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## HOMELAND INSECURITY

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# Teen homeschooler jailed under Patriot Act

FBI holds 10th-grader for months with little contact from family

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A 16-year-old homeschooled boy from North Carolina was taken away from his home in handcuffs two months ago and has been held by the FBI in Indiana ever since, a victim, his mother claims, of the Patriot Act spun out of control.

According to Annette Lundeby of Oxford, N.C., armed FBI agents and local police stormed her home around 10 p.m. on March 5, looking for her son, Ashton. The officers presented a federal search warrant and seized the tenth-grader's computer, cell phone and bank statements.

Ashton was then taken to a juvenile facility in South Bend, Ind., charged with making a bomb threat in Indiana from his home computer.

His mother, however, told Raleigh's WRAL-TV that she argued with the authorities, claiming someone must have hacked into her son's IP address and used it to make crank calls. The agents' search, she claims, also failed to uncover any trace of bomb-making materials.

"Undoubtedly, they were given false information," Lundeby told the station, "or they would not have had 12 agents in my house with a widow and two children and three cats."

Allowed little access to see her son over the last two months, facing a court date that keeps being pushed back and given no information by FBI agents sitting behind a gag order on the case, Lundeby now says the USA Patriot Act has unjustly imprisoned an innocent boy and stripped her son of due process.

*(Story continues below)*

"We have no rights under the Patriot Act to even defend them, because the Patriot Act basically supersedes the Constitution," she told WRAL-TV. "It wasn't intended to drag your barely 16-year-old, 120-pound son out in the middle of the night on a charge that we can't even defend."

Passed after the Sept. 11, 2001, terrorist attacks on the World Trade Center, the USA Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism – or P.A.T.R.I.O.T. – Act armed law enforcement with new tools to detect and prevent terrorism. Among other measures, it better enables interagency cooperation and allows law enforcement a wider array of technological and surveillance tools to more quickly and stealthily investigate terrorist threats.

Dan Boyse, a former U.S attorney not connected to the case, explained to WRAL-TV how Ashton Lundeby could have been swept up by the Patriot Act.

"They're saying that 'we feel this individual is a terrorist or an enemy combatant against the United States, and we're going to suspend all of those due process rights because this person is an enemy of the United States,'" Boyse told the station.

Boyse theorized that if an FBI agent came to the conclusion that Lundeby was a serious terrorist



Ashton Lundeby

threat, the usual rules of law enforcement don't apply.

"There's nothing a matter of public record," Boyce said. "All those normal rights are just suspended in the air."

Ashton's mother told the television station, "Never in my worst nightmare did I ever think that it would be my own government that I would have to protect my children from. This is the United States, and I feel like I live in a third world country now."

*The WRAL-TV news report, including Annette Lundebly's comments, can be seen below:*



According to the WRAL-TV report, because a federal judge has issued a gag order in the case, the U.S. attorney in Indiana cannot comment on Lundebly, nor can the FBI.



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