



Written by [Thomas R. Eddlem](#) on May 24, 2011

Congressional Leaders Agree to Renew Patriot Act

The Republican and Democratic ranks of the House have demonstrated some reluctance to pass the bill, however. A majority of Democrats [voted](#) against renewal February 17. And Felicia Sonmez of the *Washington Post* [explained](#) May 20 that "House Republicans, meanwhile, have their own problem to worry about — the more than two dozen members who voted against the extension this year. House Republicans have a 22-seat majority in the House, meaning if the members who voted against the earlier Patriot Act extensions maintain their opposition, Republican leaders will need the support of Democrats to pass the bill." Only two Republicans in the Senate — Kentucky's Rand Paul and Utah's Mike Lee, both Tea Party affiliates — opposed the Patriot act extension in the Senate in a [February 15 vote](#) earlier this year.



Congress passed the Patriot Act in the wake of the September 11, 2001 attacks; the bill aims to increase surveillance of Americans and suspected terrorists. The [three Patriot Act provisions](#) set to sunset at the end of May include:

- 1) the "roving wiretap" provision, which allows the federal government to wiretap any number of telephone/internet connections on a suspect without specifying what they will find or how many phones they will tap;
- 2) the "financial records" section, which allows the feds to seize "any tangible thing" related to an investigation, even if the owner of the data is not accused of doing anything illegal; and
- 3) the "lone wolf" provision, which virtually unlimited surveillance of "non-U.S. person" inside the United States who "engages in international terrorism or activities in preparation therefor."

All three provisions flagrantly violate the particularity clause of the [Fourth Amendment to the U.S. Constitution](#), which requires that search warrants contain language "particularly describing the place to be searched, and the persons or things to be seized."

The Senate leadership of both parties [voted](#) in favor of cloture for [S. 1038](#), which would renew the Patriot Act. Senate Majority Leader Harry Reid (D-Nev.), Senate Majority Whip Richard Durbin (D-Ill.), Senate Minority Leader (Mitch McConnell (R-Ky.), and Senate Minority Whip John Kyl (R-Ariz.) each voted to limit debate for the purpose of voting on and passing the bill to renew the soon-to-expire Patriot Act provisions for four years. The eight Senators opposing cloture were scattered across the ideological spectrum: conservative Tea Party Republican Rand Paul of Texas, independent socialist Bernie Sanders of Vermont, moderate Republicans and Democrats in Alaska and Montana, and the Senate's newest member, Nevada Republican Dean Heller, who replaced John Ensign (who resigned).



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Neo-conservatives and political elites across the country strongly support the Patriot Act. The neo-conservative Heritage Foundation [opined](#) on May 17: "Congress and the Administration should support the PATRIOT Act. It is time that Congress take steps to ensure that law enforcement and intelligence authorities continue to have the right tools to stop terrorism. This means seeking permanent authorization of all three provisions discussed above. Institutionalizing these tools within the counterterrorism framework is vital to thwarting future terrorist attacks and ensuring the continued security of the nation." The Heritage Foundation also plans to host a [symposium](#) on May 25 promoting the Patriot Act extension. And House Speaker John Boehner, the top ranking Republican in Washington, also supports the Patriot Act. "The speaker supports this common-sense proposal because this law has been crucial to detecting and disrupting terrorist plots and protecting the American people," Boehner spokesman Michael Steel [told](#) the press May 20.

But Senator Rand Paul [argued](#) in a May 23 floor speech before the Senate that congressional elites and the executive branch "want you to feel good about allowing the spying, but this spying is going on by the tens of thousands and even by the millions." Specifically, Paul [noted](#) that the wide swath of searches of innocent Americans' financial records may make it impossible to accurately access the activities of real terrorists:

With regard to these suspicious activity reports, we've done over 4 million of them in the last 10 years. We're now doing over a million a year.... Why are we not looking for the people who would attack us and spending time on those people? Why do we not go to a judge and say this person we suspect of dealing with this terrorist group, will you give us a warrant? Why don't we have those steps?

Instead, we're mining and going through millions of records, and I think we're overwhelmed so much with the records that we may well be doing less of a good job with terrorism because we're looking at everyone's records.

Senator Paul [argued](#) in his May 23 floor speech that the Fourth Amendment is a key constitutional amendment that undergirds many of the other rights protected in the Bill of Rights:

Many conservatives argue that well they love the Second Amendment. Some liberals say they love to be able to protect the First Amendment. If you don't protect the entire Bill of Rights, you're not going to have any of it. If you want to protect your right to own a gun, you need to protect your gun records from the government looking at your gun records and finding out whether you've been buying a gun at a gun show.

You need to protect your privacy. If you want to protect the first amendment, you've got to have the Fourth Amendment.

A Senate floor vote is [expected May 25](#), and the House [may take up the bill](#) as early as May 24.



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