



Written by [Steven J. DuBord](#) on November 5, 2009

Patriot Act Vote Scheduled for Nov. 5

The House Judiciary Committee is scheduled to consider a bill on November 5 that the Electronic Frontier Foundation believes is this year's "best chance" for significant reform of the USA Patriot Act.

Called the USA Patriot Amendments Act of 2009 (H.R. 3845), the bill was introduced by House Judiciary Committee Chairman John Conyers, Jr. (D-Mich.) and co-sponsored by Representatives Jerrold Nadler (D-N.Y.), Robert Scott (D-Va.), and several others. H.R. 3845 aims to put common-sense restraints in place that will at least somewhat limit the unconstitutional abuses of power the Patriot Act currently enables.



The Patriot Act gives virtually no protection to the privacy of innocent Americans regarding wiretapping and eavesdropping. It gives the FBI carte blanche to issue "national security letters" (NSLs) to obtain private communications and financial records while making the NSLs so secret that those who receive them are placed under a gag order.

H.R. 3845 would remedy the situation to a degree. It amends the authority to issue NSLs so that government agents can only access communications and financial records if they belong to a suspected terrorist or spy. No more accessing without justification the information of a person many times removed from the original suspect.

The Patriot Amendments Act would also require the government to specifically name the person or place to be wiretapped when requesting the authorization for surveillance. Currently, the Patriot Act's "roving John Doe" authority allows wiretaps to be ordered without naming the target.

Conyers' bill addresses how easily the federal government can use the Patriot Act to authorize "sneak and peek" searches without prior notice. Under the proposed amendments, federal officials would be limited to using secret searches only in urgent situations.

Lastly, H.R. 3845 deals with the gag orders that accompany national security letters. These orders would now have to line up more closely with First Amendment protection of free-speech rights. The government would be forced to bear the burden of proving to a court that gagging an NSL recipient is necessary to protect national security.

The USA Patriot Amendments Act of 2009 isn't ideal, mainly because the only way to address the abuses of the Patriot Act is to repeal the whole act. Giving the federal government certain select powers of a dictatorship supposedly to protect us from terrorism only begs the question of who will then protect us from the terror of government.

President Obama himself criticized the Patriot Act during his campaign, but now he apparently likes the power he has inherited from his predecessor. The Electronic Frontier Foundation [noted](#) this as part of its November 4 assessment of the progress being made in Congress to bring H.R. 3845 to a vote:



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The supporters of reform have done a good job of beating back bad amendments from the Republican camp, but we're also starting to see Chairman Conyers and other Democrats working to weaken their own bill in a number of ways at the request of the Administration.

Hopefully it is not too late for concerned Americans to inform their representative that the Patriot Act needs at least to be reformed, if not utterly abolished. The EFF has an [action page](#) for contacting Congress.

If we allow the Patriot Act to continue unchallenged, then the words of our own Founding Father Benjamin Franklin will be sufficient to condemn us: "They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

Photo: John Conyers



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