



Written by [Kelly Holt](#) on January 15, 2011

PATRIOT Act To Be Quietly Renewed

In spite of [FBI misuses of National Security Letters](#) (NSLs) authorized by the Act — which allow the FBI to search telephone, e-mail, medical and financial records without a court order — and candidate Obama's promise to support revisions that would strengthen civil liberties and prevent abuses, cases of [federal intrusions are continuing to mount](#), including more warrantless searches of homes and businesses without the knowledge of the owner or resident.



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Originally, the Act was billed as a temporary measure, but opponents feared that executive power once given is seldom relinquished, so Congress crafted "sunset" provisions that were promptly ignored by lawmakers as they voted for subsequent extensions of what Congressman Ron Paul has called "police-state legislation." Rogers' bill, introduced January 5, reflects no significant reforms to the extension passed last year, and according to the Raw Story, its passage is likely.

Opponents' fears have proven to be well founded. Obama had promised that if he were elected President, there would be "no more NSL's to spy on citizens who are not suspected of a crime" because "that is not who we are, and it is not what is necessary to defeat the terrorists." Yet he voted in favor of extensions in 2005, and he promoted the extensions in both 2008 and again last year. FBI and Department of Justice officials have argued that restricting blanket authority to conduct the warrantless searches authorized by the Act would harm national security.

The *New York Times* for January 11 reported the case of just such a warrantless search. An NSL was issued to Twitter, demanding that the site provide account details of users connected to the Julian Assange WikiLeaks case. The government was [seeking information](#) on users without a court order. Although Twitter challenged the order and won, other sites have given in to similar demands by the federal government.

Julian Sanchez of the [Cato Institute](#) observed,

Given the very limited number of days Congress has in session before the current deadline, and the fact that the bill's Republican sponsor is only seeking another year, I think it's safe to read this as signaling an agreement across the aisle to put the issue off yet again. In the absence of a major scandal, though, it's hard to see why we should expect the incentives facing legislators to be vastly different a year from now. I'd love to be proven wrong, but I suspect this is how reining in the growth of the surveillance state becomes an item perpetually on next year's agenda.

In an expressed desire by the Founders to establish each of the first ten amendments as constitutionally guaranteed, inviolable, and untouchable, the preamble to the [Bill of Rights](#) includes the phrase,

Conventions of a number of the States, having at the time of their adopting the Constitution expressed a desire in order to prevent misconstruction or abuse of its powers, that further



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declaratory and restrictive clauses should be added....

The Fourth of those restrictive clauses, the Fourth Amendment reads,

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

All member of Congress and the President have sworn an oath to uphold the Constitution. Yet it seems that Representatives will keep extending the PATRIOT Act until enough of their constituents put pressure on them to repeal it.

Photo: Rep. Mike Rogers

To let your U.S. Representative and Senators know what you think about extending the Patriot Act, [click here](#).



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