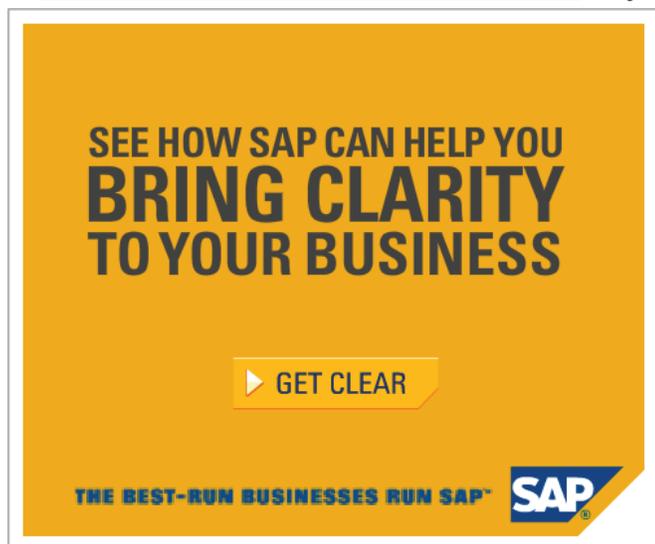


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# Obama's Patriot Act Stance: Practical, A Broken Pledge, or a Non-Issue?

By Heather Horn on September 17, 2009 9:47am

The Associated Press [reported](#) Tuesday that the Obama administration has signaled a wish to extend three provisions of the Patriot Act, the ones regarding access to business records, roving wiretaps, and so-called "lone wolf" surveillance of "suspects with no known link to foreign governments or terrorist groups." As the Atlantic's [Marc Ambinder](#) observed, despite the administration's accompanying indication of being "open to adding (unspecified) civil liberties safeguards" to the act, this new position showed inconsistency on the part of the president: "some of the changes to the law Barack Obama sought as a senator--including modifications to the administrative subpoena power known as National Security Letters--are not part of the corpus of his views today."

What to make of this? The news broke relatively quietly, but a number of liberal bloggers are outraged. Is Obama breaking faith with his leftist supporters? Are there practical justifications? Here's what people are saying:

- **A Promise Broken--Quietly** Political analyst [Earl Ofari Hutchinson](#) let loose in The Huffington Post. "Then US senatorial candidate Obama in 2003 branded the Patriot Act 'shoddy and dangerous' and pledged to dump it." Even if he did "work to shave off some of the more blatantly outrageous constitutional abuses," Hutchinson thought there was little excuse to let "most of the ... noxious provisions" stand, particularly announcing it "in a letter and with little fanfare and comment."
- **Where's the Outrage on the Right?** Though many bloggers were busy searching for progressive anger

on the issue, [Spencer Ackerman](#) took a moment to upbraid right-wing activists:

You'd think the prospect of Obama making the sorts of claims of far-reaching executive authority that Bush made would trouble the teabaggers, especially when Glenn Beck and the rest talk about restoring the constitution and shit, but they're more concerned about restoring the parts of the constitution that would make Obama three-fifths of every other president ... Where's the hysteria? You think Obama's nationalizing health care but it's cool if he looks at your medical records? OK man have it your way. We'll be vigilant for actual liberty; and you can handle the race and class privilege vapors. A fair division of labor, and a clarifying one.

- **Obama and Bush: Two Peas in a Pod** [Ian Welsh](#) at Open Left was one of several liberals to question the distinction between Obama and his predecessors. "The fundamental truth," he wrote unequivocally, "about the Obama administration is that it is the Bush administration run by slightly less incompetent, marginally less evil people."
- **Actually, Maybe Obama's Worse? He's Ruthless** The libertarian Cato Institute's [Tim Lynch](#) and [Jude](#) of the Hugh Hewitt blog on Townhall were more pessimistic. "With Obama in the White House," wrote the former, "Bush's most misguided policies either continue or worsen." He attacked Democrats in general for their hypocrisy. Jude suggested Obama "plays much harder ball than people want to believe," and added that he "won't be surprised to learn, decades from now, that things when much further under [Obama's] watch than under Bush's."
- **Time Out: What Else Could He Have Done?** The conservative National Review offered some qualified support. First, argued [Andy McCarthy](#), although this was not necessarily a plus in his mind, "Obama is not coming out in support of 'the' Patriot Act as we knew and debated it for several years." Second, he pointed out that Patriot Act provisions had been supported by a number of Democrats, including Eric Holder and John Podesta:

there was no way, politically speaking, that the Obama administration, and especially its Justice Department, could have opposed the reauthorization of these three Patriot provisions. There was no upside in it for them and tons of potential downside. The money-move was to sign off, call as little attention to it as possible, and move on. It looks like that's what they've done.

- **Time Out: Can We Talk About the Actual Significance for a Second?** McCarthy also added that "two of the provisions" Obama is now advocating "are completely uncontroversial ... roving wiretaps have been used for eons by criminal investigators," and the Patriot Act still requires court permission. As for the "lone wolf" surveillance, "sensible people realize we have to be able to monitor someone who is obviously a terrorist even if the government hasn't yet developed enough evidence to connect him to a known terrorist organization." His example: Zacarias Moussaoui. Finally, the "'business records' provision" which liberals objected to "is not meaningfully different from a federal prosecutor's mundane power to issue grand-jury subpoenas in routine investigations." The Atlantic's [Andrew Sullivan](#) appeared to concur:

I don't have a major problem with these court-checked initiatives. And I never did. What worried me was the claim that the executive could do this without any accountability or scrutiny at all.

## The Debate

- [Did Obama Break His Campaign Promise?](#) Earl Ofari Hutchinson, The Huffington Post
- [The Patriot Act'll Track You to the Type of Your Blood](#) Spencer Ackerman, Attackerman
- [Meet the New Boss](#) Ian Welsh, Open Left
- [Shh. Obama Supports Roving Wire Taps](#) Jude, Hugh Hewitt
- [Obama: I Want Those Patriot Act Powers](#) Tim Lynch, Cato Institute

- [Re: Liber\(al\)tarianism, Obama and the Patriot Act](#) Andy McCarthy, National Review
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