Teacher Answer Key

Case Study

1. An ordinary subpoena involves a court and can be discussed and contested openly. Sam's NSL was issued by the FBI alone with no judicial approval, and its gag order barred him from disclosing its existence — removing both the neutral arbiter and the public scrutiny that normally check government demands.
2. He obeyed the law as written while using the courts — the constitutional channel — to test whether the law itself was valid, and used transparency reporting to inform the public within legal limits. Oversight in a democracy often starts with an affected citizen willing to litigate rather than simply submit or defy.

Multiple Choice

1. A
2. C
3. D

Matching

1-C, 2-A, 3-E, 4-B, 5-D

Fill-in-the-Blank

1) titles, 2) sunset, 3) gag

Short Answer (Sample Responses)

Q1: Sunsets forced Congress to rejustify emergency powers in calmer times rather than letting fear legislate permanently. They worked as designed: each renewal reopened debate, added safeguards in 2006, produced major reform in 2015, and allowed Section 215 to lapse entirely in 2020.
Q2: Before 2001, legal rules largely separated intelligence gathering from criminal investigation, so agencies could not pool what they knew about the same suspects — a gap blamed for missing the 9/11 plot. Removing the wall enabled information sharing but routed more surveillance of Americans through secret channels with less public accountability.

Q3: Answers will vary. Strong responses assemble the machinery from the reading: sunset votes, Inspector General audits exposing NSL misuse, federal courts striking gag orders and bulk collection, whistleblower disclosures, press coverage, and advocacy litigation — slow, overlapping checks that eventually rebalanced the law.