Coalition Dynamics and Crisis-Driven Legislation: The USA PATRIOT Act

Exploring Internal Antagonism and Evolving Incentives

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Abstract

The USA PATRIOT Act, enacted in the immediate aftermath of the September 11 attacks, represents a paradigmatic case of crisis-driven legislation sustained by diverse coalitional alignments. This paper extends Bruce Yandle's *Bootleggers and Baptists* framework to analyze the Act's rapid passage, implementation, and persistence, focusing on the evolving dynamics of heterogeneous moralist and materialist coalitions. Drawing on insights from Ludwig von Mises, Friedrich Hayek, Robert Higgs and others, the analysis emphasizes the role of subjective values, individual incentives, and institutional inertia in shaping these coalitions. The internal heterogeneity of moralist coalitions and the cohesion of materialist interests are shown to be central to explaining the Act's enduring influence. A historical comparison with the Espionage Act of 1917 highlights the framework's broader applicability to crisis-driven policies. The paper concludes by offering reform strategies rooted in decentralization, transparency, and an emphasis on individual liberty, addressing the persistent challenges posed by entrenched legislation.

Introduction

The terrorist attacks of September 11, 2001, marked a turning point in U.S. policy, spurring the rapid enactment of the USA PATRIOT Act, a landmark piece of legislation designed to address perceived vulnerabilities in national security. Signed into law on October 26, 2001, the Act expanded surveillance powers, enhanced intelligence-sharing protocols, and introduced sweeping counterterrorism measures (USA PATRIOT Act 2001). Proponents framed it as a vital tool for preventing future attacks, while critics argued that the Act undermined civil liberties, set a precedent for government overreach, and created enduring structural challenges in balancing security and freedom. As one of the most consequential examples of crisis-driven policymaking in modern U.S. history, the USA PATRIOT Act demonstrates how legislative responses to national emergencies can have far-reaching and enduring implications.

This paper argues that the USA PATRIOT Act's swift passage and persistent influence were facilitated by the temporary alignment of diverse coalitions under a unifying national security narrative. These coalitions, comprising moralists, materialists, regulators, politicians, and the public, were shaped by competing incentives and evolving dynamics. By extending Bruce Yandle's *Bootleggers and Baptists* framework, the analysis reveals how moral and material interests temporarily converged to support the Act while foundational tensions within coalitions contributed to its trajectory over time (Yandle 1983). The fragmentation of moralist coalitions, coupled with the structural entrenchment of materialist interests, demonstrates how the Act's durability is rooted in financial and institutional incentives rather than sustained moral consensus.

The analysis synthesizes insights from a range of scholars to explore the dynamics of coalition formation, evolution, and persistence. Yandle's framework provides the foundation for

understanding how disparate groups align under shared goals despite internal tensions. Concepts like institutional inertia and the persistence of state power expansions initiated during crises provide additional context for understanding the Act's enduring influence (Higgs 1987, 2005). The analysis also draws on the interplay of subjective values, individual incentives, and unintended consequences in shaping coalition behavior and policy outcomes. Further, historical parallels with the Espionage Act of 1917 illustrate the generalizability of these dynamics across different contexts of crisis-driven legislation.

Finally, the paper explores the implications of these dynamics for governance, civil liberties, and potential reform. By analyzing the structural forces that sustain crisis-driven legislation, the study emphasizes reform strategies rooted in decentralization, transparency, and the balance of security and freedom. These findings offer insights into how enduring legislative legacies shaped by crisis narratives can be better understood and, where necessary, reformed.

Acknowledgement of Previous Work

The USA PATRIOT Act has been the subject of extensive scholarly debate, with researchers analyzing its implications for civil liberties, national security, and the legislative process. This body of work provides essential context for understanding the Act's enduring influence and highlights gaps in the literature that this paper seeks to address.

One area of consensus among legal scholars is the profound impact of the USA PATRIOT Act on the balance between individual freedoms and state authority. James X. Dempsey critiques provisions like Section 215 for eroding constitutional protections, setting a precedent for expanded government surveillance (Dempsey 2002). In contrast, John Yoo defends the Act as a pragmatic response to evolving security threats, arguing that its provisions align with historical

precedents of wartime governance (Yoo 2006). These competing perspectives illustrate the tension between protecting civil liberties and ensuring national security—a tension that underpins the moralist-materialist dynamics explored in this paper.

Economic perspectives on the Act reveal further divisions. Robert Higgs frames the Act as a quintessential example of his ratchet effect, where temporary expansions of government power during crises become institutionalized over time (Higgs 1987, 2005). Orin Kerr, however, views mechanisms like sunset clauses as evidence of deliberate attempts to balance security and liberty, though their effectiveness remains debated (Kerr 2003). This divergence underscores the importance of analyzing the structural forces that sustain crisis-driven policies, particularly the role of coalitional incentives and institutional inertia.

Critiques of the legislative process behind the Act also vary widely. Jack Balkin and Sanford Levinson argue that the USA PATRIOT Act reflects a broader trend of leveraging crises to consolidate executive power, often sidelining public oversight (Balkin and Levinson 2006). Alan Dershowitz, on the other hand, emphasizes the moral imperatives that justified the Act's swift passage, portraying it as a necessary response to immediate threats (Dershowitz 2003). While these perspectives provide valuable insights into the Act's origins, they often overlook the internal heterogeneity and evolving dynamics of the coalitions that supported its passage and persistence.

This paper addresses these gaps by focusing on the coalitional dynamics underpinning the USA PATRIOT Act. Existing scholarship has largely examined external impacts—such as the erosion of civil liberties and the expansion of surveillance powers—without delving deeply into the internal tensions between moralist and materialist coalitions. By extending Bruce Yandle's *Bootleggers and Baptists* framework to analyze these dynamics, this study offers a new lens for

understanding how competing incentives and evolving coalitional alignments shaped the Act's trajectory.

Finally, this analysis situates the USA PATRIOT Act within a broader historical and theoretical context, drawing on insights from Austrian economics, regulatory theory, and crisis-driven policymaking. By synthesizing these perspectives, the paper contributes to a more comprehensive understanding of how coalitional dynamics influence the persistence of expansive legislation, offering pathways for reform that balance security and liberty.

Literature Overview

The USA PATRIOT Act represents a quintessential example of crisis-driven legislation, making it an ideal case study for analyzing coalition dynamics, public influence, and the persistence of expansive government policies. This section reviews key works in economic and political theory that inform this paper's analysis, focusing on their relevance to the Act's passage, implementation, and persistence.

Bruce Yandle's *Bootleggers and Baptists* provides a foundational model for understanding coalition behavior. Yandle highlights how coalitions of disparate interests align to advance legislative goals, despite appearing ideologically opposed. In this framework, "Baptists" lend ethical legitimacy to policies, while "Bootleggers" secure material benefits (Yandle 1983). This paper applies Yandle's framework to the USA PATRIOT Act, examining how moral and material beneficiaries coalesced under the shared narrative of counterterrorism. Extending Yandle's insights, the analysis delves into the presence or absence of internal antagonisms within key coalition groups, shedding light on the evolving dynamics and eventual fragility of moralist alignment over time.

Murray Rothbard's *Power and Market* critiques the use of moralist rhetoric to justify state interventions that disproportionately benefit materialist interests (Rothbard 1970). Rothbard emphasizes that public perception, often shaped by moral narratives, is central to the state's ability to maintain authority. Like Yandle, he identifies the role of moral legitimacy in advancing policies, but Rothbard adds a focus on the public's influence in legitimizing or challenging state power. This paper builds on Rothbard's insights by exploring how public opinion enabled the USA PATRIOT Act's initial passage and contributed to its endurance, despite episodic resistance. Additionally, Rothbard's discussion of rational ignorance—where individuals disengage due to the high costs of political participation—complements Yandle's framework by explaining why public resistance was insufficient to disrupt entrenched coalitions.

Patrick Newman's *Cronyism: Liberty Versus Power in Early America* examines how moralist rhetoric facilitates the expansion of state power, particularly when materialist interests institutionalize their advantages. Newman introduces rational ignorance as a key factor in enabling these coalitions to persist, as individuals perceive the costs of engagement as outweighing the benefits. This paper applies Newman's analysis to the USA PATRIOT Act, demonstrating how materialist interests, such as defense contractors and technology firms, leveraged moralist support to entrench their economic gains. By extending Newman's framework, the analysis captures the temporal evolution of coalitional dynamics, particularly the weakening of moralist support as ideological disagreements intensified (Newman 2021).

Robert Higgs's *Crisis and Leviathan* introduces the ratchet effect, where crises justify temporary expansions of government power that become entrenched over time. Higgs's subsequent work, *Resurgence of the Warfare State: The Crisis Since 9/11*, applies this framework to the USA PATRIOT Act, critiquing its enduring influence as a predictable outcome of crisis-

driven governance (Higgs 1987, 2005). This paper uses Higgs's insights to examine how institutional inertia and material incentives sustained the Act even as moralist coalitions fragmented. The ratchet effect complements Rothbard's and Newman's analyses by illustrating how crisis conditions foster both public complacency and regulatory entrenchment.

George Stigler's *The Theory of Economic Regulation* explores how economic interests shape policy outcomes through regulatory capture (Stigler 1971). Stigler's framework helps explain the consistent alignment of materialist incentives in lobbying for the USA PATRIOT Act's passage and renewal. This paper applies Stigler's insights to analyze how materialist coalitions, including defense contractors and technology firms, influenced the legislative process, contrasting their cohesion with the fragmentation of moralist groups.

Friedrich Hayek's *The Use of Knowledge in Society* critiques centralized decision-making and emphasizes the role of dispersed knowledge in shaping effective policies (Hayek 1945). Hayek's insights are applied to analyze how regulators and policymakers implemented the USA PATRIOT Act, often prioritizing institutional incentives over localized expertise or public accountability. This paper uses Hayek's framework to highlight the inefficiencies and unintended consequences of centralized governance in sustaining expansive legislation over time.

Ludwig von Mises's *Human Action* provides a praxeological framework for understanding individual motivations within coalitions, emphasizing how subjective values shape behavior (Mises 1949). Mises's principles are used to explore the interplay of moralists, materialists, politicians, and regulators during the USA PATRIOT Act's passage and implementation. By focusing on the constraints and incentives that shaped individual and group actions, this paper examines how coalitional dynamics evolved in response to shifting public sentiment and legislative priorities.

David Hume's *Essays, Moral, Political, and Literary* underscores the foundational role of public sentiment in enabling or constraining government actions (Hume [1748] 1985). Hume argued that government authority ultimately rests on public opinion, noting that "it is, therefore, on opinion only that government is founded." He highlighted how habit and custom foster complacency, allowing governments to expand their power. However, Hume also recognized that public awareness and outrage could drive reform. This paper integrates Hume's insights with Rothbard's discussion of rational ignorance to analyze the episodic role of public resistance in the trajectory of the USA PATRIOT Act. While initial fear and trust facilitated the Act's passage, subsequent public outrage—such as the response to Edward Snowden's revelations—prompted calls for reform, albeit with limited impact.

This literature overview integrates diverse theoretical perspectives to establish a comprehensive framework for analyzing the USA PATRIOT Act. By addressing gaps in existing scholarship—such as the internal antagonisms within coalitions and the public's complex role in enabling or challenging state power—this paper extends the contributions of key scholars to offer a nuanced understanding of the Act's passage, implementation, and persistence. The interplay of moralist appeals, materialist incentives, regulatory inertia, and public sentiment underscores the enduring challenges of reforming crisis-driven legislation.

Historical Overview

The USA PATRIOT Act, formally titled the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*, was enacted swiftly in the aftermath of the September 11, 2001, terrorist attacks. This legislation marked a critical moment in U.S. history, reflecting a shift in national priorities toward enhanced security and intelligence capabilities. Spanning over 300 pages, the Act introduced sweeping

reforms that expanded surveillance powers, improved intelligence-sharing, and enhanced law enforcement tools, fundamentally reshaping the balance between individual privacy and national security (USA PATRIOT Act 2001).

The September 11 attacks revealed vulnerabilities in U.S. intelligence and law enforcement systems, prompting urgent calls for reform. Policymakers, operating under intense public and political pressure, prioritized expediency over extended deliberation. Introduced in the House of Representatives as H.R. 3162 on October 23, 2001, the Act was signed into law just three days later, on October 26, 2001 (Bush 2001). This expedited process left little room for scrutiny, a fact later criticized by civil liberties organizations. Nevertheless, the Act enjoyed overwhelming bipartisan support, passing the House by a vote of 357–66 and the Senate by 98–1, with Senator Russ Feingold casting the sole dissenting vote. Feingold warned that "we will lose that war without firing a shot if we sacrifice the liberties of the American people" (Congressional Record 2001). Despite these concerns, proponents framed the Act as a moral and pragmatic necessity, with President George W. Bush describing it as "a shield of freedom, protecting innocent lives from those who seek to destroy them" (Bush 2001).

The Act's most significant provisions aimed to bolster intelligence and law enforcement capabilities. Section 215, known as the Business Records Provision, granted the FBI authority to obtain "any tangible thing" deemed relevant to a terrorism investigation without probable cause. Section 206 authorized roving wiretaps to monitor suspects across multiple communication devices. Section 213, the "sneak-and-peek" provision, allowed delayed notification of searches to prevent jeopardizing investigations (USA PATRIOT Act 2001). The Lone Wolf Provision extended surveillance to individuals unaffiliated with recognized terrorist organizations, while Title III implemented stricter anti-money laundering measures (USA PATRIOT Act 2001). These

provisions were justified as necessary counterterrorism tools but raised immediate concerns about potential abuses and constitutional implications (Dempsey 2002).

Public reception to the Act was initially favorable, reflecting heightened fear of additional terrorist attacks and widespread trust in government action. A Gallup poll conducted in November 2001 found that 62% of Americans believed the Act struck the right balance between protecting civil liberties and ensuring safety, while only 20% expressed concerns about potential overreach (Gallup 2001). However, as concerns over government surveillance grew, opposition began to emerge. Organizations like the American Civil Liberties Union (ACLU) criticized the broad scope of Section 215, warning that it posed a serious threat to constitutional protections (ACLU 2003). Similarly, the American Library Association raised concerns about the Act's potential to undermine the confidentiality of library users (ALA 2011).

Over time, the USA PATRIOT Act underwent periodic reauthorizations and significant amendments. The 2005 reauthorization extended key provisions, including Sections 215 and 206, while introducing minor reforms, such as increased judicial oversight for National Security Letters (NSLs) (USA PATRIOT Improvement and Reauthorization Act 2005). Critics argued that these measures were insufficient to address fundamental privacy concerns. Public sentiment began to shift, with a Pew Research Center poll in 2005 showing that 41% of Americans believed the government had gone too far in restricting civil liberties, compared to 20% in 2001 (Pew Research Center 2005).

The trajectory of the Act exemplifies Robert Higgs's ratchet effect, wherein expansions of state power during crises become entrenched, even as the immediate emergency subsides (Higgs 1987). Section 103 of the USA PATRIOT Act authorized increased funding for the FBI's Technical Support Center, allocating $200 million over three fiscal years to bolster technical

capabilities. This influx of resources enabled federal agencies to expand their operational scope, while private contractors, such as Booz Allen Hamilton, secured lucrative contracts to support the Act's implementation (USA PATRIOT Act 2001; Greenwald 2014). These developments institutionalized mass surveillance practices, solidifying the material interests of agencies and contractors that benefited from the Act's provisions.

Public awareness surged again in 2013 following Edward Snowden's revelations about the NSA's mass surveillance programs, including bulk metadata collection under Section 215. These disclosures, which exposed the extent of government overreach, significantly undermined public trust and reignited calls for reform (Greenwald 2014). The passage of the USA FREEDOM Act in 2015, introduced by Representative Jim Sensenbrenner (R-WI), marked a significant response to these revelations. The Act ended the NSA's bulk metadata collection, introduced new transparency measures, and required judicial oversight for certain surveillance activities (USA FREEDOM Act 2015). However, privacy advocates argued that these reforms failed to address the broader implications of entrenched surveillance practices (EFF 2015).

This historical narrative highlights key themes central to coalition dynamics. The rapid passage of the Act reflected a temporary alignment of moralist and materialist coalitions under a unifying national security narrative. Moralists framed the Act as a moral duty to protect citizens, while materialists, including defense contractors and technology firms, secured tangible benefits from expanded surveillance infrastructure. Yet, as moralist coalitions fractured over ideological disagreements and public sentiment shifted, the persistence of the Act increasingly relied on the cohesion of materialist interests and institutional inertia, consistent with Higgs's and Rothbard's critiques of state power (Rothbard 1970; Higgs 2005). These dynamics set the stage for a deeper analysis of the internal tensions and evolving incentives that sustained the Act over time.

Extended Framework for Coalition Dynamics

This section extends Bruce Yandle's *Bootleggers and Baptists* framework by incorporating additional dimensions of analysis relevant to the USA PATRIOT Act. Yandle's original theory explains how coalitions of seemingly opposing groups align to support legislation, with moralists providing ethical legitimacy and materialists benefiting financially or otherwise materially (Yandle 1983). This paper extends this framework to account for the roles of regulators, politicians, and the public while analyzing the dynamics of antagonism within and between coalition groups.

Moralists, in this framework, are defined as individuals or groups motivated by ethical or ideological principles. Moralists often advocate for policy under a moral narrative that seeks to address perceived societal issues under religious, spiritual, or other ideological bases. The moralist coalition represents a heterogeneous body of groups and individuals that propel the moral narrative, providing legitimacy to the political, regulatory, and material bodies. It is not necessarily so theoretically, but historically, this group tends to be more antagonistic because of the nature of their wide-ranging incentives and foundational differences in beliefs.

Materialists, by contrast, are primarily motivated by tangible or institutional benefits derived from the legislation. This group can include a variety of entities, who benefit legally or illegally. In the case of the USA PATRIOT Act, this group includes defense contractors, technology firms, and other private entities that stand to profit from increased surveillance budgets or expanded enforcement measures. Unlike moralists, materialists generally exhibit greater cohesion due to their aligned incentives. Their participation in coalitions is strategic, leveraging the moralists' ethical narrative to gain public and political support for policies that serve their perceived best interests (Stigler 1971, Higgs 1987).

Politicians occupy a nuanced role within this framework, acting as intermediaries who navigate between moral and material coalitions. On one hand, they adopt and amplify the moral narrative to secure public and legislative support. On the other, they often align with materialists due to institutional incentives, including campaign donations, lobbying pressures, or political capital gained through the appearance of decisive action. Politicians' dual role as both moral advocates and material beneficiaries positions them at the intersection of these coalitions, highlighting their strategic engagement with both groups to advance their objectives (Mises 1949, Hayek 1945).

Regulators share some similarities with politicians but are distinct in their focus on implementing and enforcing policies. While regulators may publicly emphasize the moral justification for their actions, their institutional incentives—such as maintaining authority, securing resources, or expanding their jurisdiction—frequently align with materialist interests. This dual alignment complicates their role within coalitions, as they must balance public accountability with institutional imperatives, often prioritizing the latter (Higgs 2005, Hayek 1945).

Finally, the public plays a critical role in legitimizing coalitions, particularly during the initial stages of crisis-driven legislation. Public support for the USA PATRIOT Act was driven by fear and urgency following the 9/11 attacks, creating an environment conducive to coalition alignment. Rothbard explains that public opinion is often shaped by moral narratives crafted to justify state interventions, with crises providing a unique opportunity for the state to position itself as the sole solution to perceived threats. In this case, the moral and patriotic framing of the Act resonated deeply with the public, bolstering its swift passage (Rothbard 1970).

However, public engagement with such legislation is often episodic, as described by Rothbard's concept of rational ignorance. Individuals tend to disengage when the costs of political participation outweigh the perceived benefits, particularly in the face of complex or opaque policies. This dynamic allows coalitions—especially those with aligned material interests and organizational strength—to operate with limited public scrutiny. While public sentiment can act as a counterbalance during periods of heightened awareness, such as in response to significant disclosures or scandals, these moments are often short-lived and insufficient to counteract deeply entrenched policies (Rothbard 1970).

Hume's observations complement Rothbard's insights by emphasizing the role of habit and custom in fostering public complacency. He notes that "it is, therefore, on opinion only that government is founded," highlighting how inertia and routine acceptance allow governments to solidify power during crises. While episodic public outrage, such as the response to Edward Snowden's revelations, can momentarily disrupt this complacency, it often fails to sustain the pressure necessary to drive significant reform (Hume 1748). This cycle of attention and inattention underscores how coalitions leverage public inertia to maintain support and sustain policies over time, reinforcing the structural dynamics at the heart of crisis-driven legislation (Rothbard 1970).

This extended framework emphasizes the dynamic interplay between coalition members and the evolving nature of their alignments over time. By incorporating the roles of politicians, regulators, and the public, it provides a more comprehensive lens for analyzing how coalitional dynamics contribute to the persistence of crisis-driven legislation like the USA PATRIOT Act. Furthermore, it introduces the concept of antagonism as a critical factor, exploring how

foundational tensions within and between heterogeneous groups influence the stability and longevity of coalitions.

Application of the Extended Framework to the USA PATRIOT Act

The passage and evolution of the USA PATRIOT Act provides a detailed case study of how coalitions of moralists, materialists, politicians, regulators, and the public align and evolve under crisis conditions. The Act exemplifies how these groups, motivated by differing incentives, temporarily aligned under a unifying national security narrative, even as internal heterogeneity and antagonisms shaped their long-term dynamics. This section applies the extended framework to the Act's implementation and trajectory, emphasizing the heterogeneity within the coalitions and the disagreements, particularly among moralists, about the Act itself and later efforts for reform.

The Role of Moralists: Alignment and Fragmentation

Moralists were instrumental in framing the USA PATRIOT Act as a moral and patriotic necessity in the aftermath of 9/11. Religious organizations, such as the Southern Baptist Convention, and conservative think tanks like the Heritage Foundation, significantly bolstered the national security narrative by portraying the Act as an ethical obligation to protect American lives. This framing emphasized themes of duty, justice, and patriotism, creating a sense of moral urgency that resonated deeply with both the public and policymakers (Southern Baptist Convention 2001, Heritage Foundation 2001). For instance, one Heritage Foundation advocate declared, "Supporting the Act was not merely a political choice but a moral imperative to safeguard our freedom and security" (Heritage Foundation 2001).

This narrative was further bolstered by groups like the Council on American-Islamic Relations (CAIR), which, despite representing communities disproportionately affected by the Act's implementation, initially expressed support for narrowly targeted counterterrorism measures (CAIR 2001). Such alignment created a broad consensus, facilitating the Act's rapid passage with overwhelming bipartisan support.

However, even though the moral coalition created a broad temporary consensus, it was never a homogeneous body, and disagreements emerged even among those who initially supported the Act. For example, civil liberties organizations like the American Civil Liberties Union (ACLU) raised immediate concerns about the broad scope of surveillance powers granted under Section 215 and the potential erosion of constitutional protections (ACLU 2001). While some civil liberties advocates reluctantly supported the Act in 2001, viewing it as a temporary measure justified by the extraordinary circumstances of the time, others warned that its provisions were overly broad and lacked sufficient oversight mechanisms. This divergence foreshadowed future fragmentation within the coalition as differing priorities—national security versus privacy and constitutional rights—became increasingly irreconcilable.

From 2002 to 2005, these disagreements had intensified. Civil liberties groups led a growing opposition, criticizing the government's use of National Security Letters (NSLs) and the lack of judicial oversight as evidence of unchecked government overreach (ACLU 2005). By 2003, the ACLU, who initially cautiously supported the act, labelled the USA PATRIOT Act as a "direct threat to constitutional freedoms (ACLU 2003). Within the moralist coalition, some groups sought modest reforms to address these abuses, such as increasing transparency and judicial oversight. Others advocated for a full repeal of controversial provisions like Section 215, arguing that such measures were fundamentally incompatible with civil liberties. Other local

governments and faith-based coalitions successfully organized opposition to the Act's implementation. The Berkeley City Council passed a resolution in 2003 condemning the Act as an affront to constitutional rights, a stance echoed by several faith-based organizations (Berkeley City Council 2003). By 2005, over 200 municipalities had passed similar resolutions, reflecting the growing moralist resistance. This internal divide weakened the coalition's effectiveness, as groups advocating incremental reforms often found themselves at odds with those demanding sweeping changes.

Disagreements were also evident within religious and ideological factions that had initially supported the Act. While some conservative groups continued to emphasize the moral duty of national security, others began to express concerns about the implications of mass surveillance on religious freedom and individual privacy. For instance, some evangelical leaders highlighted the potential misuse of surveillance powers against minority religious groups, particularly in the context of increasing discrimination towards Muslim communities, and concerns about governmental overreach (Religious Freedom Institute 2006). These divergent perspectives illustrate the underlying tensions within the moralist coalition, rooted in differing interpretations of the moral and ethical obligations associated with national security and civil liberties.

The Cohesion of the Materialist Coalition

In stark contrast to the moralists, the materialist coalition demonstrated remarkable cohesion throughout the USA PATRIOT Act's trajectory. This coalition comprised defense contractors, technology firms, and private security companies, all of which were united by shared financial incentives. Provisions such as enhanced surveillance, intelligence-sharing capabilities, and government contracts for developing intelligence infrastructure created significant economic

opportunities for these industries. For example, lobbying records from 2001 show that defense and technology sectors spent over $40 million to shape the legislation, securing favorable provisions that aligned with their economic objectives (Center for Responsive Politics 2001). Key beneficiaries included companies such as Booz Allen Hamilton and Northrop Grumman which secured substantial contracts for building and maintaining surveillance infrastructure (Center for Responsive Politics 2001).

Unlike the moralist coalition, the materialist coalition exhibited minimal internal antagonism. Its members were bound by clear, tangible financial incentives that aligned their interests, ensuring the coalition's durability. Over time, the materialist coalition adapted to changing legislative and technological landscapes. During the 2005 reauthorization, lobbying expenditures increased to over $50 million, reflecting the coalition's sustained efforts to preserve the Act's provisions and secure additional contracts (Center for Responsive Politics 2005). This unity underscores the durability of coalitions grounded in material benefits, particularly in comparison to the more ideologically diverse and fragmented moralist coalition.

Politicians and Regulators: Navigating Dual Incentives

Politicians and regulators occupied nuanced roles within the coalitional framework, balancing the moralist coalition's public appeals with the materialist coalition's financial pressures. Politicians like Representative James Sensenbrenner (R-WI), who introduced the Act in the House, leveraged moralist rhetoric to frame the legislation as an essential response to an unprecedented crisis, emphasizing its role in protecting American lives (Congressional Record 2001). Similarly, President George W. Bush emphasized the moral necessity of the Act, stating, "This legislation is essential not only to pursue and bring justice to terrorists but to protect our citizens and protect our freedom" (Bush 2001). Simultaneously, campaign contributions from

defense contractors and technology firms underscored the material pressures shaping legislative priorities, illustrating the dual incentives politicians navigated (Center for Responsive Politics 2001).

Regulators, including the FBI and NSA, similarly balanced public accountability with institutional imperatives. Publicly, they emphasized the moral justification for expanded surveillance powers, arguing that provisions such as Section 206's roving wiretaps were necessary to prevent future terrorist attacks (National Commission on Terrorist Attacks, 2004). Internally, these agencies benefited from the expanded operational scope and increased budgets facilitated by the Act, aligning their institutional incentives with those of the materialist coalition (Higgs 2005, Hayek 1945).

The inclusion of sunset clauses in the USA PATRIOT Act illustrates how politicians and regulators sought to address public concerns while preserving institutional priorities. Sunset clauses, which set expiration dates for certain provisions unless explicitly renewed, were framed as safeguards to balance civil liberties with security needs. For moralist coalitions, they provided assurances that the Act's more controversial provisions, such as Section 215, would undergo periodic scrutiny, thereby mitigating fears of permanent government overreach. For materialist coalitions and regulators, however, sunset clauses served as strategic tools to institutionalize temporary powers by creating cycles of renewal. These renewals allowed for incremental expansions, as public urgency could be re-invoked to justify extending or even broadening the provisions. This dynamic aligns with Higgs's ratchet effect, wherein temporary measures adopted during crises persist and expand over time, reflecting both the inertia of regulatory institutions and the strategic leveraging of crisis narratives by materialist coalitions (Higgs 1987).

The Public: Episodic Engagement and Diverging Perspectives

The public's engagement with the USA PATRIOT Act was episodic, reflecting shifts in awareness and priorities over time. In the immediate aftermath of 9/11, fear and urgency drove widespread public support for stronger national security measures. Polling data from Gallup in 2001 indicated that 68% of Americans prioritized national security over privacy concerns, legitimizing the Act's rapid passage (Gallup 2001). This perceived widespread support from the public was critical to the expedited passage of the act. While many Americans accepted the tradeoff between security and civil liberties as necessary, a minority expressed early concerns about the potential for government overreach, particularly as reports of abuses began to surface. As noted previously, there was evidence of early, localized, grassroots resistance, but overall, the public became increasingly less engaged with this USA PATRIOT Act after its passage and implementation in 2001.

Public engagement surged again in response to Edward Snowden's 2013 disclosures, which revealed the extent of government surveillance under Section 215. These revelations sparked widespread outrage, mobilizing civil liberties advocates and driving the passage of the USA FREEDOM Act in 2015 (Greenwald 2014). However, this resurgence of activism was short-lived. Post-2015, public pressure on policymakers diminished, reflecting a combination of factors, including the perception that meaningful reforms had been achieved, the complexity of surveillance policies, and the rational ignorance described by Rothbard (Rothbard 1970). The episodic nature of public engagement underscores its reactive rather than sustained influence on crisis-driven legislation, further complicating efforts to achieve comprehensive reform.

Post-2015: Persistent Fragmentation and Adaptation

Post-2015, the coalitions supporting and opposing the USA PATRIOT Act continued to evolve in response to new challenges and technological advancements. The materialist coalition adapted to legislative constraints imposed by the USA FREEDOM Act, leveraging advancements in artificial intelligence and biometric technologies to maintain its influence. Lobbying efforts remained robust, with defense and technology sectors spending an average of $55 million annually between 2016 and 2020 to shape cybersecurity and intelligence policies (Center for Responsive Politics 2020).

Meanwhile, the moralist coalition experienced further fragmentation. Privacy advocates, human rights organizations, and digital privacy groups like the Electronic Frontier Foundation (EFF) increasingly clashed with national security proponents, reflecting the deepening ideological divides within the coalition. These divisions weakened the moralists' ability to present a unified front, complicating efforts to address persistent concerns about surveillance overreach.

Politicians and regulators navigated these shifting dynamics by emphasizing the ongoing threats posed by terrorism and cyberattacks while advocating for new tools to address emerging challenges such as ransomware and election interference. This dual role highlights their continued engagement with both moralist and materialist coalitions, reflecting the enduring complexity of their positions within the framework.

This analysis of the USA PATRIOT Act through the lens of the extended framework illustrates the dynamic interplay of coalitional alignments, internal heterogeneity, and episodic public engagement. By highlighting the evolving incentives and antagonisms within and between coalitions, this section underscores the complexity of sustaining crisis-driven legislation over time.

Framework Validation and Generalization

The extended framework presented in this paper provides a robust lens for analyzing the coalition dynamics underpinning crisis-driven legislation. By incorporating Bruce Yandle's *Bootleggers and Baptists* model alongside complementary insights from scholars such as Robert Higgs, Murray Rothbard, Patrick Newman, and others, this framework identifies the specific incentives and antagonisms within coalitions that sustain or fragment legislative initiatives like the USA PATRIOT Act. This section validates the framework's efficacy while exploring its applicability to other legislative contexts, including parallels with the Espionage Act of 1917, and considers its implications for future reforms.

Validation of the Extended Framework

The analysis of the USA PATRIOT Act demonstrates that the extended framework effectively captures the complex interplay of moralists, materialists, regulators, politicians, and the public. Unlike the traditional *Bootleggers and Baptists* model, which assumes a relatively cohesive moralist group, this framework reveals heterogeneity and internal tensions within coalitions, particularly among moralists. For example, religious organizations and civil liberties groups diverged on whether the Act's surveillance provisions aligned with their ethical commitments, highlighting foundational differences that weakened the coalition over time (Southern Baptist Convention 2001, ACLU 2005). This nuanced understanding of moralist fragmentation is a key contribution of the framework.

The materialist coalition, by contrast, demonstrated remarkable cohesion due to aligned financial incentives. The lobbying efforts of defense contractors and technology firms ensured the preservation and expansion of the Act's provisions, even amidst public backlash and moralist

opposition. This underscores the framework's ability to identify the mechanisms by which material interests perpetuate policies long after their moral legitimacy has waned. For instance, lobbying expenditures by these industries averaged $55 million annually post-2015, ensuring the Act's provisions remained relevant to their economic goals (Center for Responsive Politics 2020).

Regulators' dual alignment with both coalitions further validates the framework. Agencies like the FBI and NSA leveraged moralist rhetoric to secure public trust while aligning with materialists to expand their operational scope. This dual role complicates the assumption that regulators act solely as neutral enforcers, revealing instead their strategic positioning to advance institutional incentives (Higgs 2005, Hayek 1945).

Generalization of the Framework

While initially tailored to the USA PATRIOT Act, this framework demonstrates broader applicability to other instances of crisis-driven legislation. A particularly compelling parallel can be drawn with the Espionage Act of 1917, passed during World War I in response to heightened national security concerns. Framed as a moral imperative to safeguard the nation amidst global turmoil, the Espionage Act relied on a coalition of moralists and materialists for its passage and persistence. Patriotic organizations, public officials, and media outlets acted as moralists, advancing ethical justifications tied to loyalty and wartime duty. Materialists, including industrialists benefiting from government contracts and increased production, leveraged the crisis to secure institutional advantages (Kennedy 1999). The initial alignment of these groups created a powerful coalition capable of driving swift legislative action.

However, as with the USA PATRIOT Act, the Espionage Act's moralist coalition was never homogenous. While some factions emphasized national loyalty and the suppression of dissent as moral imperatives, others—such as free speech advocates—grew increasingly critical of the Act's expansive enforcement mechanisms. Over time, these ideological divisions deepened, particularly as prosecutions under the Act targeted labor organizers, political activists, and journalists. The resulting fragmentation of the moralist coalition mirrors the trajectory of the USA PATRIOT Act's moralists, whose unity dissipated as concerns over civil liberties and privacy heightened (Kennedy 1999). This pattern underscores the inherent tension and eventual antagonism within moralist coalitions, which often emerge when foundational differences in incentives and priorities surface.

In contrast, the materialist coalition supporting the Espionage Act exhibited remarkable cohesion. Industrialists and government agencies shared clear, aligned incentives to maintain wartime production and suppress labor strikes or anti-war movements that could disrupt economic stability. Their unified interests ensured continued support for the Act, even as public sentiment and moralist coalitions shifted. This cohesion parallels the materialist coalition's role in sustaining the USA PATRIOT Act, where defense contractors and technology firms lobbied effectively to entrench surveillance provisions that aligned with their economic objectives (Kennedy 1999; Higgs 1987). These dynamics highlight how materialist coalitions, driven by shared incentives and institutional alignment, consistently outlast fragmented moralist coalitions.

Public sentiment played a crucial role in legitimizing both the Espionage Act and the USA PATRIOT Act, particularly during their initial passage. The heightened fear of foreign espionage in 1917, much like the fear of terrorism in 2001, created an environment where the public largely supported sweeping government measures. However, as Rothbard (1970) and

Hume (1748) observe, public engagement tends to wane over time, with rational ignorance and habitual compliance enabling the persistence of such policies. In the case of the Espionage Act, public outrage over its enforcement occasionally flared, such as during the high-profile prosecution of labor leader Eugene V. Debs. Yet these moments of resistance were episodic and insufficient to dismantle the Act's core provisions, much like the limited reforms prompted by Edward Snowden's revelations about the USA PATRIOT Act (Kennedy 1999; Rothbard 1970). These parallels reinforce the framework's insights into the episodic nature of public engagement and its limited capacity to counteract entrenched policies.

The parallels between the USA PATRIOT Act and the Espionage Act of 1917 underscore the extended framework's ability to elucidate the dynamics of crisis-driven legislation. Both cases reveal how materialist entrenchment, regulatory inertia, and the episodic nature of public engagement contribute to the persistence of policies initially justified by unifying crisis narratives. These findings suggest that the framework could be applied to analyze similar legislative phenomena, offering valuable insights into the intersection of moral rhetoric, material incentives, and institutional dynamics.

However, further research is needed to explore the extent to which these patterns hold across other historical and contemporary cases. Potential areas of inquiry include the Alien and Sedition Acts of 1798, internment policies during World War II, and modern emergency measures enacted in response to the COVID-19 pandemic. Such studies could validate the framework's broader applicability and provide actionable insights for navigating the challenges of reforming entrenched crisis-driven policies.

Implications for Reform

The extended framework highlights the formidable challenges inherent in reforming crisis-driven legislation, particularly when addressing the structural entrenchment of materialist coalitions and regulatory inertia. The persistence of the USA PATRIOT Act, even after the passage of the USA FREEDOM Act, exemplifies the difficulty of reversing expansions of state power initiated during crises. As Higgs (1987) articulates through his ratchet effect, these expansions rarely retract to pre-crisis levels, becoming embedded within institutional frameworks. Rothbard (1970) echoes this sentiment, arguing that once government power expands, it tends to consolidate and normalize its authority, creating structural impediments to reform. This persistence is exacerbated by episodic public engagement, which often wanes as the immediacy of the crisis diminishes, as Rothbard illustrates through his concept of rational ignorance. Concurrently, the fragmentation of moralist coalitions reduces the cohesive pressure necessary to counter entrenched materialist interests.

Rothbard's insights also highlight the crucial role of public skepticism and vigilance in achieving meaningful reform. He emphasizes that reforms are most likely when public pressure aligns with a coherent and organized moralist coalition capable of countering the entrenched interests of materialist coalitions. However, Rothbard warns that effective reform requires more than moralist rhetoric; it demands clear, actionable strategies that address the root causes of legislative persistence. For example, Rothbard critiques reforms that focus solely on incremental adjustments, arguing that such efforts often legitimize existing structures rather than dismantle them. In the context of the USA PATRIOT Act, this critique underscores the limitations of the USA FREEDOM Act, which introduced modest reforms while leaving the broader surveillance apparatus intact (Rothbard 1970).

To overcome these structural challenges, reform efforts must adopt a multi-faceted approach. Rothbard's emphasis on the power of decentralized coalitions is particularly relevant. He argues that bottom-up reform—driven by local activism, grassroots movements, and decentralized initiatives—has the potential to counteract the inertia of centralized institutions. In the context of the USA PATRIOT Act, this approach could involve coalitions of privacy advocates, technology companies concerned with user trust, and civil liberties organizations uniting to demand transparency and accountability in surveillance practices.

Transparency measures, such as those implemented in the USA FREEDOM Act, mark an initial step but are insufficient without mechanisms to sustain public engagement and enforce accountability. Drawing on Rothbard's critique, effective reform must disrupt the alignment between regulators and materialist coalitions by reducing the institutional benefits that sustain their influence. For instance, implementing stronger checks on lobbying practices, requiring public disclosure of government contracts, and introducing independent oversight mechanisms could challenge the cohesion of materialist coalitions. Additionally, leveraging technological advancements—such as blockchain for accountability in surveillance practices—can appeal to both moralist and materialist priorities by fostering trust and transparency.

Ultimately, Rothbard underscores the importance of aligning reform strategies with broader principles of liberty and individual rights. He warns against reforms that compromise these principles in pursuit of political expediency, emphasizing that true reform must dismantle the structures that enable government overreach rather than perpetuating them in altered forms. By recognizing the structural dynamics at play, reform efforts can move beyond incremental adjustments toward systemic transformation. This approach not only challenges the persistence

of policies like the USA PATRIOT Act but also offers a replicable model for addressing the legacy of crisis-driven legislation.

Conclusion

This paper has demonstrated that the rapid passage and enduring influence of the USA PATRIOT Act were facilitated by the temporary alignment of diverse coalitions under a unifying national security narrative. By extending Bruce Yandle's Bootleggers and Baptists framework, this analysis has revealed the internal heterogeneity and evolving tensions within moralist coalitions, contrasting with the cohesion and adaptability of materialist interests. Insights from scholars such as Robert Higgs, Murray Rothbard, Patrick Newman, George Stigler, Friedrich Hayek, Ludwig von Mises, and David Hume have enriched this understanding, illuminating the interplay of incentives, institutional inertia, and public sentiment in sustaining crisis-driven legislation.

The framework not only elucidates the dynamics behind the USA PATRIOT Act but also offers a versatile tool for analyzing similar legislative phenomena. The Espionage Act of 1917 provides a compelling parallel, demonstrating the broader applicability of this framework in identifying patterns of moralist fragmentation and materialist entrenchment. These patterns, observed across historical and contemporary contexts, underscore the systemic challenges of reforming policies shaped by crisis narratives.

Addressing the persistent challenges posed by such legislation requires a multi-faceted approach. Bridging coalitional divides through shared values and pragmatic incentives is essential for creating effective reform movements. Additionally, fostering sustained public

engagement and implementing structural safeguards—such as enforceable sunset clauses and transparent review processes—are critical for balancing security imperatives with civil liberties.

By integrating economic, political, and historical perspectives, this analysis contributes to a deeper understanding of how crisis-driven policies persist and evolve. It underscores the importance of analyzing coalitional dynamics to navigate the complex interplay of moral, material, and institutional forces in policymaking. As a foundation for future research, this framework invites further exploration into the implications of crisis-driven legislation and provides pathways to meaningful reform that honor both ethical principles and institutional resilience.

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