

DOJ Says Controversial Patriot Act Provisions Are Essential

Posted By [Cheston McGuire](#) On March 9, 2011 @ 6:34 pm In [News](#) | [1 Comment](#)

With key parts of the Patriot Act set to expire in two months, Obama administration officials told a House Judiciary subcommittee Wednesday that the expiring provisions are vital to national security.

Acting Assistant Attorney General **Todd Hinnen** told the House Judiciary subcommittee on crime, terrorism and homeland security that the "roving," "lone wolf," and "business records" provisions are "critical tools for national security."

Hinnen's comments come a month after House Democrats and conservative Republicans [combined to reject](#) ^[1] a renewal of the expiring provisions over civil liberty concerns, surprising both House Republican leaders and the White House.

Critics have said charged that the Patriot Act, enacted after the Sept. 11, 2001 terrorist attacks, is a tool for "big brother," said House Judiciary Chairman **Lamar Smith** (R-Texas), who added that, myths often overshadow the truth and that "this is the real world where we must address the real threat from foreign terrorists."

Hinnen, who assumed his acting position after **David Kris** [resigned this month](#) ^[2] as head of the Justice Department's National Security Division, said the "lone wolf" provision closes an important gap in intelligence gathering. That part of the law allows which allows the government to conduct searches and surveillance of suspected potential terrorists even if they aren't affiliated with a designated terrorist group.

The "roving" provision allows the government to continue surveillance of targets that change telephones, from one service provider to another. The "business records" provision allows the government to apply for business records or "tangible things that are relevant to an authorized national security investigation," Hinnen said.

Robert Litt, general counsel of the Office of the Director of National Intelligence, called the "roving" provision vital. He cited the classified case of a suspected terrorist who buys prepaid cell phones and disposes of them regularly. Without the ability to freely continue surveillance on the person's phone, information would be lost, he said.

However, Rep. **John Conyers** (D-Mich.), the Judiciary panel's ranking Democrat, said the issue at hand deals with the privacy and freedoms of American citizens. The goal should be to "reach a balance between our protection and our liberties."

Such protection of liberties is at risk with the "lone wolf" provision according to **Julian Sanchez**, a research fellow at the Cato Institute. He said that with the prevalence of WikiLeaks, all it takes is "one bad actor" to turn over databases of information stored on individuals who actually have no ties to terrorism.

Nathan Sales, a law professor at George Mason University, testified that he believes the three provisions are "quite modest." He said that "in many cases, they simply let counterterrorism agents use techniques that federal courts repeatedly have upheld."

With a House panel slated to begin hearings on Islamic radicalism, Judiciary member Rep. **James Sensenbrenner** (R-Wis.) bluntly framed the issue, asking that if the technology was good enough to track "the Sopranos, then why not for Mohammed Allah?"

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