice: Biometric Identification in Healthcare [Individual Presentation]. Council for Programs in Technical and Scientific Communication (CPTSC). Charleston, SC, United States.

Johnson, G.P. (2023, Oct. 3). What Does It Mean to Do Contemporary Feminist Rhetoric? Perspectives from Contributions to the 2024 *Routledge Handbook*. [Panel Presentation with Suban Nur Cooley, Allison Dziuba, Jessica Enoch, Jackie Rhodes, Kathleen J. Ryan, and Norie Ross Singer]. Feminisms and Rhetorics Conference. Atlanta, GA, United States.

Local Presentations:

Woods, C. and Johnson, G.P. (2023, Aug. 25). Beyond Surveillance Apathy: Considering the Importance of Privacy when Using AI & Other Classroom Technologies. Texas A&M University-Commerce Fall Convocation Workshops. Commerce, TX, United States.

Continue the conversation about AI from our Summer 2023 DRPC newsletters with The Big Rhetorical Podcast Carnival, Artificial Intelligence: Applications and Trajectories, which features over a dozen podcasts and a Keynote Interview with Dr. Isabel Pederson Link: <https://spotifyanchor-web.app.link/e/2cy9UAoVNcb>