This research work is basically a study of USA PATRIOT ACT and balancing National Security and Civil Liberties in the context of tragic 9/11 episode in USA. On September 11, 2001, nineteen Saudi-born Islamic hijackers with box cutters eluding security stunned the World, more particularly America when they with remarkable synchronism and accuracy, flew three fully fueled jumbo aircrafts as human guided missiles into designated and highly symbolic targets in New York and Washington. The fourth aircraft, which crashed in a Pennsylvania field, was believed to have been headed for the White House or the Capitol Hill. In its emotional impact, September 11, may have been the most horrifying single day event in American history as Americans watched on television, in real time, the twin towers of the New York World Trade Center and section of American military establishment, the Pentagon, burn and collapse. Equally shocking was the death of 3000 Americans on that day. President Bush experienced 9/11 horror as directly as emotionally any American. He assured and convinced the American people by declaring, “Make no mistake, the United States will hunt down and punish those responsible for these cowardly acts.” He reiterated the assurance by declaring the “war on terror” as a foreign policy objective and obtained Congress passage on 26th Oct, 2001, the Act called: “Uniting and Strengthening America by Providing Adequate Tools Required to Intercept and Obstruction Terrorism” (USA PATRIOT Act) within 46 days to deter any act of terrorism, to punish the culprits and to provide full-proof security to the US citizens from further attacks. It was perceived by the US Administration that the 9/11 terrorist act was planned from outside the US but executed from inside the country because of loopholes in the surveillance system, law enforcement, lack of political will to legislate extensively on immigration and so also the carefree American way of life in which they think freedom is essential to human lives. The American leadership and public were convinced that enumerated weakness was exploited by the terrorist not only to spread fear but exposed the invincibility of the USA. Thus, “terrorism” and “terrorist” assumed the dimension of national security threat. The USA PATRIOT Act was Bush Administration’s response to address the terrorist menace, threat and to pluck loopholes in American legal and security system by curbing enormous freedom,
civil liberties and life-style of Americans, prospective immigrants and non-citizens in US.

It was assumed by policy makers that unless the liberties of suspects and prospective suspects, both inside and outside the US were restricted, unless their essential fundamental rights which are guaranteed in their constitution be restricted, the nation can not be secured. But enactment of the Patriot Act is certainly not a new phenomenon in the US. In the past also, the government had legislated heavily to counter such problems. The Fundamental Rights and essential freedom of the US citizens have been limited and eroded, aliens and non-citizens have been dealt with strictly through different stringent laws and regulations. However, the present Patriot Act is different from all other laws in terms of its nature, scope and application. It is different in terms of place, person and situation. The law has been designed primarily to rearrange and balance the national security and civil liberties. But instead of a win-win situation wherein both national security and civil liberties would have benefited, the US Administration’s rearrangements have been emphasized more on national security especially, security of nation which has given a jolt to the cause of civil liberties. This has led to serious debate and challenge by libertarians and has also filled doubt in the mind of the ordinary citizens regarding a proper and impartial arrangement of them. They have pointed out the threat to civil liberties, human rights and undermining of established US Constitutional practice in the context of: provisions pertaining to habeas corpus, unlawful arrest, indefinite detention, expanded police actions, expanded surveillance procedures, mixing of foreign and intelligence surveillance with the domestic criminal acts, the sneak and pick warrants on the citizens, various governmental secrecy and failure of following a democratic openness in public affairs, the robust telephone wire-tap records and business records, a stringent immigration procedure wherein even the honest and dutiful immigrants have been booked without any wrong doings, and treatment of detainees. An aggressive national security policy which has been followed since the heinous act of 9/11 terrorist attacks through the Patriot Act has been a matter of debate not only by the citizens of the United States but through out the world. People those who believe in fundamental freedoms, civil liberties and human rights have raised doubt about intention of the Act. Yet, because of “Sunset Clause” this act has been repeatedly passed by Congress as USA PATRIOT Improvement and Reauthorization Act of 2005; USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006; USA
PATRIOT Act Sunset Extension Act of 2009 (S. 1692); and USA PATRIOT Amendments Act of 2009 (H.R. 3845).

Scope and Focus of Study:

The present research primarily focuses on how the legislated USA PATRIOT Act, 2001 addresses terrorism inside and outside the United States ever since, the tragic episode of 9/11. At the macro level, the research examines the aspects of purpose and objective of the Act in the context of security of nation and security of the people of the United States. At the micro level, details of the Act has been examined especially, the administration’s rearrangement of the national security and civil liberties, on the basis of balancing national security and civil liberties. Apart from intercepting and obstructing terrorism, effort has been made to understand whether Patriot Act has been stringent on civil liberties, basically human rights as guaranteed in the US Constitution. The question, whether under Patriot Act in the process of mitigating terrorism weakened the civil liberties of citizens and non-citizens has been explored by examining sections of the Patriot Act relating to enhanced police powers, enhanced surveillance procedure, enhanced criminal procedure, enhanced wiretapping and business records, enhanced methods of extracting informations from criminal/suspects, and stricter immigration law.

Another important aspect has been examined is whether party politics especially, the Democratic and Republican parties or President had any difference on the matter of balancing national security and civil liberties. This aspect is relevant as the Patriot Act was passed by Republican President Bush in the White House and Republican majority in the Congress. Strangely, this Act was renewed by the Democratic President Obama in the White House and Democratic party majority in Congress even, after being sympathetic towards civil liberties.

Objective of Study:

The basic objectives of this research work are as follows.

- To understand the background to the passage of USA-PATRIOT Act of 2001.
- To analyze the main features of the Patriot Act.
- How far war on terror breathed a new life into the forces of
authoritarianism, unilateralism, and pre-emptiveness in America.

- To observe contours of debate between defenders of liberties and advocates of State Security.
- Role of Republican and Democratic Parties in the debate on national security and liberty.
- The significance of reauthorization of Act by Bush and Obama Administrations in spite of different focuses on national security and civil liberties.
- An analytical assessment into balancing of national security and civil liberties.
- To observe any challenge and impediment to the operation and realization of the USA-PATRIOT Act of 2001 and the subsequent exercises to overcome it.

Hypotheses:

The Hypotheses of the research work are as under:

- With the identification and declaration of "terrorists" and "terrorism" the major threat to American domestic security, the security of state rather than security of human being has assumed pre-eminence in America.
- The Nation-State, i.e., USA has assumed preponderance in defining the parameters of security and civil liberty in formulating the USA-PATRIOT Act, thereby breathing new phase of authoritarianism in America.
- Congressional debate and hearing almost reaches minimum or nonexistence when a threat to nation state by "terrorist" had been upheld by the American executive, especially by the White House.
- In the ensuing national debate on security and liberty relating to USA-PATRIOT Act both inside and outside the Congress the domineering trend has been for upholding balancing of national security and civil liberty.

Methodology:

A case study approach for the present research has been adopted. The methodology has been both descriptive and analytical. Arguments and counter
arguments on the balancing between national security and civil liberties has been analyzed. The collection of data includes both primary as well as secondary sources. Nevertheless, the study depends extensively on secondary sources for analysis and description, based on books, journals, periodicals, and news Papers Articles. Moreover, in the present study, descriptive and analytical methodology have been adopted to explain various terms, concepts and laws. A series of arguments and counter arguments on issues relating to conflict have been analyzed and how to bring a balance between them with the help of both primary and secondary sources in the light of delicate and dynamic of the concept of balancing national security and civil liberties have been examined.

The Chapterization Scheme:

There are six chapters besides conclusion in the undertaken research. The thesis begins with an introduction chapter which contains various theories of international relations and its relevance in understanding the issues relating to Patriot Act. It conclude with security survey of literature section. Chapter One: the Nation-State and National Security, deals with the idea of nation-state and national security and their realization in the United States. In Chapter Two: the USA PATRIOT Act, 2001 focuses on explaining on the nature and scope, the application and amendments and reauthorization of the act. In Chapter Three: the Congress and the Balancing of National Security and Civil Liberties is an attempt to understand balancing national security and civil liberties with the help of arguments and counter arguments of both sides of complainants and defendants in the Congress and in Chapter Four: Challenges to Civil Liberties have been explained. This chapter deals with an understanding of civil liberties and challenges to civil liberties by the Patriot Act. But Chapter Five: Threats to Human Rights examines the importance of human rights and addresses the issues claiming to violation of human rights by the Act. Chapter Six: Conclusion, which contains a concluding observation and remarks on nature of rearrangement of the national security and civil liberties.