

The PATRIOT Act

The Challenge:

The PATRIOT Act was passed in the wake of the 9/11 attacks, in an effort (according to its authors) to enhance the security of American citizens. While the terror threat post-9/11 actually went up, due in large part to the attacks on Iraq and Afghanistan, our privacy and civil liberties were eviscerated by the Act, which vastly enhanced the powers of the federal government to spy and eavesdrop on all of us, often in flagrant violation of the Constitution.

Currently, intelligence agencies are allowed to demand customer communications data from cable companies, internet service providers, and general communications providers. Legal immunity is provided to all providers that comply with the wiretap. Authorities are permitted to intercept wire, oral, and electronic communications, including voicemail. The Act permits roving wiretaps, as well as allowing the FBI to seize items from third parties that it feels will aid with investigations, including educational records. Foreign citizens on US soil who are suspected of being potential terrorists are subject to indefinite detention at the full discretion of the Attorney General.

The Act is a clear and unambiguous assault on U.S. civil liberties, which is a key principle distinguishing our nation from many others. If we value the principles upon which our nation was founded, we will not let the threat of terror destroy them.

The Record of the Republicans and the Democrats:

As a senator, Barack Obama was part of the near unanimous senatorial support for the reauthorization of the Act in 2006. Before he received the Democratic nomination for president, he stated that he was opposed to granting retroactive immunity to telecommunication companies for their roles in illegal warrantless wiretapping and that he would join a filibuster to block it. However, when the issue came up for a vote in mid-2008, after he had won the Democratic nomination (and after the telecom companies poured millions of dollars into a massive lobbying blitz), he breached his promise and voted in favor of immunity.

Unsurprisingly, therefore, under the Obama administration, no elements of the PATRIOT Act have been repealed, and the only amendments to it came in 2005, which made parts of it even more extreme. Obama's key action regarding the Act occurred in May 2011,

when he signed a reauthorization of the three sunset provisions in the Act that were set to expire.

When the bill came up for re-authorization in 2011, it passed in the House 250-153, and in the Senate 72-23. All prior votes on the Act had entailed almost unanimous support. The fact that the 2011 vote reflected the greatest bipartisan opposition to elements of it illustrates how poorly the two-party duopoly is serving our interests when it comes to the protection of our civil liberties.

Rocky Anderson's Approach Toward Solutions:

Anderson is a former lawyer who achieved several civil rights victories. He also volunteered his time and served as Legal Panel Director, and later as President of the Board, of the Utah A.C.L.U. A robust defense of civil liberties will be a key focus of an Anderson administration. Rocky will garner public support to push for the following policies and practices:

- Oppose retroactive immunity for individuals or companies that have violated federal law.
- Abolish the right of federal agencies to spy on US citizens without a warrant, based upon a showing of good cause.
- Eliminate the obligation of third parties to hand over documents concerning other persons to federal agencies without a court-issued warrant.
- Abolish "sneak and peak" provisions enabled by the Act; searches should only be conducted with a warrant delivered prior to the search, not subsequently (absent exigent circumstances).
- End indefinite detention of foreign and U.S. citizens; everyone has the right to charges, legal representation, habeas corpus, and a fair trial.

With these significant changes, the U.S. can begin the process of recapturing the principles of liberty upon which it was founded, while still safeguarding the security of its citizens.