

Joe Biden Drafted the Core of the Patriot Act in 1995 ... Before the Oklahoma City Bombing

By [Washington's Blog](#)

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The Core of the Patriot Act Was Drafted in 1995 ... By Joe Biden

Everyone knows that [the Patriot Act was drafted before 9/11](#).

But few know that it was Joe Biden who drafted the core provisions which were included in that bill ... in 1995.

CNET [reported](#) in 2008:

Months before the Oklahoma City bombing took place, Biden introduced another bill called the [Omnibus Counterterrorism Act of 1995](#). It previewed the 2001 Patriot Act by allowing secret evidence to be used in prosecutions, expanding the Foreign Intelligence Surveillance Act and wiretap laws, creating a new federal crime of "terrorism" that could be invoked based on political beliefs, permitting the U.S. military to be used in civilian law enforcement, and allowing permanent detention of non-U.S. citizens without judicial review.* The Center for National Security Studies [said the bill would erode](#) "constitutional and statutory due process protections" and would "authorize the Justice Department to pick and choose crimes to investigate and prosecute based on political beliefs and associations."

Biden himself draws parallels between his 1995 bill and its 2001 cousin. "I drafted a terrorism bill after the Oklahoma City bombing. And the bill John Ashcroft sent up was my bill," he said when the Patriot Act was being debated, according to the [New Republic](#), which described him as "the Democratic Party's de facto spokesman on the war against terrorism."

Biden's proposal probably helped to lay the groundwork for the Bush administration's Patriot Act.

The Center for National Securities [reported](#) in 1995:

On February 10, 1995, a counterterrorism bill drafted by the Clinton Administration was introduced in the Senate as S. 390 and in the House of Representatives as H.R. 896.

The Clinton bill is a mixture of: provisions eroding constitutional and statutory due process protections, selective federalization — on political grounds — of state crimes (minus state due process rules), discredited ideas from the Reagan and Bush Administrations, and the extension of some of

the worst elements of crime bills of the recent past.

The legislation would:

1. authorize the Justice Department to pick and choose crimes to investigate and prosecute based on political beliefs and associations;
2. repeal the ancient provision barring the U.S. military from civilian law enforcement;
3. expand a pre-trial detention scheme that puts the burden of proof on the accused;
4. loosen the carefully-crafted rules governing federal wiretaps, in violation of the Fourth Amendment;
5. establish special courts that would use secret evidence to order the deportation of persons convicted of no crimes, in violation of basic principles of due process;
6. permit permanent detention by the Attorney General of aliens convicted of no crimes, with no judicial review;
7. give the President unreviewable power to criminalize fund-raising for lawful activities associated with unpopular causes;
8. renege on the Administration's approval in the last Congress of a provision to insure that the FBI would not investigate based on First Amendment activities; and
9. resurrect the discredited ideological visa denial provisions of the McCarran Walter Act to bar foreign speakers.

* Note: The CNET article contains a typographical error, using the word "detection" instead of "detention" in the sentence: "allowing permanent detection of non-U.S. citizens without judicial review". Not only does this make no sense, but a review of the bill confirms that it provided for permanent detention.

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