

Congress Authorizes Unlimited Spying on US Citizens

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Region: [USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

Merriam-Webster call police states “political unit(s) characterized by repressive governmental control of political, economic, and social life usually by an arbitrary exercise of power by police and especially secret police in place of regular operation of administrative and judicial organs of the government according to publicly known legal procedures.”

Police state ruthlessness defines today’s America. Affirmed by congressional legislation. Executive order diktats.

So called National Security and Homeland Security Presidential Directives.

NSPD-51 lets presidents claim national emergencies. Whether or not warranted. Declare martial law. Suspend constitutional protections. Without congressional authorization.

Continuity of government (COG) authority gives presidents and homeland security unprecedented powers. Free from constitutional constraints.

Patriot Act legislation compromised First Amendment rights. Fifth and 14th Amendment due process protection is lost.

Indefinite detentions of undocumented immigrants are authorized. Now affecting anyone anywhere. Including targeted law abiding US citizens.

Fourth Amendment protection against unreasonable searches and seizures is gone. Unchecked surveillance was authorized. More on this below.

Sixth Amendment rights guaranteeing defendants fair trials without delay are lost.

Eighth Amendment prohibition of cruel and unusual punishment no longer applies.

Domestic terrorism criminality was created for the first time. Broadening the definition. Affecting US citizens and aliens.

Attempts to influence government policy by whatever Washington calls “intimidation or coercion” is now called terrorism.

Endangering human rights workers. Anti-war and environmental activists. Global justice advocates. Anyone engaging in justifiable civil disobedience. Or publicly criticizing government policy.

Homeland Security is America's Gestapo. Combining 22 federal agencies. Under one repressive authority.

Creating unprecedented executive powers. Police state ones. A dagger in freedom's heart.

For the first time, America was officially militarized. Troops may be deployed on US streets. Suppressing whatever is called disorder.

Earlier permitted only in times of insurrection or justifiable national emergencies. No longer. Presidents can operate ad libitum.

By diktat authority. Mocking checks and balances. Eviscerating democratic freedoms. Consigned to history's dustbin.

Anyone can be targeted for any reason or none at all. Detained. Held indefinitely. Uncharged. Untried.

Denied fundamental international law/constitutionally protected rights. Obama presides over a police state apparatus. Things go from bad to worse.

Big Brother watches everyone. Now more than ever. In May, House members passed HR 4681: Intelligence Authorization Act for Fiscal Year 2015. By a 345 - 59 majority.

A Senate amendment required revoting. Passage followed. By a 325 - 100 majority. On Tuesday, Senate members passed the bill unanimously. By voice vote.

House members intended the same. Rep. Justin Amash (R. MI) intervened. Attempted an 11th hour effort to block passage.

Concerned about Section 309. Authorizing "the acquisition, retention and dissemination" of private communications. Including those of US citizens. Without judicial authorization.

Giving them to state and local police departments. For criminal or other investigations.

Amash called the measure "(o)ne of the most egregious sections of law I've encountered during my time as a representative."

Saying "(i)t grants the executive branch virtually unlimited access to the communications of every American."

On his [Facebook page](#), he posted the following for his colleagues, constituents and others, saying:

"When I learned that the Intelligence Authorization Act for FY 2015 was being rushed to the floor for a vote - with little debate and only a voice vote expected (i.e., simply declared 'passed' with almost nobody in the room) - I asked my legislative staff to quickly review the bill for unusual language. What they discovered is one of the most egregious sections of law I've encountered during my time as a representative: It grants the executive branch virtually unlimited access to the communications of every American. On Wednesday afternoon, I went to the House floor to demand a roll call vote on the bill so that everyone's vote would have to be recorded. I also sent the letter below to every representative. With more time to spread the word, we

would have stopped this bill, which passed 325-100. Thanks to the 99 other representatives – 44 Republicans and 55 Democrats – who voted to protect our rights and uphold the Constitution. And thanks to my incredibly talented staff.”

Amash’s letter was as follows:

“Block New Spying on U.S. Citizens: Vote ‘NO’ on H.R. 4681

Dear Colleague:

The intelligence reauthorization bill, which the House will vote on today, contains a troubling new provision that for the first time statutorily authorizes spying on US citizens without legal process.

Last night, the Senate passed an amended version of the intelligence reauthorization bill with a new Sec. 309 – one the House never has considered.

Sec. 309 authorizes ‘the acquisition, retention, and dissemination’ of nonpublic communications, including those to and from US persons.

The section contemplates that those private communications of Americans, obtained without a court order, may be transferred to domestic law enforcement for criminal investigations.”

To be clear, Sec. 309 provides the first statutory authority for the acquisition, retention, and dissemination of US persons’ private communications obtained without legal process such as a court order or a subpoena.

The administration currently may conduct such surveillance under a claim of executive authority, such as E.O. 12333.

However, Congress never has approved of using executive authority in that way to capture and use Americans’ private telephone records, electronic communications, or cloud data.

Supporters of Sec. 309 claim that the provision actually reins in the executive branch’s power to retain Americans’ private communications.

It is true that Sec. 309 includes exceedingly weak limits on the executive’s retention of Americans’ communications.

With many exceptions, the provision requires the executive to dispose of Americans’ communications within five years of acquiring them – although, as HPSCI admits, the executive branch already follows procedures along these lines.

In exchange for the data retention requirements that the executive already follows, Sec. 309 provides a novel statutory basis for the executive branch’s capture and use of Americans’ private communications.

The Senate inserted the provision into the intelligence reauthorization bill late last night. That is no way for Congress to address the sensitive, private information of our constituents – especially when we are asked to expand our government’s surveillance

powers.

I urge you to join me in voting 'no' on H.R. 4681, the intelligence reauthorization bill, when it comes before the House today.

Justin Amash

Member of Congress"

HR 4681 expands bogus war on terror powers. Police state ones writ large. Ones just societies prohibit. What America prioritizes.

Waging war on freedom. Eroding it in plain sight. Heading toward eliminating it altogether. With bipartisan support.

Expect Obama to sign HR 4681 into law. Increasing his power. Taking full advantage.

Political philosopher Montesquieu (1689 - 1755) once said:

"There is no greater tyranny than that which is perpetrated under the shield of law and in the name of justice."

Edmund Burke (1729 - 1797) said "(t)he only thing necessary for the triumph of evil is for good men to do nothing."

Jefferson said "law is often but the tyrant's will, and always when it violates the rights of the individual."

"A Bill of Rights is what people are entitled to against every government," he explained.

Justice Louis Brandeis said "(w)e can have democracy in this country, or we can have great wealth concentrated in the hands of a few, but we can't have both."

Justice William O. Douglas said "(t)he liberties of none are safe unless the liberties of all are protected."

Justice William J Brennan, Jr called liberty "a fragile thing. You can't give up" fighting for what's right. In a mid-1980s speech he said:

"We do not yet have justice, equal and practical, for the poor, for the members of minority groups, for the criminally accused, for the displaced persons of the technological revolution, for alienated youth, for the urban masses."

"Ugly inequities continue to mar the face of our nation. We are surely nearer the beginning than the end of the struggle."

Liberty is too precious to lose. Keeping it requires commitment. No matter how long the odds. Or sacrifices made. The alternative is too intolerable to accept.

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