

Study Guide for Chapter 3, Part 2

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Homeland Security Law, Regulations, and Budgeting

1. The Federal Statute referred to as the posse comitatus statute is 18 U.S.C. 1385 which provides: Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.
2. Despite the posse comitatus statute's continuing prohibition against using the U.S. Armed Forces to execute law, over the past 30 years numerous laws have been passed that authorize the military to assist law enforcement agencies in antiterrorism and drug enforcement efforts.
3. The USA PATRIOT Act was signed into law in October 2001. The USA PATRIOT Act was developed out of the belief that intelligence had been so poor prior to the attacks. It sought to correct the perceived failures in intelligence.
4. 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.
5. Among the important provisions in the USA PATRIOT Act are those that:
 - a. Removed barriers to sharing of intelligence information concerning terrorism.
 - b. Expanded grounds for the use of National Security Letters (NSLs) to obtain records relating to possible terrorist activity.
 - c. Expanded the grounds for gathering foreign intelligence relating to terrorism.
 - d. Expanded the crime of providing material support for terrorism.
 - e. Expanded the use of "roving wiretaps" in terrorism investigations.
 - f. Liberalized the grant and extent of foreign intelligence wiretaps and electronic surveillance.

g. Expanded the use of “Sneak and peek warrants” in terrorism investigations.

6. According to Nemeth, “DHS benefits significantly from the USA Patriot Act and urges the United States Congress to reauthorize this proven tool in the global war on terror. The Patriot Act breaks down barriers to information sharing, enabling law enforcement and intelligence personnel to share information that is needed to help connect the dots and disrupt potential terror and criminal activity before they can carry out their plots. [For example, the] broad information sharing provisions better enables U.S. Customs and Border Protection to screen international visitors and determine whether an apprehended alien presents a threat to security or public safety.”