



## Democrats support politically motivated financial surveillance even at expense of abortion rights

Greg Piper

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Congressional Democrats are so concerned about losing statutory workarounds for the Fourth Amendment that they appear willing to tolerate red states using financial transactions to track women who have abortions, a major concern after the Supreme Court struck down federal abortion rights.

That's the impression from hearing Thursday of the House Judiciary Committee's Weaponization of the Federal Government Subcommittee on alleged collusion between the federal government and banks for politically motivated surveillance in the wake of the Jan. 6, 2021, riot.

Committee Republicans released an interim staff report Wednesday night documenting meetings among federal agencies and large financial institutions to discuss "voluntarily" sharing customer information without a warrant or notification to customers under laws including the Bank Secrecy Act.

The relationships echo federal pressure on social media companies to censor disfavored narratives on COVID-19, elections and Hunter Biden's laptop and public-private collaborations such as the Department of Homeland Security-inspired Election Integrity partnership.

Republican congressmen including Kentucky's Thomas Massie and California's Darrell Issa suggested Thursday they wanted major revisions to the BSA, seeing it as fundamentally incompatible with the Fourth Amendment.

"*Everything Everywhere All at Once*' won the Oscar last year for the best movie, but it's not the standard for a Fourth Amendment warrant," Rep. Kelly Armstrong, R-N.D, said jokingly.

"Please do not cavalierly discard financial information as law enforcement took to prevent the next January 6," Florida Democratic Rep. Debbie Wasserman Schultz, a strong supporter of abortion rights, urged Republicans. Their likely presidential nominee, Donald Trump, "all but promises another assault" on democracy, she said.

FBI whistleblower George Hill prompted the yearlong investigation by testifying that Bank of America, unprompted, gave the feds the names of customers who used their cards in the D.C. area Jan. 5-7, 2021, "overlaid with any firearm purchase at any time," said Judiciary Chairman Jim Jordan, R-Ohio.

The feds told financial institutions to search transactions using Merchant Category Codes (MCCs), such as gun-related keywords and firearms retailers Cabela's and Bass Pro Shop, and the interbank Zelle network for alleged Jan. 6-related keywords such as "MAGA" and purchases like "religious texts" to identify potential "homegrown violent extremism," the report says.

Republicans said they uncovered a federally led "Domestic Security Alliance Council" that shares "intelligence products," such as a report branding opponents of gun control and "open borders" as potential domestic terrorists, with hundreds of "member" companies representing two-thirds of the economy.

"We're not exactly sure" what the feds share in the private portal "because it's secret," Jordan said.

Virgin Islands Delegate Stacey Plaskett, the subcommittee's top Democrat, thanked Jordan for crediting the "so-called whistleblower" Hill with "this entire Republican conspiracy theory" that Jan. 6 rioters did not engage in criminal behavior.

She predicted Hill's credibility would collapse like that of Alexander Smirnov, the former FBI informant charged with fabricating a corruption scheme involving President Biden's family.

Plaskett showed footage from the "battle scene," in which "Capitol police officers were slipping in blood" to protect lawmakers. "When it's people who fit your political agenda, they're not criminals anymore?" she asked GOP colleagues.

Democrats' lone witness, former D.C. police officer Michael Fanone, said the "emotional scars remain" from battling rioters on Jan. 6. He "self-deployed" to help fellow officers and "quite frankly I didn't give a sh\*t about the members of Congress."

The experience was unlike even his "dangerous encounters with violent criminals," playing a role in his retirement and prompting threats against his family, Fanone said. He's not testifying to "advocate for some action but simply to bear witness."

GOP witnesses urged Democrats to see the bigger picture beyond Jan. 6.

China's integration of omnipresent CCTV cameras with a social credit system that can block individuals from "all activities that can be virtualized" is a prelude to "the ultimate fascist collusion between gigantic self-interested corporations and paranoid, security-obsessed, anti-human governments," said Canadian psychologist and bestselling author Jordan Peterson.

His licensing body forced Peterson to undergo social media training for his criticism of gender ideology, and he said psychology and medical colleagues up north are "increasingly frightened of making any of their political opinions known in any form whatsoever" because "mid-level" bureaucrats can target them.

Canada's C-63 legislation will make "even the suspicion that a crime may be committed punishable," Peterson testified. Governments everywhere are "in danger of eliminating the private sphere entirely."

Brian Knight, senior research fellow at George Mason University's Mercatus Center, testified: "Our problem is that our financial system provides a convenient, almost one-stop shop" for the government to track information that is constitutionally protected when sought by other methods.

It creates a "comprehensive and retrospective, though not perfect, picture of a person's life," from getting an abortion to buying a gun, he also said: "This is not a left or right thing." Knight agreed with Jordan that the system the committee uncovered is a "backdoor" gun registration program.

The combination of the BSA with a "watered down" financial privacy law several years later and a Supreme Court third-party doctrine that "defies all reasoning" has left Americans with few protections, said Norbert Michel, director of the Cato Institute's Center for Monetary and Financial Alternatives.

The legal framework creates "information overload," with 26 million required reports on customer activity in 2022, and the Treasury Department's Financial Crimes Enforcement Network "still cannot provide data that explains how law enforcement even uses those reports," Michel said. Of the few convictions obtained, they cost \$7 million to \$178 million each, he said.

Using MCCs creates a "raft of false positives" because it assumes banks can identify the "hallmark of violence" using only the purchase location and report it promptly, and that law enforcement will act on it promptly, Knight said. The reporting thresholds are "far more than you need to spend to commit a horrible act of violence but less than you'd spend to get a good hunting rifle and scope."

The best option to protect customer privacy is statutory changes to limit the data banks can collect so governments can't get it, Knight and Michel said.

Republicans are overstating the surveillance threat to Americans by leaving out what the FBI asked BOA to search for, Plaskett said: individuals who purchased a gun within six months of coming to D.C. Jan. 5-7 and planned to come back for the inauguration based on short-term rental records.

She's shopped in Bass Pro Shop "plenty of times," reads a Bible "on a regular basis" and owns a gun, "but I'm not afraid that the FBI is going to be searching my account" because she doesn't meet the search prongs, Plaskett said. "This is getting ridiculous."

Rep. Gerry Connolly, D-Va., dismissed Knight's testimony because his center is funded by the "Koch brothers" – one of whom died in 2019 – and Knight hasn't researched whether Jan. 6 defendants are "hostages," as New York GOP. Rep Elise Stefanik claims they are.

Plaskett scolded Knight for allegedly misrepresenting legal requirements. Governments don't need a warrant "when you have voluntary authorization" and customers have a "reasonable expectation" when they open bank accounts that law enforcement can access them, she said.