

**DUE:** Wednesday, October 13, at the beginning of class

**ASSIGNMENT:** Consider this case described by the American Civil Liberties Union:

“Just 45 days after the September 11 attacks, with virtually no debate, Congress passed the USA PATRIOT Act. Many parts of this sweeping legislation take away checks on law enforcement and threaten the very rights and freedoms that we are struggling to protect. For example, without a warrant and without probable cause, the FBI now has the power to access your most private medical records, your library records, and your student records... and can prevent anyone from telling you it was done.”

Some of the rights being threatened by the Patriot Act include: First Amendment, freedom of religion, speech, assembly, and the press; Fifth Amendment, no person to be deprived of life, liberty or property without due process of law; Fourteenth Amendment, all persons (citizens and noncitizens) within the U.S. are entitled to due process and the equal protection of the laws.

Assume you are a Lockean Contractarian. In section 222 of the *Social Contract*, Locke argues that when the government violates its role as protector of the people’s rights, then the government, “forfeit[s] the power, the people had put into their hands.” In other words, upon a violation of their role, the government can be removed.

Do you think Locke’s arguments in section 222 apply to the Patriot Act? If you think they do apply, explicitly explain what aspects of the argument apply. If you think they don’t, then explain how the Patriot Act does not meet the standards Locke states or is an exception to these standards. Even if the Patriot Act does violate Locke’s standards, might one argue that Locke would not move for the dissolution of the government? If so, why?

Your paper should focus on the arguments Locke makes in section 222 and on Lockean Contractualism. So you don’t exceed the page requirements, I strongly suggest focusing your paper to a single argument.

**WARNING:** Your paper is not a political tract. I do not want to hear about the evils of terrorism, the greatness of the USA, or the greatness/evilness of political parties. This is assumed. The issue is whether the U.S. government, in enacting the Patriot Act, has violated the trust of the people with whom it has a contract. Notice that Locke does not care so much about the circumstances as about the government overstepping its bounds. He writes in section 222, “Whensoever therefore the legislative shall transgress this fundamental rule of society; and either by ambition, fear, folly or corruption...endeavour to grasp themselves, or put into the hands of any other an absolute power over the lives, liberties, and estates of the people....”

**FORMAT:** The papers will be typed using Times font, 12 pt., doubled spaced, with one-inch margins, and include page numbers and a title page. Papers should not exceed four typed pages in length. For more writing tips, see the downloadable document “Writing Tips” on the Notes and Handouts page. Submit all papers in either .doc/.docx or .rtf format into the D2L Dropbox created for this paper by the beginning of class.