

[Patriot Act Reauthorization Passes House](#)

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For some reason, people made a big deal out of the fact that the Patriot Act reauthorization failed to pass the House last week. It only failed because they tried to pass it under a suspension of the rules, which requires a 2/3 vote. Under regular rules, but with no hearings, no amendments and virtually no debate on Monday night, the House easily passed the bill 275-144. Did anyone really think it wasn't going to pass?

Think this is a partisan issue? Not really. 27 Republicans voted against the bill; 65 Democrats voted for it. And the Senate then voted to extend it for three months by an overwhelming 86-12 vote, with the Democratic leadership arguing that the extension had to be passed for national security. Glenn Greenwald [sums it up well](#):

The establishments of both political parties -- whether because of actual conviction or political calculation -- are equally devoted to the National Security State, the Surveillance State, and the endless erosions of core liberties they entail. Partisan devotees of each party generally pretend to care about such liberties only when the other party is in power -- because screaming about abuses of power confers political advantage and enables demonization of the President -- but they quickly ignore or even justify the destruction of those liberties when their own party wields power. Hence, Democratic loyalists spent years screeching that Bush was "shredding the Constitution" for supporting policies which Barack Obama now enthusiastically supports, while right-wing stalwarts -- who spent years cheering on every Bush-led assault on basic Constitutional limits in the name of Terrorism -- flamboyantly read from the Constitution during the Obama era as though they venerate that document as sacred. The war on civil liberties in the U.S. is a fully bipartisan endeavor, and no effective opposition is possible through fealty to either of the two parties.

For most civil liberties incursions over the last decade, there's been at least some glimmer of opposition on the Left -- exemplified by people like Russ Feingold in the Senate and the Congressional Black Caucus and Dennis Kucinich in the House. But they've been easily overwhelmed by the civil-liberties-hating mainstream of the Democratic Party, and particularly hampered by the lack of any meaningful partners on the Right (where Ron Paul has been a solitary voice on such matters). What has been most needed -- and most harmfully non-existent -- is some minimal amount of intellectual honesty and consistency from America's conservatives, whose rhetoric of "limited government" and "individual rights" has translated into nothing other than lockstep support for ever-increasing government power and a highly authoritarian political mindset. It is that dynamic that has marginalized civil liberties advocacy -- and rendered civil liberties erosions inevitable -- no matter which party is in control.

There are so many examples proving how true that is, but just look at the current "controversy" over extension of these Patriot Act provisions. The three provisions set to expire -- the "roving" wiretaps, the authority to surveil individuals with no connection to

Terrorist groups (the "lone wolf" provision), and the power to obtain "any tangible items" (the "library records" power) -- have a long history of serious abuse. These provisions were supposed to be temporary, emergency measures hastily enacted in the wake of the 9/11 attack with virtually no oversight. Even the Congress acting in the immediate aftermath of those attacks realized how extreme they were, and thus imposed "sunset provisions" requiring their expiration and renewal after several years. But every time they've been considered in the past 10 years, they've been extended with the full support of both parties, without any added oversight provisions or limits; not even incontrovertible evidence of systematic abuse has generated any meaningful opposition.

This has been just as true in the GOP Congress and the Democratic Congress, and with both Bush and Obama in the White House. Yesterday, on the very same day that the Obama White House demanded that Egypt repeal its 30-year-old "emergency law," it also demanded enactment of the House GOP's proposal to extend America's own emergency law -- the Patriot Act -- for three more years with no new oversight (the White House actually wants a longer extension than the House GOP is willing to support). Meanwhile, in the Senate, Pat Leahy has introduced a bill to impose some very mild and inadequate safeguards on these Patriot Act powers (some of which the DOJ has voluntarily accepted), but those efforts are being thwarted by the Democrats' Senate Intelligence Committee Chair, Dianne Feinstein -- easily one of the most implacable enemies of civil liberties in the Congress and one of the most loyal servants of the National Security State which enriches her husband; just as she did last year, Feinstein has demanded a full extension of the Patriot Act with no reforms of any kind.

Put another way, the reform-free extension of the Bush-era Patriot Act is jointly assured by the most important Democratic power brokers (the Obama White House and Feinstein) and the Congressional GOP leadership. That's the same bipartisan dynamic that has repeated itself over and over for the last decade as civil liberties in the U.S. have steadily eroded.

And for those who think the CATO Institute and the Heritage Foundation are essentially the same, take a look at Julian Sanchez' [blasting of Heritage](#) for their advocacy of the Patriot Act reauthorization. This is hardly a minor difference between the two -- one of them gives a damn about the Bill of Rights and the other one doesn't.

I would love to say that this is where liberals and libertarians can work together on a shared agenda to protect the nation against executive overreach and the shredding of the Bill of Rights. Greenwald is pushing for a left-right coalition to take a stand for civil liberties, but that only works if you can forward a legislative agenda through one of the two parties.

The Republicans are hopeless, but the Democrats are only marginally better and the establishment politicians who are willing to sell out true liberal values when they get in office have full control of the party. Even when Bush was in office the Congressional Democrats showed almost no interest at all in reining in his unconstitutional agenda; now that Obama is in office, they are even less interested in it.

I don't see any way of getting the Democratic party to reverse positions unless you can throw out 90% of the party leadership and replace them with genuine liberals. And I'm sure as hell not holding my breath for that to happen.