



Statement by Senator Feinstein on the Patriot Act
June 9, 2005

“As part of my effort to oversee the implementation of the USA-Patriot Act, I asked the ACLU, in a letter dated March 25, 2005, to provide an update of their October 2003 statement that they did not know of any abuses of the USA-Patriot Act.

On April 4, 2005, the ACLU published a reply to my letter, in which they listed what they described as ‘abuses and misuses’ of the Act. I carefully reviewed each of the examples provided in the letter. I also reviewed information provided to me by the Department of Justice about each of the examples. And while I understand the concerns raised by the ACLU, it does not appear that these charges rose to the level of ‘abuse’ of the Patriot Act.

That said, I believe that we can, and should, make some changes to the Patriot Act to ensure it is less likely to be abused in the future.

While I support reauthorization of the 16 provisions of the Patriot Act scheduled to expire at the end of the year, I want to make clear that I do not support the Intelligence Committee’s revised Patriot Act because of two provisions that could be open to serious abuse - the overly broad administrative subpoena and a change to FISA rules that would allow the FBI to conduct investigations using intelligence authorities solely to prosecute criminals.

I offered an amendment on both of these: to limit the use of administrative subpoenas to emergency cases with the approval of a Department of Justice official and to preserve the current FISA language that requires that investigations have as a “significant purpose” the collection of intelligence.

In my view, these are not minor but major amendments that address critical problems in the legislation. I intend to continue this effort in the Judiciary Committee and on the Senate Floor if necessary.”