



Written by [Thomas R. Eddlem](#) on May 27, 2011

## Four-year Patriot Act Extension Passes Despite Rand Paul's Efforts

The Senate approved the bill as part of the Small Business Reauthorization bill ([S.990](#)) by a [vote of 72-23](#), and the House passed the bill by a [vote of 250-153](#).

While the final vote on passage was closer in the House of Representatives, as expected, the surprise was the spirited opposition made against Patriot Act renewal by freshman Kentucky Senator Rand Paul. Paul held up the pre-planned passage of the measure for several days, as he offered several amendments designed to pry Republican votes from the Patriot Act. In addition, he demanded a full debate upon the measure. Democratic Majority Leader Harry Reid promised this after the Senate voted to extend the Patriot Act by three months back in February, but tried to prevent a vote on Paul's amendments during a very limited Senate floor debate. At one point May 25, it appeared that Paul's parliamentary maneuvers might cause the three provisions of the Patriot Act to lapse for a day or two.



Paul got his debate and a vote on two of his amendments. Paul's first amendment was essentially to ban the use of Patriot Act searches for [American citizens' firearms records](#) without the Fourth Amendment's protections of probable cause, warrants, and particularity. The Senate rejected that amendment by an 85-10 vote. Senator Paul also offered an amendment to limit searches under the suspicious activity or ["business records"](#) reporting provision to requests from law enforcement agencies, which the Senate tabled (killed) by a 94-4 vote.

The Senate soundly defeated Paul's amendments, but the *Washington Post* labeled the events as a "victory" for Rand Paul and the Tea Party in that he was able to get a vote at all. "The victory for Paul wasn't so much that either of his amendments would pass — in fact, both fell well short of the 60-vote threshold necessary for approval," the *Washington Post's* Felicia Sonmez [wrote](#) May 26. "By wielding his leverage on the Patriot Act and securing votes on his amendments even as a longtime committee chairman was denied them, Paul eked out a small victory that could have implications for tea-party-backed senators in future legislative battles."

The three measures of the Patriot Act renewed for four years were the "roving wiretap" provision that allows multiple and unspecified wiretaps on suspects, the "business records" provision that allows "any tangible thing" to be searched if it is "relevant" to an investigation, and a "lone wolf" provision to spy on



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non-U.S. citizens without a warrant.

Opposition to the Patriot Act in both chambers, which in effect repeals the "probable cause" and particularity clauses of the [Fourth Amendment](#) of the U.S. Constitution, was not marked by any traditional right-left political ideological dividing line. Establishment figures in both parties backed Patriot Act renewal, while opponents included some of the most conservative and most liberal members of the Congress who are most concerned with protecting the civil liberties of American citizens. In the Senate, Tea Party Caucus members Rand Paul and Mike Lee (R-Utah) voted against the bill alongside independent socialist Bernie Sanders of Vermont and ultra-leftists Ron Wyden (D-Oregon) and Patty Murray (D-Washington). The same happened in the House, with conservative Justin Amash (R-Michigan) and Tea Party Caucus members Ron Paul (R-Texas) and Tom McClintock (R-Calif.) voting alongside leftist Barney Frank (D-Massachusetts) and Dennis Kucinich (D-Ohio).

*Photo: Rand Paul*

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