

**OKLAHOMA ATTORNEY
GENERAL SCOTT PRUITT
ADVOCATES EXTENDING
PATRIOT ACT TO
DOMESTIC TERRORISTS**

I watched last night's Huckabee Presidential forum between thrilling plays in the Big 10.2 Championship game. Since each candidate appeared by him or herself, it lacked the entertaining in-fighting of other episodes of this reality show. But it was fascinating because some rising stars in the Republican Party—three far right Attorneys General, OK's Scott Pruitt, VA's Ken Cuccinelli, and FL's Pam Bondi—served as co-moderators. As such, I think the forum provided some indication of where the leading edge of Republican crazy is.

SURVEILLANCE UNDER THE PATRIOT ACT

Hastily passed 45 days after 9/11 in the name of national security...

The Patriot Act was the first of many changes to surveillance laws that made it easier for the government to spy on ordinary Americans by expanding the authority to monitor phone and email communications, collect bank and credit reporting records, and track the activity of innocent Americans on the Internet. While most Americans think it was created to catch terrorists, the Patriot Act actually turns regular citizens into suspects.

"I want to deliver a message... when the American people find out how their government has secretly misused the Patriot Act, they will be alarmed and they will be angry!"
Senator Ron Wyden (D-OR), May 25, 2001

National Security Letters (NSLs)

are issued by FBI agents, without a judge's approval, to obtain personal information...

- Phone Records
- Computer Records
- Credit History
- Banking History

Between 2003 and 2006, the FBI issued **192,499 NSLs**

Which led to **1 terror-related conviction**

The conviction would have been impossible without the Patriot Act

Abuse of Privacy:

The Patriot Act does not require information obtained by NSLs to be destroyed – even if the information is determined to concern innocent Americans.

At least **34,000** law enforcement and intelligence agents have access to phone records collected through NSLs.

YOUR INFO. SAVED FOREVER.

In response to 9 NSLs, **11,193** Americans' telephone account records were turned over to the FBI.

The Patriot Act prohibits Americans who receive NSLs from telling anyone. These "gag order" provisions have been held unconstitutional in several legal cases.

Between 2003 and 2006, the FBI made **53 reported criminal referrals to prosecutors** as a result of **143,074 NSLs**.

143,074 NSLs

53 REPORTED CRIMINAL REFERRALS:

- 17** were for **MONEY LAUNDERING**
- 17** related to **IMMIGRATION**
- 19** involved **FRAUD**
- 0** were for **TERRORISM**

"Sneak & Peek" Searches:

The Patriot Act allows federal law enforcement agencies to delay giving notice when they conduct secret searches of Americans' homes and offices—a fundamental change to Fourth Amendment privacy protections and search warrants. This means that government agents can enter a house, apartment or office with a search warrant when the occupant is away, search through hauler property and take photographs—in some cases seizing property and electronic communications—and not tell the owner until later.

Of the **3,970 Sneak & Peeks** in 2010:

- 76%** drug-related
- 24%** other
- <1%** terror-related

ACLU TO LEARN MORE, VISIT ACLU.ORG/PATRIOT

FACEBOOK.COM/ACLUINFORMATION TWITTER.COM/ACLU

Source:
1. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 2. 401 U.S. 413 (1974). 3. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 4. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 5. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 6. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 7. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 8. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 9. The Patriot Act: A Guide for Consumers, Department of Justice, 2001. 10. The Patriot Act: A Guide for Consumers, Department of Justice, 2001.

Which is troubling, because in a question directed to Congressman Ron Paul, Pruitt endorsed applying the PATRIOT Act to purely domestic terrorists. [Update: bob johnson, who is from OK, says this wasn't an endorsement. A pity, then, that Pruitt not only extended the discussion of PATRIOT to domestic grounds but also set up Bondi for more fearmongering.] After raising the specter of Tim McVeigh's attack on the Murrah Federal Building, Pruitt asked,

Pruitt: What thoughtful alternative do you have to the PATRIOT Act to prevent acts of domestic terrorism in the future?

Paul provided the same kind of answer he has provided when he has gotten asked similar questions in the context of foreign terrorism in other debates, noting that the PATRIOT Act should have been called the repeal of the Fourth Amendment. To which Priutt doubled down:

So Congressman, you don't believe that there needs to be a comprehensive law at the federal level equipping law enforcement to prevent domestic terrorism in this country?

Now, as I said, Paul gets asked a similar question at just about every debate. The authoritarian streak of today's GOP party likes to call out Paul's libertarianism so as to mock it as outside acceptable bounds of GOP ideology (usually just before everyone applauds torture).

Which is why I find it so troubling that Pruitt did so with regards to domestic terrorism.

Don't get me wrong: I begrudge no Oklahoman a real concern about domestic terrorism. Oklahomans know as well as anyone in this country that domestic terrorism can be just as deadly as Islamic terrorism. And we do need to have a conversation in this country about why the FBI gets so much stronger tools to entrap aspirational Islamic terrorists than it does to

stop white supremacists stockpiling explosives.

But investigations into “domestic terrorism” in the last decade have focused on environmental groups, perhaps only recently focusing on right wing terrorism.

Moreover, the PATRIOT Act already did include a number of provisions applying to domestic terrorists. It defined domestic terrorism to include the use of “coercion.”

(5) the term ‘domestic terrorism’ means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States.

And it included the authority to seize the assets of “any individual, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism.”

Furthermore, as was made clear on this year’s decade anniversary of the PATRIOT Act, many of the provisions in it, like sneak and peeks and NSLs, have primarily been used in the pursuit of drug or money laundering convictions rather than international terrorism ones.

But it seems Pruitt wants more. He seems to want a full PATRIOT Act for what gets called domestic

terrorism, presumably allowing wiretaps and other surveillance to "prevent" "crimes" that have not yet been committed (yet presumably never infringing on the right to bear semi-automatic machine guns). While I welcome some consistency about how we treat brown terrorists and white ones, I'm sure applying the authorities in the PATRIOT Act to domestic "terrorists" is not the answer.