



Written by [Steve Byas](#) on June 1, 2015

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## **PATRIOT Act's Role in Hastert Indictment Raises Questions**

In an ironic twist, former U.S. House Speaker Dennis Hastert (shown) has been snared in a federal indictment brought about by the very PATRIOT Act he strongly supported during his tenure as speaker. In the aftermath of the 9/11 attacks, Congress enacted the law purportedly to fight terrorism; however, critics cautioned at the time that it was a major overreach, violating certain portions of the Bill of Rights.

In particular, some warned that the PATRIOT Act would be used by federal authorities for purposes other than to “fight terrorism.” Though Hastert, among others, brushed aside such concerns at the time, he has now fallen victim to just such a use of the controversial legislation.

Hastert's recent indictment by a federal grand jury alleges that he violated banking laws to pay \$3.5 million to a person (unnamed in the indictment) to cover up “misconduct” by Hastert while he was a wrestling coach and teacher in Illinois. Since leaving the Congress after the 2006 elections, Hastert has grown wealthy as a lobbyist, and thus has become a target for an extortionist. According to the indictment, Hastert attempted to conceal the payments to the blackmailer by making withdrawals from several different accounts — in violation of federal banking laws that require the disclosure of large cash transactions. Federal authorities relied upon the PATRIOT Act's expansion of the banking regulations to obtain the indictment from a Chicago grand jury.

The law requires that all cash withdrawals in excess of \$10,000 be reported to the federal government, thus in theory making it more difficult for criminal transactions to be conducted with cash. If someone makes several withdrawals of less than \$10,000, in order to avoid the reporting requirement, such action is now considered a crime. According to the indictment, “In approximately April 2012, pursuant





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to bank policy and federal regulations, bank representatives questioned defendant John Dennis Hastert about the \$50,000 cash withdrawals that he had made." Then in July of that same year, Hastert began withdrawing cash "in increments of less than \$10,000," the indictment charges.

Interestingly, the banking laws were designed to make it more difficult to conduct criminal activity, and the PATRIOT Act (expanding those laws) passed Congress for the expressed purpose of "fighting terrorism." But exactly what crime connected to terrorism was Hastert alleged to have committed?

Before Hastert was elected to Congress, he had been a popular wrestling coach and teacher at Yorkville High School in Illinois. During that time, prosecutors contend that Hastert knew an individual, apparently a student, who accused Hastert of some misconduct. The indictment states, "In or about 2010, Individual A met with defendant John Dennis Hastert multiple times. During at least one of those meetings, Individual A and defendant discussed past misconduct by defendant against Individual A that had occurred years earlier." It was at this time that Hastert agreed to provide this individual \$3.5 million "in order to compensate for and conceal his prior misconduct against Individual A," the indictment states.

In 2013, the FBI and the IRS began investigating Hastert's cash withdrawals as "possible structuring of currency transactions to evade the reporting requirements." It was during the course of this investigation that Hastert allegedly made "materially false, fictitious and fraudulent statements and representations in a matter within the jurisdiction of the Federal Bureau of Investigation" when he was interviewed by FBI agents. According to the indictment, Hastert told the agents that he was making the cash withdrawals because he did not "feel safe with the banking system." Lying to FBI agents during the course of an investigation over which they have jurisdiction is considered a crime, and this is one of the two indictments against Hastert. The other involves his "knowingly and for the purpose of evading the reporting requirements" withdrawing currency in amounts less than \$10,000 in at least 106 transactions.

If the alleged misconduct by Hastert years ago while a teacher and coach is true, then it certainly is indefensible. Yet constitutionalists are concerned about the use of the PATRIOT Act (supposedly enacted to combat terrorists' financial transactions) to indict someone for an alleged state *crime* that occurred decades ago. It is also interesting to note that though former Speaker Hastert has been indicted for lying to the FBI during the course of an investigation, former President Bill Clinton was not likewise charged for lying to a *grand jury*. Clinton defenders at the time claimed that the president was only "lying about sex," implying that such lies were acceptable. But at the same time, if the rumors about Hastert's alleged misconduct toward "Individual A" are true, then his lies to the FBI were presumably about a sexual relationship as well.

While some will see it as poetic justice for Hastert to suffer for contributing to the expansion of federal authorities' powers with his strong support of the PATRIOT Act, all Americans should be concerned about the act's use against activities not related to "terrorism."

This episode well illustrates how the power and scope of government continually tends to expand. When the PATRIOT Act was passed, proponents — including Hastert himself — claimed that though it was needed to fight terrorism, it was only a temporary measure, which would not be used for other purposes. Now, however, it is indeed being referenced for other purposes, and we can expect more of the same from advocates of increasing government power.

Interestingly, Hastert's case is not the first time the PATRIOT Act has been used against a politician for



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a purpose other than to “combat terrorism.” The FBI cited the legislation in order to bring down former Democrat New York Governor Elliot Spitzer when he was caught soliciting prostitutes.



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