

FBI Misuse of Patriot Act Authority. “Anyone can be Spied on”

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Global Research, June 06, 2015

Region: [USA](#)

Theme: [Police State & Civil Rights](#)

America is a police state. The FBI is the nation's Gestapo. It's an instrument for systematically violating civil liberties. It's a rogue agency operating unconstitutionally.

Bureau secrecy and cover-up make it impossible to know the full extent of its lawlessness. It operates with minimal oversight and accountability.

A new [Justice Department Office of the Inspector General \(OIG\) report](#) titled “A Review of the FBI's Use of Section 215 Orders: Assessment of Progress in Implementing Recommendations and Examination of Use in 2007 – through 2009.”

Section 215 of the Patriot Act tramples on Bill of Rights protections. Its language is vague and deceptive. It's used to permit unconstitutional meta-data mining.

It allows police state investigatory practices. It authorizes government access to “any tangible item” – including personal financial records and transactions, medical records, phone conversations, emails, other Internet use and whatever else Washington wants to monitor.

FBI powers are sweeping. They're greatly enhanced. They're used extrajudicially. Anyone can be spied on for any reason or none at all.

No probable cause, reasonable grounds, or suspicions are needed. Exercising free expression makes you vulnerable.

Section 215 is unconstitutional. It permits warrantless searches without probable cause. It violates First Amendment rights by mandating secrecy. It prohibits targeted subjects from telling others what's happening to them.

It compromises free expression, assembly and association by authorizing the FBI to investigate anyone based on what they say, write, or do with regard to groups they belong to or associate with.

It violates Fourth and Fifth Amendment protections by not telling targeted subjects their privacy was compromised. It subverts fundamental freedoms for contrived, exaggerated, or nonexistent security reasons.

Section 215 powers expire on June 1 if Congress fails to extend them. So far, enough votes are lacking to do so.

The battle continues. Senate Majority Leader Mitch McConnell called for another

reauthorization vote on Sunday, May 31 before the provision expires. House leaders oppose re-extension.

In early May, the US Second Circuit Court of Appeals struck down bulk NSA phone spying. It ruled Section 215 doesn't permit bulk collection of Americans' phone records. A three-judge panel ruled unanimously – overturning a lower court decision.

It said collecting and storing meta-data “anywhere in the private sector (constitutes) an unprecedented and unwarranted contraction of the privacy expectations of all Americans.”

The FBI administers the law. It gets secretive virtually rubber-stamp Foreign Intelligence Surveillance Court (FISC) authorization for the NSA and itself to do so.

OIG's new report discusses the FBI's egregious abuse of Section 215 powers. The 2005 Patriot Act Reauthorization required the agency to follow “minimization procedures” to limit the amount of private information collected, retained, disseminated and used – often inappropriately.

The FBI failed to comply until March 2013 – nor NSA. Illegal interpretation of Section 215 persists.

NSA abuse of power is notorious. The FBI concocted a set of so-called “Interim Procedures” under which it unilaterally decided it could obey its congressionally mandated procedures by declaring its preexisting duties enough.

Section 215 minimization procedures in force contain vague language with lots of wiggle room permitting retention of information “necessary to understand foreign intelligence.”

In other words, whatever the FBI claims it needs to protect against alleged foreign threats (real or invented) is OK to collect, retain and use in whatever way the agency wishes – undermining privacy protections.

The FBI, like the NSA, is a secretive agency operating unaccountably. Whatever it does is OK because nothing is done constrain it.

Illegal surveillance persists out-of-control. Section 215 is a license for abuse. Agencies like the FBI and NSA operate extrajudicially.

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