



Written by [Daniel Sayani](#) on February 11, 2011

Tea Party Flexes Its Clout on the Patriot Act

The House of Representatives will once again take up a vote on the PATRIOT Act next week, and is expected to vote for extension in their second vote on the legislation within just a few days. Next week's expected vote will differ from last Tuesday's in that it purposefully curbs Tea Party clout on the issue, and instead, will be undertaken under conditions more conducive to its passage.



The House leadership mandated on Thursday to approve a procedural measure which would allow a vote next week in which only a simple majority would be needed to pass the controversial legislation.

This comes in the wake of the Houses failure to extend the PATRIOT Act, due to the steadfast opposition of Tea Partiers, acting in a rare coalition with liberal Democrats.

In a move which signified perhaps the ultimate paradigm shift within the rank and file of elected Republicans on the issue of individual liberty, House Republicans in their Tuesday vote rejected an extension of three controversial provisions of the PATRIOT Act.

In what has been identified as the first significant example of the Tea Party flexing its electoral and legislative muscle in Congress, the House failed to extend the controversial bill, particularly its three provisions most reviled among civil libertarians: one dealing with court-approved roving wiretaps, one granting the FBI access to library archives and anything else considered relevant to a terrorism investigation, and the lone wolf provision, which approves surveillance of suspected terrorists not linked to a specific terrorist organization.

The extension measure, H.R. 514, was rejected because House leadership brought the bill to the floor on the esoteric and unusual grounds that in order for it to take effect, a two-thirds majority would be necessary for adaptation. Because there were only 277 yea votes and 148 nay votes and 290 yea votes would have been required the measure was ultimately rejected.

The fact that the House leadership adopted these unusual conditions for Tuesdays vote is merely an example of the Establishments attempt to placate Tea Partiers, who have generally taken a constitutionalist stance against measures which are believed to violate the individual liberties of the American people, such as the PATRIOT Act. While it is significant that the Tea Party was able to influence House leadership in such a manner, this should not be seen as anything other than an opportunistic and futile move by the GOP Establishment, as the measure will reappear next week with provisions more conducive to the passing of the reauthorization.

Many have expressed this sentiment, including *Washington Monthly* columnist Steven Benen, who observes that of 52 members of the House Tea Party Caucus, a whopping 44 of them voted for reauthorizing the PATRIOT Act, including Rep. Michele Bachmann (R-Minn.) and Rep. Alan West (R-



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Fla.), demonstrating how in many ways the Tea Party movement has strayed from its roots. In 2007, the Tea Party was formed in Boston as a means of bringing to a broader audience the libertarian and constitutional principles of Rep. Ron Paul, such as his emphasis on civil liberties, including opposition to the draconian provisions of the PATRIOT Act.

Also among those voting in favor of the reauthorization was Rep. Frank LoBiondo (R-N.J.), notorious for not knowing the Constitution, as he once stated in a Town Hall meeting that Article 1, Section 1 of the Constitution addressed freedom of religion, and was unable to state the five freedoms guaranteed in the First Amendment.

Voting against the extension were 26 Republicans and 177 liberal Democrats. While the actual voting figures themselves are insignificant, as they reflect a generally-expected partisan divide on the issue, the fact that it had been brought to a vote under the special procedure which essentially blocked its moving forward into the Senate for an up-or-down vote signifies that House Republican leadership views placating the demands of Tea Partiers and civil libertarians as a priority.

The vote highlights what has been described by French sociologist Jean-Pierre Faye as the Horseshoe Theory of politics, which asserts that those on the far left and far right often find themselves in agreement on some issues, such as globalization, defense, and civil liberties. This has prompted some to identify a unique coalition of House Progressives and Tea Partiers in opposing the PATRIOT Act, and explains how figures as divergent as Democrat Rep. John Lewis and Republican Rep. Paul Broun, both of Georgia, make for strange bedfellows: Lewis is a notorious leftist, and Broun has been a defender of The John Birch Society's constitutionalism.

The measure also serves the purpose of providing an objective, on-the-record enunciation of where individual members of Congress stand on the issue. Eight freshman Republican members of Congress voted against the extension:

- Rep. Justin Amash (Mich.)
- Rep. David Schweikert (Ariz.)
- Rep. Robert Woodall (Ga.)
- Rep. Raul Labrador (Idaho)
- Rep. Bobby Schilling (Ill.)
- Rep. Randy Hultgren (Ill.)
- Rep. Michael Fitzpatrick (Pa.)
- Rep. Christopher Gibson (N.Y.)

Not surprisingly, several veteran GOP Congressmen also voted against the measure, most of whom have been consistently in favor of civil liberties throughout their careers in Congress. Aside from Rep. Ron Paul of Texas, these include Rep. Connie Mack (R-Fla.), who has advocated greater congressional oversight over government surveillance programs and has voted against former President George W. Bush's domestic eavesdropping program in 2006 and reforms to the Foreign Intelligence Surveillance Act (which call for the authorization of warrantless domestic wiretapping), and Rep. Roscoe Bartlett (Md.), who was one of only seven House Republicans to vote against the Military Commissions Act of 2006, which suspends habeas corpus and allows for Americans to be detained as enemy combatants without due process or trial by jury.

Rep. Walter B. Jones (R-N.C.), who also voted against the measure, is best known for his paleoconservative principles. He endorsed Ron Paul for president in 2008. Jones has also sponsored



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legislation calling for the withdrawal of troops from Iraq, and co-sponsored the Constitutional War Powers Resolution, along with Rep. William Delahunt (D-Ma.), which would prohibit the president from ordering military action without congressional approval, except where the United States, US troops, or US citizens were under attack.

Another expected vote against the bill was that of Rep. Dana Rohrabacher (R-Calif.), an early disciple of anarcho-capitalist philosopher Samuel Edward Konkin III, who has supported the decriminalization of medicinal marijuana, and in 2005, also voted against extending the bill, due to its permanent police powers clause.

More surprising is the vote against the extension by Rep. Donald Young (R-Alaska), who has a relatively moderate record, as indicated by his lifetime rating of 77 from the American Conservative Union. Young's support of measures such as the Employee Free Choice Act in 2007 and his consistent support of pork barrel spending interestingly make him a target of the Tea Party who is nonetheless opposed to the invasive measures of the PATRIOT Act.

Interestingly, the 177 House Democrats who voted against the measure went against the wishes of Democrat President Barack Obama, who urged the Congress to vote in favor of extending the PATRIOT Act. Demonstrating the extent to which Obamas stance on civil liberties has been a continuation of policies from the Bush administration, the Obama White House sought a lengthier extension of the PATRIOT Act than the Bush administration ever did.

Obama has clearly flip-flopped on his campaign promises, as his own party clearly opposes him on the PATRIOT Act. In 2003, then-senatorial candidate Obama called the legislation shoddy and dangerous and pledged to dump it, in response to a survey from the National Organization of Women (NOW).

Yet, as a Senator, Obama voted to reauthorize the PATRIOT Act in February 2006, and has now urged members of Congress to extend the bill for another three years a move motivated by political aims, as Obama seeks to avoid the conflation of national security legislation, as well as criticism from those on the right who perceive him as weak on defense issues. Perhaps for the same reason, 67 House Democrats voted with most Republicans for reauthorization.

Ironically, some also believe that Democratic Rep. Dennis Kucinich (Ohio) played a crucial role in garnering the 26 Republican votes against the legislation. Kucinich, whom Rep. Paul has described as a close legislative ally in his fight against war and the Federal Reserve, issued the following mandate to freshman Republicans in the House:

“The 112th Congress began with a historic reading of the U.S. Constitution. Will anyone subscribe to the First and Fourth Amendments tomorrow when the PATRIOT Act is up for a vote? I am hopeful that members of the Tea Party who came to Congress to defend the Constitution will join me in challenging the reauthorization.

The same constitutionalist sentiment is also motivating some members of the House Tea Party Caucus to stand firmly against House leadership on issues of spending. In a stinging rebuke to leadership, Tea Partiers on the House Appropriations Committee pledged to cut not the proposed \$74 billion, but instead a full \$100 billion, despite objections from House Speaker John Boehner (R-Ohio) and House Budget Chairman Paul Ryan (R-Wis.).

One House aide said that this firm commitment to spending cuts is akin to the initial failure of GOP leadership in passing the extension of the PATRIOT Act, as reported by *The Hill*:



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The GOPs failure to pass an extension of the PATRIOT Act this week alerted the House leadership to the growing dissatisfaction of their members. I think the Patriot Act failure woke up leadership to a rising problem.

It is widely expected that ultimately, the PATRIOT Act will once again be reauthorized for a three-year period, when it comes up again for another vote in the House next week.

Photo: Rep. Connie Mack (R-Fla) has been a prominent advocate for greater congressional oversight of government activities related to surveillance.



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