

Democrats, Republicans agree to four-year extension of Patriot Act powers

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Spokesmen for Democratic and Republican congressional leaders announced Thursday a bipartisan agreement to extend three key domestic spying powers established by the USA Patriot Act for another four years.

The agreement meets the demands of the Obama administration and the Justice Department for a “clean” extension, that is, one that does not make any concessions to concerns over the infringement of civil liberties, particularly in relation to the authorization to seize the records of libraries and other institutions.

The deal was worked out between Senate Majority Leader Harry Reid (Democrat-Nevada), Senate Minority Leader Mitch McConnell (Republican-Kentucky) and House Speaker John Boehner (Republican-Ohio).

Reid formally unveiled the agreement by filing a cloture petition Thursday afternoon that will force a vote on Monday to bring the legislation to the Senate floor on Monday. Assuming the Senate passes the legislation extending the Patriot Act provisions, the House would vote shortly afterwards, ahead of a May 27 deadline.

When the USA Patriot Act was first enacted in 2001, after the 9/11 terrorist attacks, most of the new spy powers given the federal government were enacted permanently. But three provisions were established with expiration dates, supposedly because of their potential for abuse. These include:

- Authorizing the FBI to use roving wiretaps on surveillance targets, by waiving the requirement that wiretaps be targeted on specific phone numbers, and

allowing the FBI to tap any phone number it deems linked to a suspect.

- Section 215, allowing the government to access “any tangible item” associated with a suspect under surveillance, including records of hotels, car rental agencies, credit card issuers, libraries and other institutions and businesses the suspect may have visited or made use of.

- Allowing the surveillance of individuals not connected to any terrorist organization but suspected of being “lone wolf” terrorists, a category so vague that it greatly extends the potential range of government monitoring.

After several extensions, the three provisions were again set to expire on February 28, 2011, but the House and Senate approved a 90-day extension, ending May 27, after a proposal for an extension to the end of this year was unexpectedly defeated in the House.

Because of the insistence of the FBI and the Obama administration that the extension contain no new restrictions of the use of the domestic spying powers, the House Republican leadership brought the bill up under a rule that bars any amendments but requires a two-thirds vote for approval. The bill was defeated February 8 by seven votes, 277-148, with 26 Republicans joining 122 Democrats to oppose it.

A similar rule will be applied in the House vote next week, making the outcome there less certain than the vote in the Senate, which is expected to approve the four-year extension by a wide margin.

The Republican caucus remains divided between a small minority who oppose the extension on libertarian grounds, and a large majority who have backed

legislation to extend the provisions for roving wiretaps and business records for six years, and the “lone wolf” provision indefinitely.

Given this division, Speaker Boehner and the House Republican leadership will rely on the Democrats to provide the necessary margin of votes to approve the extension bill. A spokesman for Boehner declared, “The speaker supports this common-sense proposal because this law has been crucial to detecting and disrupting terrorist plots and protecting the American people.”

Attorney General Eric Holder and Director of National Intelligence James Clapper have urged Congress in a joint letter to extend all three surveillance powers for a long period of time, complaining that frequent, short-term extensions were disruptive of counterterrorism operations because they “increase the uncertainties borne by our intelligence and law enforcement agencies in carrying out their missions.”

The American Civil Liberties Union denounced the “backroom deal” between Reid, McConnell and Boehner that insures a four-year extension with no congressional hearings and no public examination of the abuses of individual rights perpetrated over the past decade under the auspices of the Patriot Act.

According to the annual report of the Department of Justice released earlier this month, there was a huge increase in domestic spying during the first two years of the Obama administration, including the issuance of National Security Letters (NSLs) by the FBI.

In 2009, the FBI issued 14,788 NSLs on 6,114 individuals. In 2010 this figure doubled, with the bureau issuing 24,287 NSLs on 14,212 individuals. Wiretapping applications rose from 1,376 in 2009 to 1,579 in 2010.

Requests known as 215 orders, named after the provision now to be extended another four years, rose even more sharply. The FBI made 21 applications for 215 orders in 2009, then more than quadrupled its use of this procedure last year, making 96 applications.

These figures underscore the extent to which the Obama administration represents, not merely the extension of the Bush administration’s war on democratic rights, but an acceleration and intensification of it.

Obama has reneged on promises like his pledge to close the Guantanamo Bay torture and detention camp, and is now making the successful operation to kill Osama bin Laden a centerpiece in his reelection campaign.

Last week the White House announced that it would seek legislation from Congress to extend the term in office of FBI Director Robert Mueller by an additional two years, on top of the ten-year term that expires in September, in order to provide “continuity” in the counterterrorism operations of the federal government.

Congressional Republicans immediately responded favorably to the proposal, which would have the effect of deferring a decision on Mueller’s successor to 2013, when it would be made by a Republican president if Obama is defeated for reelection.

Congressman Lamar Smith (Republican-Texas), chairman of the House Judiciary Committee, issued a statement declaring, “I support the president’s decision to extend Director Mueller’s term for an additional two years and agree that it is important to maintain continuity for our intelligence community during this transition period.”



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