



Written by [Thomas R. Eddlem](#) on March 1, 2010

Obama Signs Patriot Act Extension

President Obama signed a one-year extension of three provisions of the USA Patriot Act Saturday February 27. House Judiciary Committee Chairman John Conyers (D-Mich.) explained two days earlier that the law will “extend three provisions of our foreign intelligence surveillance laws for 1 year. The provisions are section 206 of the PATRIOT Act, governing roving wiretaps; section 215, which addresses the collection of business records; and the so-called ‘lone wolf surveillance’ law. Without extension, these provisions will expire on Sunday coming.”



The House of Representatives passed the bill Thursday by a [315-97 vote](#). Conyers voted for the bill February 25 despite qualms about “civil liberties” because, in [his words](#), “we have no other choice but to go along with this extension because there isn’t sufficient time. Well, tomorrow is the last day of the week. It’s physically impossible. So under these circumstances, it seems to me the best course is to merely maintain the status quo.”

The measure had near unanimous support from Republicans (other than a small but growing anti-war caucus led by [Rep. Ron Paul of Texas](#)), and Representative Lamar Smith (R-Texas) favored the legislation, [stressing](#): “The PATRIOT Act works. It has proven effective time and time again in preventing terrorist attacks and keeping Americans safe.”

Yet Smith was unable to specify an example where the Patriot Act had actually stopped an attack, and even [noted](#) that the Patriot Act had failed to protect Americans from the Christmas Day underwear bomber:

Despite multiple attempted terror attacks and a warning of an imminent attack from our national security experts, apparently the best this Congress can do is a 1-year extension of our most critical national security laws. On Christmas Day Omar Farouk Abdulmutallab attempted to murder 288 innocent civilians by trying to set off an explosion aboard a Northwest flight bound for Detroit. Thankfully, he failed in his attempt at mass murder, not because of our national security procedures but because of his own ineptness and the quick response from passengers and crew. But we may not be so fortunate the next time.

Fellow Republican Dan Lungren of California got to the heart of the issue, even if he came to the [wrong conclusion](#): “The American people must be scratching their heads and saying, This is the leadership we look for? These are the people who take an oath to the Constitution and to give us the ability to defend ourselves against enemies?” Indeed, the [oath of office that congressmen take](#) is to “support and defend the Constitution of the United States against all enemies, foreign and domestic.” But note that they are specifically required to defend the Constitution, not to defend the people — though defending the Constitution does mean defending the people. The relevant provisions of the USA Patriot Act were deliberately written to evade the four-fold requirements of the [Fourth Amendment to the U.S.](#)



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[Constitution](#). Under the Fourth Amendment, the Founders required that federal searches require a “warrant” from a court, “probable cause,” be supported by an “oath or affirmation” and specificity “particularly describing the place to be searched, and the persons or things to be seized.”

As Representative Dennis Kucinich (D-Ohio) [explained](#), “this legislation would extend section 215 powers of the PATRIOT Act, which allows the government to order any entity to turn over ‘any tangible things’ as long as it specifies its for ‘an authorized investigation.’ Section 215 orders constitute a serious violation of Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment.” Under the Patriot Act, gone are the requirements for probable cause, oaths, warrants and particularity.

Passed during the panic of the post-9/11 era of the Bush administration, Kucinich [noted](#) of the Patriot Act that “passage of this legislation continues to make Congress complicit in the violations of constitutional rights.” He added that a vote for extension of the Patriot Act is a clear violation of the congressional oath of office: “As Members of Congress swore to protect the rights and civil liberties afforded to us by the Constitution, we have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act, ensuring that the privacy and civil liberties of all Americans are fully protected.”

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