THE POLITICS AND PERCEPTIONS OF THE PATRIOT ACT IN 24 & HOMELAND

Lexy Schuman

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THE POLITICS AND PERCEPTIONS OF THE PATRIOT ACT IN 24 & HOMELAND

by

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ABSTRACT

THE POLITICS AND PERCEPTIONS OF THE PATRIOT ACT IN 24 & HOMELAND

Lexy Schuman

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This paper looks at how the Patriot Act and the Fourth and Fifth Amendments are portrayed in the television shows 24 and Homeland and if these depictions can affect viewers’ perceptions on public policy and other topics. These perceptions may cause a viewer to have inaccurate views on other topics, but first it must be determined if the views drawn from these television shows are accurate or inaccurate. To examine these particular television shows, a study was conducted that coded the level of accuracy to which the actions that the television characters took abided by the enacted statute that their real-life counterparts would have to follow as well. These results were then examined to determine the level of accuracy to which the characters and their respective agencies follow the rules established by the Patriot Act and the Fourth and Fifth Amendments. To establish credibility, this paper examined other television shows’ effects on viewers and provided a discussion on specific sections of the Patriot Act to be analyzed. Overall, this paper hopes to contribute to a larger discussion on how the Patriot Act is portrayed in certain television shows and the possibility of a negative impact on its viewers.

KEYWORDS: Counterterrorism, Homeland Security, Patriot Act, Television
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CHAPTER ONE

Introduction

In recent years, the United States of America has undergone many notable policy changes enacted through both the legislative and the executive branches. Some of the most notable changes have stemmed from national events, which not only shaped the nation’s attitude toward worldwide trends but also affected public policy in the United States. Perhaps no event in the last twenty years has altered United States policy on such a drastic level as the terrorist attacks that occurred in New York City, Washington, D.C., and Pennsylvania on September 11, 2001. These events not only gripped the attention of the entire country but also significantly shaped both domestic and foreign policy for the foreseeable future. Two of the most substantial and controversial pieces of legislation that became public law during this time period were the Patriot Act, which was codified into public law on October 26, 2001 (Public Law 107-56), and the Homeland Security Act of 2002, which established the fifteenth cabinet department (Public Law 107-296). The Department of Homeland Security, in addition to the numerous powers it received from its initial creation, utilized many of the powers that the Patriot Act granted those working within the counterterrorism and foreign intelligence areas of the executive branch.
The Patriot Act and the newly created Department of Homeland Security (DHS) caused a notable reaction in the media. Even popular culture picked up on this new counterterrorism movement, and television shows focused on fighting the “war on terror.” Two of the most well-known and acclaimed shows that concentrate on these issues are Fox’s 24, which began in 2001 and aired for eight seasons, and Showtime’s Homeland, which began in 2011 and is still currently airing. Both of these television shows feature main characters that work in fictionalizations of bureaucratic agencies such as DHS, the FBI, and the CIA, and theoretically these characters, although fictionalized, should adhere to the actual enacted legislation (such as the Patriot Act) that controls the real-life versions of these agencies. Viewers of television shows that address these issues regarding counterterrorism may then gather their opinions on its controlling statutes, such as the Patriot Act, through its portrayal on these shows. This study focuses on the representation of the Patriot Act and the Fourth and Fifth Amendments in 24 and Homeland. Although this study does not examine the effect that these portrayals, accurate or inaccurate, can have on viewers’ perceptions and ensuing opinions on the Patriot Act, it begins to research these representations in 24 and Homeland so that future studies may examine effects on viewers.
Before examining how the Patriot Act is portrayed in 24 and Homeland, the overall background of the Patriot Act and the creation of DHS as well as the effect it caused within the general media must be examined. Some pundits voiced concerns that the leadership of DHS would not be able to coordinate its information and staff across such a broad array of federal agencies that fell under its broad scope. These federal agencies that were currently operating independently were wary to submit authority to a new cabinet department (Hall). Additionally, commentators remarked that DHS did not have a broad enough scope of power or the tools necessary to coordinate information in order to be truly effective at stopping terrorist attacks on American soil (Hall, Kiely).

However, Members of Congress who voted for the creation of the Department of Homeland Security did so because they felt that the importance of national security was more vital than any partisanship that could arise within Congress, saying that “homeland security is about the security of the people here at home” (Hudson). President George W. Bush accordingly made the development of homeland security a priority in his administration. Thus, DHS received a large amount of power with almost unlimited discretion for the sake of protecting the United States’ national interests both domestically and abroad.
DHS pulled many of its powers from the then-newly implemented Patriot Act.

This 132-page document gave bureaucratic officials greater discretion and more power in the realms of law enforcement and foreign intelligence-gathering by giving them greater authority to track and intercept communications both domestically and abroad (“PATRIOT Act Overview”). It also brought the importance of counterintelligence and counterterrorism to light, as prior to the events of September 11, only seventy-two hours of sixteen weeks were spent discussing these topics (Smith 12). Additionally, prior to the passage of the Patriot Act, federal agencies who dealt with intelligence-gathering, both foreign and domestic, had a “legal wall” preventing them from sharing the information that each agency gathered about the same target or mission (13). The Patriot Act removed this wall and placed a much greater emphasis on counterterrorism and preventative actions to protect against threats to the United States’ national security. Its ten titles vary from “Enhancing Domestic Security Against Terrorism” to “Strengthening the Criminal Laws Against Terrorism,” with each of these sections granting both new and extended powers to federal and state officials, such as easing the requirements to get warrants, extending the scope of subpoenas for information related to a terrorist investigation, conducting “sneak-and-peek” searches, and allowing the information-sharing between counterintelligence and counterterrorism agencies (Public Law 107-56).
Many American television shows, such as *The Unit* and *Sleeper Cell*, were created in the wake of these discussions of homeland security that terrorism on television virtually became its own genre. However, many critics agree that Fox’s *24* remains the pinnacle standard for this genre of television, garnering an 8.5/10 from 120 critic reviews on IMDB (“24 [“2001-2010”]). The season five premiere, which aired on January 15, 2006, attracted 32.5 million viewers, which made it the most watched episode of the series as well (Reuters). Season five of *24* averaged 13.8 million viewers per episode, ranking it eighth overall for that season’s television programming (“Weekly Program Rankings: 05/22/06-05/28/06”). Critics universally hailed the season, with the *USA Today* saying “24 [is] at its fast, furious, exaggerated best, filled with well-drawn subsidiary characters and rapid-fire surprises” (Bianco) and the *Pittsburgh Post-Gazette* hailing it as the most thrilling season yet (Owen). Season five opens with the assassination of the sitting President and proceeds to focus on a group of Russian terrorists who are attempting to coerce the United States government through a series of nerve gas attacks. Throughout this day-long ordeal, Jack Bauer and his team at CTU must not only fight the Russian terrorists but also internal battles against new President Charles Logan, Department of Defense liaison Audrey Raines, and a hostile Department of Homeland Security (“24: Season 5 [2005]”).
Season six of 24 averaged nearly one million fewer viewers than season five, at an average of 12.7 million viewers (“Weekly Program Rankings: 05/21/07-05/27/07”), but it still garnered praise from critics. The Chicago Tribune reminded viewers of “the fact that 24 spins our darkest nightmares about terrorism and national (in)security has always been mitigated by the notion that Bauer […] would be on hand to save the day” (Ryan), and the USA Today hailed it as a completely and thrilling different version of the top-notch season five (Bianco). Like season five, season six of 24 focuses on terrorist threats (this season through a series of nuclear attacks) and an internal power struggle in the White House due to differing approaches to Russian relations. Jack and CTU must work together with other agencies, mainly the Department of Defense, to stop the nuclear attacks and prevent imminent war with Russia by improving relations with Russian President Suvarov (“24: Season 6 [2006]”).

Although it is still currently airing, Showtime’s Homeland has gained similar critical praise as its predecessor, 24. Its debut season garnered near-universal acclaim, with James Poniewozik of Time calling it the first intense post-9/11, terrorism-focused show to appear in a post-24 era (Poniewozik). Since it is airing on Showtime, which is a television channel that requires a subscription, Homeland has a significantly lower average viewer turnout than 24, with season one averaging 1.25 million viewers per
episode (Gorman) but was Showtime’s highest-rated and most viewed drama in eight years (Seidman). Jonathan Storm of the *Philadelphia Inquirer* labeled it at a realistic, gritty psychological terrorism thriller (Storm). Season one of *Homeland* introduces the audience to Nicholas Brody, a former POW who has been rescued from a Middle Eastern terrorist cell after years of imprisonment, and to Carrie Mathison, a CIA agent who is convinced that Brody has been turned into a sleeper agent by the terrorist cell. Carrie and her immediate supervisor, Saul Berenson, work inside and outside of the rules to discover the truth about Brody’s allegiance (“Homeland: Season 1 [2011]”).

Season two of *Homeland* also received similar acclaim, with labels such as “full-body television [with] pulses racing, stomachs churning, minds strategizing” (Paskin) and a “good, clean hit [with] the most fascinating spy in the world […] the best drama on TV right now” (Stasi). Praises such as these helped the second season to garner nearly 2.5 million viewers per live episode, which is a 63% increase from its debut season, demonstrating the vast increase in popularity and influence that the show has.

Additionally, season two of *Homeland* multiplied its total viewership by a factor of five, as it averaged nearly 6 million viewers across all platforms, including television, Internet, and mobile views (Kondolojy). Season two continues Carrie’s investigation into Brody’s
alliances but also focuses on the CIA’s attempt to eliminate Abu Fayed, leader of the
terrorist cell that had previously captured Brody (“Homeland: Season 2 [2012]”).

Both 24 and Homeland pull from varying sections of the Patriot Act, whether it is
by a character going to a judge to get a warrant for electronic surveillance or having a
hacker intercept computer transmissions for the sake of national security, and both
television shows have fictionalized portrayals of counterterrorism and intelligence-
gathering agencies such as DHS and the CIA. Since both of these shows have a large
audience as well as a significant cultural impact, it is possible that viewers of these shows
may draw their conclusions about important counterterrorism legislation such as the
Patriot Act and the fictionalizations of relevant bureaucratic agencies from the fictitious
perceptions gathered from television. However, these conclusions depend on the
frequency and accuracy to which these television shows utilize the actions and powers
permitted within the scope of the Patriot Act. If these shows do not frequently use any of
these powers, then viewers cannot draw conclusions, accurate or not, about the legislation.

However, if 24 and Homeland portray actions that stem from the Patriot Act, then
viewers will be able to judge both the statute and the bureaucratic agencies based on their
fictionalized portrayals and actions. Therefore, the frequency and accuracy in which
television shows portray these actions regarding counterterrorism, the Patriot Act, and the
related Fourth and Fifth Amendments must be examined before any conclusions about people’s perceptions on these factors can be determined. After examining the portrayals of counterterrorism statutes and if these fictionalizations are inaccurate with actual law, it can then be determined that these viewers, who would then have a distorted view on their personal safety and overall homeland security, would become more distracted and less able to focus on new, more accurate information, negatively affecting their abilities to judge ever-changing public policy (Valentino 266). For the sake of manageability, this study focuses only on the first part of this dual question and examines the accuracy to which the Patriot Act and its related amendments are portrayed within 24 and *Homeland.*
CHAPTER TWO

Literature Review

Section One: Television and Public Perception

People cobble together their views on government through various informational sources, from firsthand sources such as friends or experiences, media sources such as newspapers and websites, and popular culture phenomena, including television shows. As its popularity grows, television is becoming the source of:

the most broadly shared images and messages in history since the public and much of the research community continue to be concerned with over-the-air television. [...] For most viewers, new types of delivery systems [for television] (e.g., cable and satellite) signal even further penetration and integration of established viewing patterns into everyday life. (Gerbner 17)

With a popular television program averaging anywhere from ten million to sixteen million viewers a week, it is not a stretch to conclude that a myriad of viewers gather their views from the television they watch. Traditionally, this phenomenon has been referred to as cultivation theory, which states that the more television relating to crime that a person watches, the more it influences specific and broad ideas of reality, and that these views are prone to reflect the core, recurring messages of the television show (17-18). This theory has existed almost simultaneously with the birth of television and has
been adopted and molded to fit various eras of programming. Within recent programming, the cultivation theory has been applied to the popular show *CSI: Crime Scene Investigation* and its spinoffs.

Viewers of these *CSI*-esque shows, including the *CSI* franchise and similar shows like *NCIS* and *Bones*, shape their perceptions of forensic science on the information, factual or not, gathered from these television programs to shape their views on this field. Dubbed the “CSI effect,” this trend has caused frequent viewers of these programs to have wildly inaccurate perceptions, going as so far as to influence the outcome of jury trials. In his piece detailing the consequences of the “CSI effect,” Dante Mancini states that:

Perhaps the most threatening to the criminal justice system is the “strong prosecutor’s effect” in which jurors who are heavy viewers of forensic science television programs develop unrealistically high standards for the availability and utility of scientific evidence, and when they are undoubtedly disappointed with actual forensic evidence presented in court, they are more likely to acquit defendants compared to their non-viewing cohorts. (Mancini 550)

This outcome is a prime example of the cultivation theory at work in modern television shows and how television programs can and do influence the perceptions and beliefs of their viewers. Naturally, the viewers that consume more television are more likely to have an altered perception of reality, whether it is true or false, than that of their lesser
exposed counterparts. When tested, viewers of crime procedurals estimated a higher rate of crime in their own neighborhoods than the actual rate, since this specific group had been more exposed to these crimes through television (Shrum 462). Interestingly, this result occurred regardless of economic status, political affiliation, or any other variable being the same; the only consistent variable was that all of the respondents who answered “higher crime rate” considered themselves to be avid television watchers.

While the CSI effect certainly does have an effect on its viewers, it is important to note that cultivation theory and the effect that it postulates for a television audience cannot utilize just an isolated message from a singular episode of a television show. The theme or ideas must repeat throughout an arc of episodes, a season, or the entire series in order for it to have a tangible effect (Gerbner 18). Therefore, in order to have a valid test of effect, the sample cannot consist of a single episode, or even a handful of episodes. It must utilize an entire arc of episodes, whether it is an entire season, seasons, or series.

Section Two: 24 and Homeland’s Effects

Like CSI and its spinoffs, 24 and similar counterterrorism-oriented television programs have had a noticeable effect on viewers. In particular, 24 “[plays] upon the fears and fantasies of a post-9/11 culture” (Tenenboim-Weinblatt 373) and has affected
viewers perceptions of how countries, particularly the United States, fight terrorism. Unsurprisingly, *24* has played an influential role in shaping perceptions of torture in its viewers. The character of Jack Bauer demonstrates a rugged sense of heroic individualism, in which the government and its unnavigable bureaucracy act to slow down the process of justice and individual actions—including torture—are the most effective means to a fair end (Rubio 21). While there are no definite numbers on how many times agents of the American government have used torture in attempts to gather information to combat terrorism or its effectiveness in doing so, previous Presidents have admitted that torture is the exception, not the rule (Tenenboim-Weinblatt 368).

Even though this information that torture is rarely used in counterterrorism is readily available to the public, many people still believe that torture is frequently used to extract information from the enemies of the United States. During a Republican candidate debate during the 2008 Presidential election season, nine out of the ten candidates interviewed aggressively endorsed torture for interrogating a hypothetical group of attackers believed to have information on future terrorist strikes; one candidate explicitly mentioned Jack Bauer and *24* in his response, saying, “you say that nuclear devices have gone off in the United States, more are planned, and we’re wondering about whether waterboarding would be a bad thing to do? I’m looking for Jack Bauer at that
time, let me tell you” (368). When interviewed about this supposed “ticking time bomb” scenario, former Secretary of Homeland Security Michael Chertoff stated that this situation was nothing more than hypothetical and after all of his years in law enforcement, he had never found anyone who had confronted that scenario (Greene 179).

In spite of these facts, 24 continues to perpetuate the idea that torture is an effective and necessary instrument in the counterterrorism fight. Throughout the series, these extraordinary “ticking time bomb” circumstances are thrown at Jack Bauer and CTU, and Jack is always willing to use the harshest means necessary (usually through various forms of torture) to save the country from the dire straits it is facing. Within the first five seasons of 24, there were 67 instances of torture by various characters, most of which divulged some type of circumstance-changing information but none of which had any long-term consequences on any of the characters affected by it (Takas 98). 24 is not the only show of its type to portray torture as an effective means to an end; related shows such as The Shield, The Unit, and Sleeper Cell also paint this picture of productive torture as well. With these shows and our current social climate, viewers of these television shows have come to expect that upon successful torture, a suspect with divulge crucial information that can save lives (Kovarovic 270).
Seasons five and six of 24 continue to perpetuate the use of torture and other questionably permitted tactics with the ultimate goal of gathering information for the sake of national security. Specifically, season five deals with a national threat of nerve gas to the United States that must be stopped by the Jack Bauer and CTU, with assistance from other branches of government, specifically the Department of Defense and their liaison to CTU, Audrey Raines. Additionally, in this season there is a power struggle between CTU, the Department of Defense, and the Department of Homeland Security, which plays into the wall of information sharing that the Patriot Act supposedly removed.

Season six of 24 also focuses on a national threat, this time in the form of a series of terrorist attacks on American soil and the potential threat of a nuclear bomb detonation, and the steps that Jack and CTU must take to stop them. In both seasons, torture to gain information plays a large role.

Although its creators did not intend for 24 to be a terrorism oriented television show, they admit that they sought to push the thriller genre to its limits by manipulating viewer expectations using improbable methods, with torture being one of them (Takas 87). While it may not be a show about terrorism, 24 has condoned the use of torture as a plot device for fighting terrorism (Hill). This simple construct of torture being an effective means to the end of protecting the country without showing any of its
consequences has caused its viewers to build their own social opinions around this concept. The fact that it is the hero (or rather, antihero) using these methods only helps to reinforce to the viewers that torture is routinely and effectively used in the counterterrorism agencies’ battles against attackers. Regardless of season, the structural theme stays the same: the freedom of American citizens must be protected at any cost, and oftentimes this cost includes copious amounts of torture.

While it is nearly a decade newer, Homeland is similar to 24 in its portrayal of torture and its effectiveness, although it does not utilize it nearly as much as its counterpart. Homeland focuses primarily on Carrie Mathison, an employee for a fictionalization of the CIA, and her dedication to unravel a plot regarding Nicolas Brody, a former prisoner of war who may have been turned to fight for Al Qaeda. Carrie, her immediate director, Saul Berenson, and the rest of the CIA typically follow the established protocols and only resorts to drastic measures such as torture after exhausting the proper methods. However, when these methods are used, whether it is by Carrie or another character, they are still shown to be effective in gathering useful information. It loosely follows the same premise that 24 does, except it does not utilize the “ticking time bomb” scenario but instead takes a more psychological approach to its storytelling, following character arcs rather than a looming terrorist attack. In order to ascertain
certain characters’ allegiances, sometimes the “heroes” of the series must use questionable methods, including torture. Although torture is not as prevalent in Homeland as 24, its consequence-free usage still aids in perpetuating the false notion that torture is readily and effectively used in the reality of counterterrorism. Unfortunately, since Homeland is relatively new, it lacks the research and data that its earlier counterpart has. However, the similarities between Homeland and 24 cannot be overlooked. Both of these shows have a plot driven by characters that are willing to go outside of the established actions of the Patriot Act for the sake of information and security.

Both 24 and Homeland falsely support concepts that do not exist in reality, primarily the normality of torture. Similar to the “CSI effect” found in crime procedural dramas, these counterterrorism shows perpetuate ideas in their viewers from the overarching themes throughout the episodes. As shown above, these ideas are not necessarily true; however, they still resonate with their viewers and mold their beliefs. With this concept in mind, it is very possible that these two shows may also have inaccurate portrayals of their other facts as well, including the television representations of the government agencies and the actions that these bureaucracies take.
Section Three: The Patriot Act and the Constitution

The Patriot Act provides the most comprehensive outline of permitted actions that agencies such as DHS and the CIA can take in their counterterrorism investigations, and it follows that television’s fictional counterparts of these agencies should also abide by these rules as well. Before that can be examined, however, specific sections of the Patriot Act and related laws must first be examined to see exactly what actions are permitted underneath these statutes. Then, these statutes and their depictions can be examined for accuracy in 24 and Homeland.

Before 9/11, “a mere 72 hours out of 16 weeks were spent discussing counterintelligence and counterterrorism” (Smith 14); however, after the Patriot Act became statutory, it altered the executive branch and its composition to focus more on homeland security and counterterrorism measures. To an average reader, the 132-page document can generate some confusion, as some sections allow for one action that can be taken by many agencies or vice versa, and on the surface it can seem contradictory with itself and other statutes. Certain sections received more attention from critics and agencies than others, such as Section 203, which allowed information about investigations on terrorism to be shared between various investigative bureaucracies.
(Collins 1265), as well as specific sections from other titles, such as Section 505, which allows the government “access to personal information […] relevant to an investigation to protect against […] terrorism or clandestine intelligence activities” (Mell 389) and Section 106, which increased the power of the President to seize the property of foreign persons or organizations that have committed or are suspected to commit acts of terrorism against the United States (Whitehead 1085). This led to a close analysis of these sections to determine to what extent new powers were permitted. This section will cover specific selections of the Patriot Act and discuss what powers are permitted and their relationship with other individual sections and other laws, specifically parts of the Constitution.

The actions that the Patriot Act allowed the government to take were virtually unprecedented at the time of its passage. With the new definition of terrorism that included national organizations such as ones that promoted Islamic-American relations as well as those of activist groups such as Al Qaeda, intelligence agencies could conduct criminal investigations on mere suspicions of duplicitous activity. Additionally, it allowed legal authorities the ability to detain non-Americans for an unlimited period without access to due process. Finally, it allowed authorized agents to scrutinize American citizens so long as search was for intelligence-gathering purposes; these
searches included searching phone, Internet, medical, banking, and other personal records (Smith 32). Therefore, while the government’s gathering power is narrowly tailored to only apply to information related to investigations of terrorism, it could be broadly applied to encompass any pertinent material, giving investigators a wide spectrum from which to pull intelligence. This wide spectrum of possible information allowed by the new and expanded authorities and actions granted by the Patriot Act drew large amounts of concerns regarding the protection of privacy. Although it is not explicitly mentioned in the Constitution, the basic values of privacy have been understood through the Fourth and Fifth Amendments, which guarantee both procedural and substantive protections for the individual from intrusions by the government (Mell 377). These conflicting actions—nearly unfettered information gathering granted to the government by the Patriot Act and the individual privacy granted by the Fourth and Fifth Amendments—creates an interesting dynamic in which each of the two struggles for dominance and also leads to more confusion about which statute these agencies should follow in their quest for information.

Section 213 of the Patriot Act, entitled “Authority for Delaying Notice of the Execution of a Warrant,” allows law enforcement officers to delay the notification of the issuance of a warrant if there is reasonable cause that immediate notification will have a
detrimental effect, if there is reasonable necessity for the seizure of any physical property
or communications not included in the warrant, or if the warrant itself states that it does
not require immediate notification upon execution but instead must be notified within a
reasonable period of the search (Public Law 107-56). There are many possible reasons
for an officer to delay execution of a warrant, but the reasons that the Patriot Act provides
for this delayed execution are subjective and depend on the interpretation of the law
enforcement officer. Additionally, the reasonable period of notification after the search is
not clearly defined within the Patriot Act, again leaving it up to the discretion of law
enforcement or to the courts. For the most part, Section 213 lacks a standard of
objectivity. The inherent subjectivity present in this section adds to the complication of
specifically which actions are permitted under the Patriot Act, providing further
confusion to pundits and casual observers alike.

Adding to the confusion that Section 213 provides, the Fourth Amendment, which
protects against unannounced warrantless searches, does not specifically prohibit a
delayed notice or execution of warrants (Smith 103). Under the Patriot Act, the
notification period may be extended indefinitely with approval from the court for “good
cause,” essentially creating a warrant that never has to be disclosed (Mell 399).

Therefore, with this concept, the government can initiate “sneak and peek” searches in
which law enforcement agents may enter the premises to be searched and investigate for any suspicious property, whether it is listed in the warrant or not, without informing the owner of their search. There has been confusion as to whether this is actually a search under the Fourth Amendment or not, as nothing is being seized, yet the Fourth Amendment specifically states that people have the right to “be secure against unreasonable searches and seizures” (Bill of Rights). Even pundits cannot agree as to what level the Fourth Amendment applies to Section 213, as some believe that delayed warrant notification constitutes an unreasonable search, and others believe that the next step after delayed notification, the “sneak and peek” searches, violates the Fourth Amendment (Collins 1113). However, many agencies have taken a face-value understanding of Section 213 in which the “sneak and peak” searches are permissible under the Fourth Amendment (Smith 105).

Further increasing misconceptions is the fact that Section 213 also gives a large amount of discretion to the law enforcement official in choosing to delay warrant notification to protect against adverse effects. These adverse effects that allow postponement are “endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, or otherwise seriously jeopardizing an investigation or unduly delaying a trial”
(Public Law 107-56). While the first four provisions are fairly objective in their interpretation, the final point is inherently subjective, leaving much of the judgment in the hands of law enforcement. This final provision adds to the quagmire in attempting to understand Section 213 and when delaying warrants is permissible or if it is at all with respect to the Fourth Amendment, as it can be understood differently by average citizens, law enforcement agencies, courts, and pundits.

One of the clauses of Section 213 expands the jurisdiction and execution of warrants, but other sections bolster this authority as well. Section 201 expands the authority of intelligence or law enforcement agencies to use wiretaps to procure any information that can be used to protect the United States against terrorism. As wiretap requests are almost never rejected, this broad umbrella gives the federal government an expansive ability to gather information - so long as the request is relevant to terrorism investigations (Smith 55). Additionally, Section 209 added voicemails in the category of items obtainable via wiretap, and Section 210 allowed law enforcement officials to subpoena telephone and email records, which includes financial information. In conjunction with the “sneak and peek” searches and the “blank” warrants permitted under Section 213, these three sections further expand the amount and types of information that the federal government is allowed to collect for investigations pertinent to stopping acts
of terrorism. The information gathered can be incredibly broad, with hardly any restrictions to be applied. Again, many critics believe that the Fourth Amendment should protect against these wide-ranging searches, but there is not one specific answer as to what level the Fourth Amendment should be applied.

Another one of the most analyzed sections of the Patriot Act is Section 203, which allowed a large number of government agencies (both law enforcement and intelligence) to share information pertinent to investigations with each other (Mell 393). Although this figurative wall existed before the passage of the Patriot Act, the problems with the wall only truly arose after the attacks of September 11, as agencies like the FBI and the CIA “claim that legal obstacles prevented law enforcement and intelligence agencies from sharing vital information about suspected terrorists” (Martin 14). Section 203 was the bipartisan attempt from the Bush administration and Congress to address this issue. Intelligence and law enforcement agencies could share foreign intelligence or counterintelligence information pertinent to current, ongoing investigations with three restrictions: (1) the official(s) who discovered the information may only use it in his official conduct, (2) sharing the information amongst other agencies must not violate any other restrictions, and (3) within a “reasonable time” an attorney from the originating agency must notify the court that the information was shared between agencies (Collins
1267). While this provision does create a problem by involving foreign intelligence agencies such as the CIA in domestic intelligence gathering, proponents of Section 203 argue that this issue is a price worth paying for the additional security it provides:

After weighing the conflicting concerns against one another, allowing law enforcement officials to share [...] information with intelligence officials is the most reasonable policy choice we can make in these particular and difficult circumstances. Refusing to allow one agency to share lawfully obtained information with another agency when the security of our nation and the safety of our citizens are at stake simply puts unacceptable constraints on our nation’s ability to investigate, to prevent, and to prosecute terrorist activity or other threats to our national security. (1278)

Critics of Section 203 argue that it was unnecessary to enact this particular provision at all, stating that it was not the inability to share information that led to terrorist attacks such as September 11 but rather the inefficiency of agencies like the FBI and CIA to coordinate investigations together and share information with each other on their own initiatives. The nature of the bureaucracy in addition to each individual agency’s inability to work with each other is to blame for this lack of organization, not the supposed “wall” that Section 203 claims to address (Martin 8-9). While both arguments have valid points, Section 203 of the Patriot Act marks an important change from individualized agencies to a combined group effort in the counterterrorism movement, and one that is easier to understand on its face than many other sections of the Patriot Act.
Although it was passed more than a decade ago, the Patriot Act has been reauthorized three times: in 2006 by President George W. Bush (Roberts) and in 2010 ("Obama signs extension") and 2011 (Abrams) by President Obama with many of the initial provisions remaining intact after each reauthorization. The Bush reauthorization retained the same overarching themes that the initial passage of the Act enacted but with some key changes and restrictions. Particularly, the reasonable search period granted by Section 213’s “sneak and peek” warrants was topped at a maximum of 90 days (Wilson). While this time period did restrict law enforcement agencies, it still allowed them to have broader power than before the initial Patriot Act was enacted. Both of the Obama reauthorizations affected little to no change to the statute, although in both instances there was significant opposition in the House and the Senate to the renewals. Therefore, in its current form, the Patriot Act still allows the “sneak-and-peek” warrants and the broad wiretap searches that were last changed by the Bush renewal in 2006 (Abrams). Although it has been almost three years since its last renewal, recent events such as the Edward Snowden leaks and the controversy over drones have brought the Patriot Act back into the spotlight, reminding Americans that the even today the Patriot Act is still very relevant to protecting the United States against terrorism.
CHAPTER THREE

Method and Sample

Not all television shows address issues of counterterrorism and accurate portrayals of real life legislation; it is a highly niched genre of television. In order to have an accurate sample of the very specific goal that this project proposes to address—the accuracy of the portrayal of the Patriot Act and the Fourth and Fifth Amendments within television shows—certain television shows that cover these issues on a regular basis had to be chosen. While there is a small group of shows that could potentially address this issue, such as *The Grid* and *The Unit,* the potential for the greatest impact on changing viewers’ perceptions must come from shows that have a widespread audience.

For the purposes of this study, seasons five and six of *24* and seasons one and two of *Homeland* were picked for analysis. At the time that the study was conducted, *Homeland* had only aired its first two seasons. Seasons five and six of *24* were chosen for two reasons. Firstly, as discussed earlier, these two seasons had the highest viewer ratings of the eight total seasons of *24,* meaning that these two seasons had the highest reach and possible influence on its audience; secondly, two seasons were chosen instead of the entire series in order to provide a similar episode sample to *Homeland*’s two seasons. Additionally, both of these shows have had a significant following and were
ratings juggernauts, and both have fictionalizations of counterterrorism bureaucracies (the fictional Counterterrorism Unit [CTU] for *24* and the CIA for *Homeland*). In picking these specific four seasons, there were a total of 72 episodes for analysis, with two seasons of *24* with twenty-four episodes each and two seasons of *Homeland* with twelve episodes each.

After reviewing the Patriot Act as well as press releases, peer-reviewed articles, books, and journals discussing this statute, ten sections of the Patriot Act which have generated both discussion and some levels of confusion were selected for analysis within *24* and *Homeland*. These sections, aside from the sections within Title VIII of the Patriot Act, greatly extend the power of the government and its agencies to conduct searches and gather information relevant to investigations about terrorist activities and include the following:

- **Section 106**, Presidential authority, which allows the President to seize assets of foreign persons, organizations, or countries who have attacked or have been planning attacks on the United States.

- **Section 201**, Authority to intercept wire, oral, and electronic communications relating to terrorism, which furthers the ability of intelligence agencies to intercept various types of communications, including the ones listed above, pursuant to investigations of terrorism.

- **Section 203**, Authority to share criminal investigative information, which helped break down the existing walls between intelligence agencies such as the CIA, FBI, and NSA.
• Section 209, Seizure of voice-mail message pursuant to warrants, which extends the scope of a typical search warrant to include voicemails.

• Section 210, Scope of subpoenas for records of electronic communications, which extends the amount of information that a federal agent can receive with a proper subpoena to investigate electronic communications relating to electronic communications such as time, duration, and IP addresses.

• Section 212, Emergency disclosure of electronic communications to protect life and limb, which allows providers of public communications such as Internet and telephone services to release any information that they reasonably believe to relate to terrorism or terrorist activities.

• Section 213, Authority for delaying notice of the execution of a warrant, which has commonly been referred to as the “sneak and peak” section of the Patriot Act by federal agencies (Smith 103). This section allows federal agents to investigate and/or seize property without a warrant or informing the owner of the property if the agents reasonably believe that completing either of the previous two actions would harm their investigation of terrorism.

• Section 223, Civil liability for certain unauthorized disclosures, which gives American citizens who believe that their fundamental rights have been violated by actions taken by federal agents in their investigations of terrorism, including action taken pursuant to the Patriot Act, the ability to sue these agents in federal courts.

• Section 503, DNA identification of terrorists and other violent offenders, which expands the FBI’s DNA database to include criminals who have committed any crimes of violence as per the federal criminal code, including acts of terrorism.

• Section 505, Miscellaneous national security authorities, which enacted a number of new clauses. One of these new abilities included the extension of FBI Special Agents to use NSLs (National Security Letters) to subpoena any information "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a
United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States."

- Sections 801 (Terrorist attacks and other acts of violence against mass transportation systems), 802 (Definition of domestic terrorism), and 803 (Prohibition against harboring terrorism), which all create new definitions for terrorism, both domestic and abroad. These sections not only define what terrorism is per statute but also provide concrete examples, such as using a biological weapon on a form of mass transportation or a station for a form of mass transportation, attempting to influence a government by intimidation or coercion, and conspiracy to commit any of these actions listed in the aforementioned sections. (Public Law 107-56)

Although they do not address government actions, Sections 801, 802, and 803 create the first definitions of terrorism within codified law generating a unique framework by which to analyze the acts of terrorism that occur within two television shows. Additionally, two of the amendments to the U.S. Constitution which protect against government intrusion were included for analysis: the Fourth and Fifth Amendments. The Fourth Amendment protects against unreasonable searches and seizures from the government as well as dictating that all issued warrants have to be backed up by probable cause and specifically describe the place, persons, or items to be seized (“Bill of Rights”). The Fifth Amendment ensures that any accused person has the right to a grand jury and that they cannot testify against himself or be put through double jeopardy (“Bill of Rights”). These specific sections of the Patriot Act, excluding sections 801, 802, and 803 which define terrorism, expand the authority of the federal government
to take actions against persons in pursuit of the investigation of terrorism. Critics of the
Patriot Act argue that these provisions extended the power of the federal government and
its agencies too far, infringing on American citizens’ civil liberties and rights (Mayeux),
causing controversy in the news which may cause viewers to pay greater attention to
these issues’ depictions in the shows. However, the Fourth and Fifth Amendments
should theoretically balance out this continuum between protecting against terrorism and
ensuring fundamental rights guaranteed by the Constitution to citizens. Therefore, these
two amendments correlate considerably with the Patriot Act and should be analyzed
accordingly.

Like other projects that have analyzed actions taken by television characters such
as “The Color of Crime and the Court” (Tamborini) and “Adolescent Judgment of Sexual
Content on Television” (Manganello), two coders were identified for analysis: one
watched all seventy-two episodes of the two shows, and one watched four episodes of 24
and two episodes of Homeland that when combined, contained all of the sections from
the Patriot Act as well as the amendments. The second coder acted as an accuracy check
to the first coder’s analysis. Overall, the individual coders’ analyses matched with a 90%
accuracy rate. Both coders noted every instance that one of the sections for analysis was
referred in the show; however, the second coder acted as a reliability check for the first and to provide affirmation to the accuracy of the actions for each section.

For those sections that required some sort of action by the government official or agency, the action was coded in one of four ways: “complies with statutes,” “mostly complies with statutes,” “mostly does not comply with statutes,” and “does not comply with statutes,” similar to the approach taken in “The Police as Societal Moral Agents” (Dirikx). In order for an action to qualify underneath “mostly complies with statutes,” the overall effect of the action must create a positive reinforcement that the government agent or agency is following the rules set out by the Patriot Act or Amendments. While the agent/agency may not entirely comply with the minutiae of the statute, the general purpose of the action follows the law. Accordingly, any action that falls under the category “mostly does not comply” creates a negative reinforcement that the agent/agency did not follow the statute(s), even if they did comply with selected minor parts of it. The category “complies with statutes” signifies that the agent/agency followed the entirety of the statute(s), whereas the category “does not comply with statutes” signifies that the agent/agency disregarded the law entirely. (Sections 801, 802, and 803 of the Patriot Act, which define acts of terrorism, were simply coded as occurrences.)
This study expected to find gross inaccuracies between the Patriot Act and its portrayal in these two specific television shows, as typically television shows do not pay much attention to “real life” issues. These inaccuracies would mean that viewers could have an incorrect perception of the Patriot Act and of the agencies (such as the CIA and DHS) that are directly affected by this statute. With this in mind and the constant threat of danger that each show perpetuates in its storylines in conjunction with the inaccuracies regarding actual counterterrorism actions that are perpetuated throughout the shows, viewers may become too concerned with potential threats to accurately process information to fix these errors (Valentino 266).
CHAPTER FOUR

Analysis

After viewing the first two seasons of *Homeland* and seasons 5 and 6 of *24*, there were 84 total instances in which a character took an action that related to one of the ten sections of the Patriot Act or the Fourth and Fifth Amendments in addition to 15 instances of acts of terror pursuant to the definition given in Title VIII of the Patriot Act. Of the first 84 instances, a majority of them either entirely or mostly complied with the Patriot Act and its related amendments.

**Figure 4.1: Occurrences in 24 & Homeland relating to the Patriot Act and related amendments**

As shown above, the majority of the times (54 out of 84) that a character committed an action that related to one of the twelve sections for analysis, he either adhered completely to the actions allowed within the statutes’ bounds or mostly complied
with them. When a character did not comply with these sections, his actions overwhelmingly did not adhere to the statutes at all instead of even trying to comply, with complete violations occurring in almost a 3:1 ratio to the “mostly does not comply” section. Surprisingly, this pie chart shows that a majority of the actions that characters complied with the Patriot Act in some way.

Of these 84 occurrences, an overwhelming majority addressed one of three sections: Sections 201 and 203 of the Patriot Act or the Fourth Amendment. Almost 70% of the total occurrences happened in one of these parts, with Section 203 of the Patriot Act receiving nearly double of the other two sections and eclipsing any other section. This statistic makes sense, as Section 203 covers a broad spectrum of items since it addresses it breaking down the information-sharing wall between investigative agencies that had existed prior to the Patriot Act. In the two television shows, Section 203 has many opportunities to be used: in 24, CTU works very closely with the Department of Defense, primarily through liaison Audrey Raines but also with other characters, and to a lesser extent other agencies including the CIA and DHS. Homeland does not use as explicit references to interagency sharing, but there are comments that allude to it, such as other agencies being aware of a manhunt that the CIA was conducting and contributing their information and the Department of Defense facilitating the cleanup after the
explosion of the CIA headquarters from a terrorist bomb. *Homeland* also utilizes more realistic approaches to information sharing than *24* does, as *24* often takes outlandish steps to obtain their goals, with the other agencies acting as a *deus ex machina* to solve CTU’s problems and provide a way out for a seemingly impossible task. However, in *Homeland*, Carrie’s ability to get information from other agencies is much more limited and sluggish and mostly occurs when these bureaucracies readily offer up their information for the CIA’s usage or by mining through databases.

**Figure 4.2: All sections within *24* & *Homeland***

![Graph showing occurrence of different sections within *24* and *Homeland*]

The other two most-occurring themes within these two television shows are Section 201 of the Patriot Act and the Fourth Amendment. Section 201 of the Patriot Act expands the ability of federal agents to collect information from oral, wire, and electronic communications. Like Section 203, there are a wide range of actions that could fall
underneath Section 201, which helps to explain the high rate of occurrence within these 92 episodes. These happen in a myriad of ways, such as Carrie tracking Brody because of her suspicions of his terrorist connections and activities (“Pilot”) or tracking cell phone records to track the locations of a known terrorist (“4:00am-5:00am”). On the other hand, the Fourth Amendment occurs primarily within season six of 24, which has the theme of withholding people’s civil liberties for the sake of national security. The first half of this season focuses quite heavily on this balance of liberty and security, with eight occurrences within the first twelve episodes of the season. Additionally, season five has four occurrences of activities relating to the Fourth Amendment, which means that 24 has twelve of the fifteen occurrences of activities relating to the Fourth Amendment. Thus, the high number for activities relating to the Fourth Amendment can be partially attributed to the predominance of occurrences within 24, as Homeland has fewer than five times in which the Fourth Amendment is cited.

It is important to differentiate between the occurrences of these three sections within 24 and Homeland. Although these are the most-occurring sections within the two television shows by quite a large margin, certain narrative events and plot points can cause one or many of these sections to occur more in one show than the other. Breaking down the occurrences of each of these three sections within 24 and Homeland, it becomes
evident that after averaging out the number of episodes per series, that while both shows focused almost equally on the two sections of the Patriot Act, the Fourth Amendment was referenced significantly more in 24 than in Homeland. This discrepancy can be explained by looking at the narrative arc of season six of 24, which focuses heavily on suspending certain liberties and rights of individuals in order to secure vital information to stop a series of suitcases nukes detonating within the United States. The primary way that the CTU agents obtain this information is by performing searches (usually without the proper authorization), therefore utilizing (or failing to utilize) the Fourth Amendment.

As shown by the above graph, the overall compliance rate (including both categories “complies” and “mostly complies”) for both 24 and Homeland is nearly equal,
with the latter having a slightly higher rating. Unlike 24, Homeland does not have a plot driven by a vigilante anti-hero who has an “ends justifies the means” approach, and Carrie and the rest of her CIA coworkers must follow the protocols set up in the Patriot Act (among others) or face the consequences. With the Jack Bauer mentality in mind, it is then unsurprising that 24 has a considerably higher rate of “does not comply” than its counterpart. Overall, however, the two shows share nearly equal rates of compliance and disobedience.

Sections 201 and 203 of the Patriot Act and the Fourth Amendment occur frequently within these two television shows, but are these depictions accurate? For the sections from the Patriot Act, these depictions generally follow the rules set up by this statute. Of the thirteen times that Section 201 is cited, four of them completely follow the section and seven mostly abide by it. For example, in one instance in season six of 24, CTU pulls data off of a phone that belongs to a known terrorist associate because it “could contain data that could stop another attack” (“11:00am-12:00pm”). Under Section 201, CTU would be authorized to gather this information, as it allows gathering of any information pertinent to a terrorism investigation.

There are only two occurrences in which characters do not abide by Section 201, one of which is made explicitly clear. In Homeland’s pilot episode, Carrie places
surveillance on Brody, tracking his phones, emails, and other forms of electronic communication as well as setting up cameras throughout his house. Later in the episode, Saul makes very clear that Carrie has stepped beyond her bounds as a CIA agent:

Saul: You think for one minute you get away with this?
Carrie: I thought that once I had some proof –
Saul: Do you have any?
Carrie: [sighs]
Saul: Anything…even suggesting that you think Sergeant Brody’s what you think he is.
Carrie: No.
Saul: Then get a lawyer. ‘Cause you’re gonna need one when you report to the I.G. first thing in the morning. (“Pilot”)

Unlike Section 201, Section 203 functions more as an underlying theme within the episodes as opposed to a specific, highlighted occurrence. For example, for the entirety of season five of 24, Audrey Raines works as a liaison from the Department of Defense with Jack and CTU in order to fight the threat of nerve gas in the United States. This action is a prime example of Section 203, as Audrey provides valuable information from the Department of Defense that proves vital to CTU’s investigation. There are also more specific occurrences in which Section 203 is fulfilled, although none of them stand out as much as any of the actions from Section 201. Again, these predominantly occur within 24. Jack, CTU, and President Logan meet with other agencies to get information, such as when President Logan works with other agencies in order to get information on
the Suvarovs’ limousine route or when Jack is in contact with multiple agencies in order to track his various suspects.

As stated previously, a majority of the occurrences relating to the Fourth Amendment happen within season six of 24. This season begins with a nuclear bomb detonating in San Francisco, which causes intelligence agencies such as CTU to take drastic preventative measures, including arresting people of Arabian descent and seizing their property. These arrests occur without the proper level of suspicion, and all but one of the seizures happen without a proper warrant. In fact, there is only one notable instance in which the CTU agents abide by the Fourth Amendment. In the second episode, Sandra Palmer, who works as counsel to an American-Arabian relations organization, refuses to grant access to the CTU agents who wish to mine through her databases for any possible terrorist suspects since the agents lack a proper warrant. Later in the episode, the CTU agents return with a warrant, and much to Sandra’s dismay she has no choice but to allow them into her business (“7:00am-8:00am”). However, the majority of these occurrences grossly disregard the Fourth Amendment, and various federal agents detain people without warrants or probable cause for indefinite amounts of time. However, there is not an occurrence in 24 that expressly states that the actions that the CTU agents took were illegal and did not follow the Fourth Amendment, which could
lead to an improper perception of the amendment. In the chart below, the “does not comply with statutes” section is made up of fourteen violations of the Fourth Amendment, and Sections 201 and 203 add up to only seven total violations.

**Figure 4.4: Compliance with Sections 201 and 203 & the Fourth Amendment**

![Pie chart showing compliance percentages]

The remainder of the analyzed sections of the Patriot Act as well as those relating to the Fifth Amendment does not occur as frequently as the aforementioned sections, but they are still worth discussing. In these remaining nine sections, the characters predominantly comply or mostly comply, but there are enough occurrences in which they do not comply to note it. One of the most notable occurrences happens in relation to Section 213 of the Patriot Act, which allows for “sneak and peek” searches. Underneath Carrie’s orders, one of her lackeys enters into a suspect’s apartment without a warrant in order to verify his identity and also to gather information on him. Per Section 213, this search would be allowed; however, unbeknownst at the time, Carrie had been stripped of
her status as an employee of the CIA and therefore did not have the ability to authorize such a search. Therefore, although this scene is a prime example of the new “sneak and peek” searches, it would not be authorized under the Patriot Act since Carrie is acting as a rogue agent at the time of her request.

A proper occurrence of Section 213 occurs within season five of 24. In episode twelve, Jack enters into the house of the Russian ambassador in order to verify the existence of certain evidence. He has been authorized by the head of CTU to take such an action, and he does not remove anything from the residence (“5:00pm-6:00pm”). Underneath the authority of the Patriot Act, Jack’s search would be valid as a “sneak and peek” search. Overall, characters acting in their official capacity comply with the proper statutes around 70% of the time, which should give viewers a mostly positive perception of the Patriot Act and the related amendments for the audiences of 24 and Homeland.
One unique title of the Patriot Act does not address specific actions that can be taken by federal agents. Instead, Title VIII of the Patriot Act creates definitions for acts of terrorism both foreign and domestic. For the sake of this analysis, Sections 801, 802, and 803 are the sections that best address these new definitions. 24 and Homeland combine to have a total of fifteen occurrences of terrorism consistent with the definition provided in Title VIII, but they each address these acts of terrorism in extremely contrasting ways. Homeland takes a conservative approach to acts of terrorism, only showing a total of three acts on screen in its first two seasons. These three acts all fall under the category of influencing government actions through acts of terror: a suitcase bomb in a public square, a sniper shooting at a meeting between the vice president and various cabinet secretaries, and a car bomb demolishing the CIA headquarters in Langley.
All of these actions cause at least one agency or department head to change their course of action in the battle against terrorism in some way, which follows the general idea of acts of terrorism attempting to coerce government. However, 24 does not follow this formula set up by Title VIII of the Patriot Act. The acts of terrorism within 24 certainly fall under the new definitions created by Sections 801, 802, and 803, such as the use of nerve gas as a form of bioterrorism against the United States throughout season five or the explosion on a public bus and the nuclear bombs that occur in season six. The amount that nerve gas and nuclear bombs are used is certainly a bit unrealistic; however, Jack and CTU rarely change their course of action against the rouge agents that are conducting these terrorist attacks. Although for the sake of the plot these actions make sense, they do not abide by the definition of terrorism in Sections 801, 802, or 803 because the actions do not actually influence the government.
After analysis, it can be determined that the Patriot Act is referenced through actions enough times in the first two seasons of *Homeland* and in seasons five and six of *24* that viewers could garner their perceptions on the Patriot Act through its citations in these shows. Although these actions in the shows do not explicitly reference the Patriot Act, the Patriot Act has gathered enough coverage from the media to become part of the average American’s everyday knowledge, although not to the extent of knowing particular sections and the actions permitted by each one. Surprisingly, these impressions, particularly those of the actions permitted by Sections 201 and 203 and the Fourth Amendment, should be mostly accurate with codified law, as the two shows have a compliance rate of around 60-70%. However, the compliance rate still leaves room for error, meaning that viewers could possibly create inaccurate perceptions of the actions taken by the counterterrorism movement.

The Patriot Act has spawned great amounts of discussion regarding actions that law enforcement and counterterrorism agencies can take in order to protect the United States from harm. It often seems that in shows like *24* and *Homeland*, characters go above and beyond what is permitted for the sake of security. Ultimately, it depends on
the astuteness of the particular viewer and how much he lets a form of media determine his perception on reality. Television shows do play a large role in popular culture, as evidenced by the millions of people who watched 24 and currently watch Homeland, but their consistency with the reality on which they are based is open to interpretation. The Patriot Act itself has sections that are inherently subjective, causing dissension among the most knowledgeable of pundits. An average viewer has no feasible way of knowing the actual accuracy of characters’ actions in these shows. It is not surprising, then, that with the confusion in the understanding of the Patriot Act combined with the lack of specific reference to the Patriot Act within these television shows, that there is a great deal of murkiness surrounding this topic.

However, this confusion only serves to heighten the idea that these shows do impact people’s beliefs on homeland security. Presidential candidates, pundits, and cabinet secretaries have all referenced the impact that these shows, 24 in particular, have had on the collective understanding of the counterterrorism movement. Their popularity at the time of their airing only furthered this influence. Therefore, it is difficult to know if the public’s perceptions of 24 and Homeland influenced the writing of these television shows, or if 24 and Homeland influenced the public in a way that changed their fundamental understanding of the United States’ fight against terrorism. Regardless,
these two shows and the actions taken therein have made a notable contribution, whether it is negative or positive, to the general public’s knowledge of the Patriot Act.
## APPENDIX A: Homeland Season One Analysis Table

<table>
<thead>
<tr>
<th>Episode</th>
<th>1x01 Pilot</th>
<th>1x02 Grace</th>
<th>1x03 Clean Skin</th>
<th>1x04 Semper I</th>
<th>1x05 Blind Spot</th>
<th>1x06 The Good Soldier</th>
<th>1x07 The Weekend</th>
<th>1x08 Achilles Heel</th>
<th>1x09 Crossfire</th>
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C=complies MC=mostly complies MDNC=mostly does not comply DNC=does not comply T=act of terrorism
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<th>Episode</th>
<th>2x01 Smile</th>
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<th>2x03 State of Independence</th>
<th>2x04 New Car Smell</th>
<th>2x05 Q&amp;A</th>
<th>2x06 A Gettysburg Address</th>
<th>2x07 The Clearing</th>
<th>2x08 I'll Fly Away</th>
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Complies  MC=mostly complies  MDNC=mostly does not comply  DNC=does not comply  T=act of terrorism

(1) FBI provides an asset to the CIA that was formerly only a FBI contact

G&A is a strictly Interrogation episode, taking place almost entirely in Brody’s holding cell. Could be argued that because Brody was taken into custody and then questioned without a lawyer present (after requesting one) and without due process, his 5th Am. rights were violated.
### APPENDIX C: 24 Season Five Analysis Table

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*Notes and Abbreviations:*
- **MC:** Mystery Case
- **DS:** Does Not Solve
- **SS:** Solve It
- **R:** Rapid Solve
- **D:** Does Not Solve
- **N:** No Solution

|---------|---------------|-------------|-------------|-------------|-------------|------------|------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
## Appendix D: Season Six Analysis Table

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Note: Each week, each set is played by two teams, with each team playing four sets against each other team. The table above shows the results for each set played during the season.
WORKS CITED


56


“4:00am-5:00am.” *24: Season Five*. Writ. Manny Coto. Dir. Brad Turner. 20th Century Fox, 2005. DVD.

“5:00pm-6:00pm.” *24: Season Five*. Writ. Nicole Ranadive. Dir. Jon Cassar. 20th Century Fox, 2005. DVD.

“7:00am-8:00am.” *24: Season Six*. Writ. Manny Coto. Dir. Jon Cassar. 20th Century Fox, 2006. DVD.