

The Washington Post

An Unbalanced New Patriot Act

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I can't be the only reader who struggled in vain to locate an argument behind the conclusion in the Oct. 13 editorial "[Patriot High Wire Act](#)" that the Senate Judiciary Committee "struck a reasonable balance" when it omitted the most elementary civil liberties safeguards from legislation to renew expiring Patriot Act provisions. One change that the editorial praised -- language making it easier to challenge national security letter gag orders -- was more or less compelled by federal court rulings that found the current statute constitutionally defective.

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The Post has often reported anonymous, self-serving administration claims that Patriot Act powers have been indispensable to investigations such as the one that led to the capture of [Najibullah Zazi](#) in Colorado. Yet in the past eight years, we've heard a slew of pleas from intelligence officials about the pressing need for greater surveillance authority -- wiretaps with less oversight, broader national security letters, power to spy on "lone wolf" terrorists -- that were grounded in arguments and anecdotes that later proved to be false.

Based on what we know of the Zazi case, apparently sparked by a tip from Pakistani intelligence, it is fair to ask how any of the reasonable checks proposed by Sen. Russell Feingold (D-Wis.) would have seriously hampered investigators. After eight years -- during which a plethora of investigative news reports and the Justice Department's own inspector general have found endemic misuse of several new surveillance powers -- I would hope "just trust us" is no longer a sufficient answer.

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Stating that the Senate Judiciary Committee's Patriot Act reauthorization bill strikes a fine balance between civil liberties and law was misguided [editorial, Oct. 13]. Americans have a constitutional right not to be spied upon by the government unless there is some reasonable suspicion of wrongdoing, and this bill forgoes that suspicion in far too many provisions.

Though the Obama administration has claimed that it needs every inch of power that the Patriot Act affords, not everyone is convinced. Even after receiving a classified briefing from the administration last week, Sens. Russell Feingold (D-Wis.) and Richard J. Durbin (D-Ill.) still felt that further privacy protections should be written into the bill. The administration has yet to make a public argument for why modest reforms to these provisions would harm investigations and, it seems, those arguments made

behind closed doors are not wholly convincing, either.

By extending these Patriot Act surveillance provisions virtually untouched for another four years, Congress will be once again endorsing the overreaching policies of the Bush administration. Only now these policies come with the Obama administration's stamp of approval.

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The American Library Association does not see the same "balance" that The Post does in endorsing the Senate Judiciary Committee's "high-wire act" on the Patriot Act [editorial, Oct. 13].

The Judiciary Committee and the Justice Department should have used this opportunity to broaden the debate on Patriot Act reforms. While modest tweaks were made, the committee rejected substantive and systematic reform to prevent the unwarranted surveillance, collection and retention of the personal information of millions of innocent Americans.

Our association's principles are built upon the constitutional right to privacy and the freedom to read. The minimal "fix" to Section 215 for library circulation records does not address readers' Internet usage at libraries, nor does it raise the legal standards to obtain national security letters. We know that reform is needed because the Justice Department's inspector general has reported numerous abuses.

Those who work in libraries are as concerned about our nation's safety as any other segment of society, but the balance that we continue to seek is legislation that will protect civil liberties while also providing law enforcement with the tools it needs to fight terrorism.

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