

Democrats vote to renew Patriot Act

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With almost no debate, the Democratic leadership in Congress pushed through an unamended extension of the USA Patriot Act's most notorious provisions, granting sweeping powers to eavesdrop and seize library, Internet and other personal records of US citizens.

The provisions were set to expire by Sunday. President Barack Obama is expected to sign the legislation before then, securing his administration the ability to continue and expand the domestic spying and attacks on basic democratic rights that he and other Democrats had pretended to oppose under the Bush administration.

The three extended provisions give US intelligence agencies the power to: 1) conduct "roving" wiretaps without specifying a particular phone number or e-mail account; 2) force institutions to surrender credit, banking, medical, mental health and library records; and 3) spy on so-called lone-wolf foreign nationals, who have no affiliation to either terrorist organizations or foreign governments.

The Senate approved the one-year extension Wednesday by a voice vote and without any debate. The House followed suit on Thursday night, voting 315 to 97 in favor of the legislation.

Originally, the three provisions were to expire at the end of December, but Congress passed a two-month extension late last year, while continuing to discuss proposed amendments that would ostensibly introduce greater protection of privacy and constitutional rights.

Last fall, the Senate Judiciary Committee approved President Obama's request to renew the measures after debating various limited proposals to increase judicial oversight and otherwise reform the legislation, while keeping its essential powers intact. The Obama administration offered no support for even the most modest changes, with both the Justice Department and the FBI calling for the provisions to be extended as is.

Among the proposed changes was an amendment that would have barred the government from using National Security Letters (NSLs)—administrative subpoenas issued by the FBI, the CIA and the Pentagon—to obtain confidential records of US citizens who are not suspected of terrorism or espionage. Another would have let the "lone-wolf" provision expire. A third would have required the government to issue written statements setting out the factual basis for obtaining an NSL. There was also a proposal to allow recipients of NSLs limited ability to challenge the so-called gag orders that bar them from informing anyone that they have been targeted for investigation.

A separate proposal called for the repeal of the section of the FISA Amendments Act that granted blanket immunity to telecommunications companies that cooperated with the government in its illegal warrantless wiretapping program.

Seeking bipartisan consensus on the legislation, all of these measures were defeated, with the committee ultimately adopting—with eight Democrats voting in favor and only three against—virtually meaningless proposals introduced by Senator Dianne Feinstein, a member of the Judiciary Committee and chairman of the Senate intelligence panel.

Even these toothless amendments were stripped from the final extension resolution. Democratic leaders justified the action on the grounds that it was necessary to secure Republican support.

Judiciary Committee Chairman Patrick Leahy justified extending the worst abuses in the Patriot Act without any changes by declaring, "I would have preferred to add oversight and judicial review improvements to any extension of expiring provisions in the USA Patriot Act, but I understand some Republican senators objected."

The media has largely attributed the Democrats' support for the renewal of the Patriot Act provisions

and the scrapping of any attempt to amend them as an attempt to avoid any debate that would allow the Republican minority to portray them as “soft on terrorism” in the run-up to the midterm election.

While no doubt such cowardice and opportunism govern all of the decisions made by the Democrats like Senate Majority Leader Harry Reid and House Speaker Nancy Pelosi, the reality is that support for the police state measures introduced with the Patriot Act has been bipartisan from the outset.

The measure was passed by the Senate in 2001 with just one dissenting vote and under conditions in which members of Congress acknowledged that they had not even read the legislation. The Democrats have provided the necessary votes for approving every attack on democratic rights enacted since, while leading members of the party in Congress have collaborated in covering up illegal surveillance activities.

While the Democratic Party won the 2008 election based on a platform that explicitly promised to overturn unconstitutional provisions in the Patriot Act and halt “the use of national security letters to spy on citizens who are not suspected of a crime,” since coming to office the Obama administration has continued and expanded these practices.

Successive reports have revealed that hundreds of thousands of NSLs have been issued since the Patriot Act was initially enacted, and there have been repeated revelations of illegal spying on American citizens—including reporters writing stories placing intelligence agencies in a bad light. Nonetheless, the Obama administration Justice Department insisted that there was no real abuse of authority under the Bush administration, and that therefore the act should be renewed.

At the same time, the administration has intervened repeatedly in lawsuits challenging illegal wiretapping under the Bush administration, invoking the “state secrets privilege” to have them quashed. Last October, US Attorney General Eric Holder used this method to seek the dismissal of a suit demanding a halt to the National Security Agency’s illegal dragnet surveillance of AT&T Internet communications and to hold Bush administration officials responsible for this unconstitutional program accountable.

The Obama White House opposes such lawsuits because it does not want its own powers curtailed and

fears that any prosecution of former officials could set a legal precedent that could be used against it.

Similarly, it has opposed any probe of senior Bush administration and CIA officials responsible for the torture and killing of detainees, under conditions in which the Obama administration has upheld the policies of rendition and administrative detention without charges or trials.

Just as with its foreign policy that continues the wars and occupations in Iraq and Afghanistan and an economic policy designed to defend Wall Street at the expense of workers’ jobs, wages and benefits, the Obama administration is continuing the wholesale assault on democratic rights initiated by its predecessor.

The staggering repudiation of the promises made by the so-called candidate of “change” is not a matter merely of Obama’s own duplicity. He heads a government that is dedicated to the defense of the essential interests of a financial oligarchy.

Under conditions of deepening economic crisis and in the face of ever-wider social polarization at home, it can defend these interests only by embracing the unconstitutional methods adopted by the Bush administration. The Obama White House is continuing to build up a police state not for use against some ubiquitous terrorist threat, but to counter the inevitable growth of mass struggles by the American working class.



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