

US Senate Lets Three Patriot Act Provisions Expire

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On Sunday, Senate debate failed to extend three controversial Patriot Act provisions:

- Section 215 used as justification for bulk NSA phone, Internet and business records collection;
- the lone wolf provision amending the definition of a foreign power to include anyone allegedly “engag(ing) in international terrorism or activities in preparation thereof;” and
- the roving wiretap provision permitting “blank check” phone and Internet monitoring of individuals without identifying them by name or having justifiable probable cause.

Unless changed by subsequent congressional action, monitoring henceforth requires “specific and articulable facts” showing targeted subjects may be foreign agents as defined under the 1978 Foreign Intelligence Surveillance Act (FISA).

Section 215 defenders lie claiming sunseting the provision eliminates vital surveillance powers needed to protect against terrorist threats.

Unjustifiable fear-mongering remains rife. Obama outrageously warned of dire consequences without unrestricted mass surveillance powers, saying:

“(H)eaven forbid we’ve got a problem where we could’ve prevented a terrorist attack or could’ve apprehended someone who was engaged in dangerous activity but we didn’t do so.”

Fact: Not a single new millennium terrorist act was committed on US soil nor were any planned ones thwarted by law enforcement actions.

Claims otherwise were false. Innocent individuals were targeted for political reasons – not for any terrorism they committed or planned. Victims languish unjustly in America’s homeland gulag – one of the world’s worst.

Key federal government police state surveillance methods remain legal despite letting the above three lapse – whether permanently remains to be seen. They include:

Pen Registers: letting authorities collect “dialing, routing, addressing or signaling

information” – including phone numbers dialed and Internet metadata.

Business Records Provision: FISA permits obtaining business records from transportation carriers and storage facilities.

Electronic Communications Privacy Act (ECPA) D Orders: letting government get court order authorization requiring ISPs and other communications providers to make available information about their customers – based on “specific and articulable facts showing that there are reasonable grounds to believe...records or other information sought are relevant and material to an ongoing criminal investigation.”

Grand jury subpoenas: for specific information wanted about targeted individuals or groups.

National Security Letters: permitting FBI authority to obtain personal customer records from ISPs, financial institutions, credit companies and other sources without prior court approval – by claiming what’s sought relates to alleged terrorism or espionage, no proof required.

Administrative subpoenas: issued by federal agencies for targeted records wanted.

FISA warrants: easily obtainable from the Foreign Intelligence Surveillance Court (FISC) for national security investigations.

With or without Section 215, government police state powers remain formidable, intrusive, unconstitutional, and contrary to what’s justifiable in free and open societies.

Spying on its citizens reflects one of the most defining police state characterizations. Big Brother is real. It’s no longer fiction.

America crossed the line post-911. Unconstitutional mass surveillance became official US policy. It remains so.

Abusive NSA, FBI, CIA, DEA and Department of Homeland Security practices aren’t going away.

Claiming they’re to protect against possible terror or other national security threats are Big Lies. They’re to protect powerful monied interests from government of, by and for everyone equitably.

They’re to prevent beneficial social change. They’re to compromise fundamental freedoms en route toward eliminating them altogether.

They’re to assure capital’s divine right overrides popular interests. They’re to subvert fundamental Bill of Rights protections.

Orwell envisioned the future. “Big Brother is watching,” he said. “There was of course no way of knowing whether you were being watched at any given moment.”

“How often, or on what system, the Thought Police plugged in on any individual wire was guesswork.”

“It was even conceivable that they watched everybody all the time. But at any rate they

could plug in your wire whenever they wanted to.”

The worst of what Orwell foresaw is real. It’s worse than he imagined given today’s state-of-the-art technology and willingness to use it ruthlessly.

Letting three controversial Patriot Act provisions expire (if only temporarily) leaves in place a repressive police state apparatus targeting anyone challenging a fundamentally anti-democratic system – besides waging global wars on humanity and threatening world peace.

Little changed Sunday night. America remains unfit to live in.

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