

# US: Republicans seek to make Patriot Act provisions permanent

By Kate Randall  
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Congressional Republicans, working with the Bush administration, are seeking to make the provisions of the anti-democratic USA Patriot Act permanent. That legislation, which was rushed through Congress in the wake of the September 11 terrorist attacks, granted the government unprecedented powers to spy on Americans and override Constitutional protections against arbitrary searches and seizures.

When the bill passed in October 2001, the Bush administration pushed for many of its components to be permanent. However, in its final form many critical provisions were set to “sunset”—or expire—at the end of 2005 unless they were re-authorized by Congress. Utah Republican Senator Orrin Hatch has drafted a proposal to repeal the “sunset” provisions and make the Patriot Act a permanent fixture.

Justice Department officials are lobbying Congressional Republicans to move against allowing the Patriot Act measures to expire. An unnamed senior department official told the *New York Times*: “The Patriot Act has been an extremely useful tool, a demonstrated success, and we don’t want that to expire on us.”

While the provisions are not set to expire for another two-and-a-half years, Republicans seized an opportunity to tack Sen. Hatch’s proposal onto another “anti-terror” bill sponsored by New York Democratic Senator Charles Schumer and Arizona Republican Senator John Kyl. The Kyl-Schumer bill would make one of the provisions of the Patriot Act permanent, eliminating the requirement for federal agents to show that a suspect is affiliated with a foreign power or agent, such as an alleged terrorist group, in order to obtain a secret surveillance warrant.

This provision, which applies to non-citizens, would open the way for authorities to target individuals when

there is no evidence to even suggest they have ties to terrorist groups, but who—according to the government—are suspected individual terrorists.

The Kyl-Schumer bill would effectively reform the Foreign Intelligence Surveillance Act (FISA), which requires the government to demonstrate a link between a suspected foreign national to a “foreign power” in order to conduct spying operations. Sen. Kyle commented that under the proposed bill the FBI “could get a FISA warrant to conduct electronic surveillance of a foreign national who, for example, surveys US nuclear plants or shows an unusual interest in explosives, cyanide, or anthrax, without having to jump the hurdle of establishing an immediate link to a foreign terrorist group.” In other words, any non-citizen could be considered a “terror suspect” simply because the FBI considers his activities dubious.

The legislation’s sponsors claim that legal restrictions hampered federal agents in their handling of Zacarias Moussaoui, subsequently dubbed the “twentieth hijacker.” In fact, the FBI and other US intelligence agencies inexplicably declined to investigate Moussaoui, ignoring warnings from a flight school where he sought training to fly jets and suspicions of local FBI agents in Minneapolis. They have subsequently sought to explain their failure to investigate Moussaoui by claiming they had no evidence to tie him to foreign terrorists.

The content of the Kyl-Schumer bill—cosponsored by a Democratic and Republican Senator—is further confirmation of the Democrats’ complicity with the Bush administration’s massive attack on democratic rights and assault on the Constitution. The legislation proposed by Sen. Hatch, and being pushed by the White House, would go one step further—making all the

provisions of the Patriot Act permanent.

Signed into law by President Bush on October 26, 2001, the USA Patriot Act sped through Congress in a record five weeks with overwhelming bipartisan support—passing by votes of 356-66 in the House and 98-1 in the Senate.

The Bush administration seized on the events of September 11, 2001 as a pretext to push for measures sought by the Republican Right long before the terrorist hijackings. Involved are attacks on long-standing juridical procedures and Constitutional protections. The bill provides intelligence and police authorities with broad electronic surveillance authority as well as the power to carry out secret searches.

Under the act, “roving wiretaps” can be authorized in intelligence investigations, covering multiple telephones of an individual, include cell phones. Existing rules governing the monitoring of phone calls were extended to electronic mail.

One of the most ominous features of the Patriot Act is the authorization of secret searches, whereby the FBI can utilize a secret warrant to break into the home or business of a “terror suspect,” without notifying the individual until after the fact. The government is not required to reveal what was found or seized in the search. Federal agents can obtain warrants for these secret searches without proof of probable cause. They need only indicate suspicion of involvement in a crime. These rules can also be applied to criminal investigations unrelated to terrorism.

These spying provisions clearly violate protections against arbitrary searches and seizures as laid down in the Fourth Amendment to the US Constitution. While initially aimed against immigrants—particularly Arab and Muslim men—in the aftermath of the September 11 terrorist attacks, they will increasingly be used against citizens and non-citizens alike.

It is unclear at this point whether the legislation repealing the “sunset” provisions of the Patriot Act will pass Congress. However it is apparent that the Bush administration and dominant sections of the political establishment—Republicans and Democrats alike—support its anti-democratic provisions and are pushing to make them permanent, laying the groundwork for legal witch-hunts against political opponents of the government. This could include antiwar groups, civil liberties advocates, working class

organizations and left wing and socialist political parties—anyone who dissents or poses a challenge to government policy.

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