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| **Jihad Report** **Mar 07, 2020 -** **Mar 13, 2020** | |
| Attacks | **18** |
| Killed | **49** |
| Injured | **53** |
| Suicide Blasts | **0** |
| Countries | **7** |

**Operation Corona-Scare**

The mission of this operation is clear. Stop commerce. Stop people from moving. Instill fear. When I talk of these things, nothing happens to me, because I am really nobody. My audience is small, and I do not have any influence. But when people do have influence and power and money, speaking against the leadership trying to crash the world can be met with swift and terrible action.

His nickname in China was “The Cannon,” and Ren Zhiqiang’s latest commentary was among his most explosive yet.

Mr. Ren, [an outspoken property tycoon in Beijing](https://www.nytimes.com/2016/03/19/world/asia/china-ren-zhiqiang-weibo.html), wrote in a scathing essay that China’s leader, Xi Jinping, was a power-hungry “clown.” He said the ruling Communist Party’s strict limits on free speech had exacerbated the coronavirus epidemic.

Now Mr. Ren, one of the most prominent critics of Mr. Xi in mainland China, is missing, his friends said on Saturday.

His disappearance comes amid a far-reaching campaign by the party to quash criticism of its [slow, secretive initial response to the epidemic,](https://www.nytimes.com/2020/02/13/world/asia/china-coronavirus-xi-jinping.html)which has killed over 3,100 people in China and sickened more than 80,000.

The Chinese government is working to portray Mr. Xi as a hero who is leading the country to victory in a “people’s war” against the virus. But officials are contending with [deep anger from the Chinese public](https://www.nytimes.com/2020/02/07/business/china-coronavirus-doctor-death.html), with many people still seething over the government’s early efforts to conceal the crisis.

Mr. Ren, a party member, is well known for his searing critiques of Mr. Xi. In 2016, the party placed him on a year’s probation for denouncing Mr. Xi’s propaganda policies in comments online.

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The government has monitored Mr. Ren’s movements intensely ever since, friends said, preventing him from leaving the country and deleting his social media accounts, where he had built a wide following.

His whereabouts was unclear on Saturday, and the police in Beijing did not immediately respond to a request for comment.

“We’re very worried about him,” said Wang Ying, a retired entrepreneur and friend of Mr. Ren’s. “I will continue to look for him.”

In recent weeks, an [essay](https://chinadigitaltimes.net/2020/03/translation-essay-by-missing-property-tycoon-ren-zhiqiang/) by Mr. Ren began circulating among elite circles in China and abroad. In it, he blamed the government for silencing whistle-blowers and trying to conceal the outbreak, which began in the central city of Wuhan in December.

While he did not explicitly use Mr. Xi’s name in the commentary, Mr. Ren left no doubt he was speaking about China’s leader, repeatedly referencing Mr. Xi’s speeches and actions.

“I see not an emperor standing there exhibiting his ‘new clothes,’ but a clown who stripped naked and insisted on continuing to be an emperor,” he wrote.

Mr. Ren, 69, is the retired chairman of Huayuan Properties, a real estate developer. In 2016, Mr. Ren came under scrutiny after writing on his microblog that China’s news media should serve the people, not the party, contradicting one of Mr. Xi’s high-profile pronouncements. His remarks offered a window into growing frustration among Chinese intellectuals and entrepreneurs over Mr. Xi’s increasingly authoritarian rule.

The party moved quickly to censure him, saying he had “lost his party spirit.” But he [continued to speak out on other topics](https://www.scmp.com/news/china/economy/article/2122326/big-cannon-ren-zhiqiang-compares-china-north-korea-over-hukou), such as China’s strict policies to limit the population in big cities.

As more details about China’s efforts to cover up the coronavirus outbreak have been disclosed by the Chinese news media in recent weeks, Mr. Xi has come under attack from several prominent Chinese activists and intellectuals.

Xu Zhangrun, a law professor in Beijing, published an essay last month saying that the epidemic had “[revealed the rotten core of Chinese governance](https://www.nytimes.com/2020/02/15/opinion/sunday/china-coronavirus.html).”

Xu Zhiyong, a prominent legal activist, released a letter to Mr. Xi on social media, accusing him of a cover-up and calling on him to step down. [He was later detained](https://www.nytimes.com/2020/02/17/world/asia/coronavirus-china-xu-zhiyong.html).

Activists said Mr. Ren’s disappearance was a worrying sign that the government was escalating its latest crackdown on free speech.

“The epidemic has brought out the worst of Xi Jinping,” said Yang Jianli, a rights activist based in the United States. “He is so determined not to give an inch, rightly understanding an inch would mean hundreds of miles.”

**The Patriot Act Expires Today**

Several controversial provisions of the PATRIOT Act—the law that vastly expanded national security surveillance in the wake of the September 11 attacks—are set to expire on March 15 unless Congress passes a new bill reauthorizing them. Congress should only reauthorize these provisions if it uses this opportunity to pass much-needed reforms to protect Americans’ privacy rights from improper surveillance.

**Over the last four decades, the government’s national security surveillance powers have increased significantly; whenever Congress passes a new law to further this expansion, as it did with the PATRIOT Act, it’s building onto FISA.**

As we have [**previously detailed**](https://www.pogo.org/analysis/2019/06/the-history-and-future-of-mass-metadata-surveillance/), the history of PATRIOT Act surveillance is one of unprecedented violations of Americans’ civil liberties. And many of the most egregious misuses of the PATRIOT Act stem from systemic dysfunction throughout various aspects of the intelligence community in how national security surveillance as a whole operates.

Now, there is renewed momentum in Congress for broad reforms to surveillance laws beyond the PATRIOT Act, especially following the December 2019 release of the [**report**](https://www.justice.gov/storage/120919-examination.pdf) by the Justice Department’s top watchdog that found problems with the Department of Justice application to wiretap Carter Page— who had previously served as President Donald Trump’s campaign aide—as part of an investigation into Russian interference in the 2016 presidential election. The report is a timely contribution to the reauthorization debate, spotlighting issues with a related provision of national security surveillance law, and with the oversight systems for national security surveillance. As Congress considers how to make national security surveillance more accountable, it should broadly examine problems with surveillance powers and the checks currently in place to guard against abuse, and pursue remedies accordingly.

Here’s what you need to know about national security surveillance, what to expect during the upcoming reauthorization debate, and what policies will be most important when Congress proposes new legislation.

**What exactly is the PATRIOT Act, and how did it affect the rules governing national security surveillance?**

The [**PATRIOT Act**](https://www.eff.org/issues/patriot-act) was passed by Congress and subsequently signed into law by President George W. Bush in October 2001. The law expanded national security surveillance and also brought about a range of institutional changes, such as facilitating greater coordination between government agencies. While some elements of the law were intended to solve the types of problems that preceded the September 11 attacks, many others were simply from the executive branch’s long-standing wish list of ways to increase its surveillance powers. Congress passed the PATRIOT Act with little debate and little scrutiny of some of the bill’s problematic provisions, with insufficient consideration to how broadly parts of it could be used.

The PATRIOT Act amended a preexisting law, the Foreign Intelligence Surveillance Act, governing all foreign intelligence and national security surveillance authorized by Congress (as opposed to internationally focused surveillance powers the president wields based on their inherent authority in the Constitution). That law, commonly known by its acronym, FISA, was passed in 1978 and created the authority for the government to obtain warrants to surveil individual targets based on probable cause that they are an “agent of a foreign power.” The Foreign Intelligence Surveillance Court, also known as the FISA Court, which was also created as part of the law, approves these warrants.

FISA has dramatically expanded since then. Over the last four decades, the government’s [**national security surveillance**](https://www.pogo.org/analysis/2018/07/explaining-secret-surveillance/) powers have increased significantly; whenever Congress passes a new law to further this expansion, as it did with the PATRIOT Act, it’s building onto FISA.

**What’s expiring in March?**

Three provisions from the PATRIOT Act and related surveillance laws with “sunset” clauses—which require Congress to renew them regularly—are about to expire: roving wiretaps, the “lone wolf” provision, and Section 215. We believe Congress should only reauthorize these provisions if it passes major reforms in the same bill (see below for more on what those reforms should be).



**In Support of Research and Reporting on the Disparate Use and Impact of FISA**

There are significant instances of surveillance abuse focused on certain racial and religious groups under the guise of guarding national security.

[**Read More**](https://www.pogo.org/testimony/2019/04/in-support-of-research-and-reporting-on-the-disparate-use-and-impact-of-fisa/)

Roving wiretaps give the government the authority to issue one surveillance order for a target that is intermittently using multiple communications identifiers. For example, the FBI could use a roving wiretap to be able to surveil a target jumping between different phone numbers by using “burner phones.” This is a logical tool for intelligence agencies to want, but it does raise concerns about whether targets will always be [**properly designated**](https://www.cato.org/blog/patriot-powers-roving-wiretaps).

The lone wolf provision, which was added to FISA as part of the Intelligence Reform and Terrorism Prevention Act of 2004, allows the government to monitor a foreign national who is suspected of aiding international terrorism but is not connected to a terrorist organization. This combination may sound unlikely, and in fact, to the best of our knowledge, the provision has [**never been used**](https://www.judiciary.senate.gov/imo/media/doc/Goitein%20Testimony.pdf).

A particularly controversial provision of the PATRIOT Act, Section 215, gives the government immense power to demand records from companies for national security investigations. Section 215 exists in law as the “business records provision” of FISA, and authorizes the government to demand virtually any “tangible things” that do not consist of communications content, and without any suspicion of wrongdoing. The executive branch has repeatedly abused the authorities in Section 215—a problem that has been reduced, but not fully resolved.

The National Security Agency (NSA) previously used Section 215 to engage in[**nationwide bulk collection**](https://www.brennancenter.org/our-work/analysis-opinion/legal-legacy-nsas-section-215-bulk-collection-program) of phone records, a gross misapplication beyond what Congress authorized the law to do. When it last reformed the provision, in 2015, Congress [**outlawed**](https://www.washingtonpost.com/graphics/politics/usa-freedom-act/)nationwide bulk collection, and created the authority for a new “call detail records program.” This program is more limited but is invasive nonetheless, allowing the NSA to obtain all call records of both a designated target and everyone they communicate with. (More on how the program works and its current status below.)

**Why do these provisions have sunsets?**

Sunset clauses give Congress a built-in mechanism to periodically assess whether provisions of laws like the PATRIOT Act are working as intended, and to make changes if lawmakers deem it necessary. For surveillance law, sunsets create checkpoints where the executive branch needs to show Congress that it hasn’t misused its new surveillance power, or that technical issues and advances haven’t dramatically changed what the authority means. Given the litany of major problems that the PATRIOT Act has enabled, it’s easy to see the value of sunsets for this sort of law.

Sunsets have also proven useful in achieving reforms. When the three provisions discussed above were about to expire in 2015, lawmakers refused to extend them without reforms. This helped Congress [**pass**](https://www.theguardian.com/us-news/live/2015/jun/02/senate-nsa-surveillance-usa-freedom-act-congress-live) the [**USA FREEDOM Act**](https://www.lawfareblog.com/so-what-does-usa-freedom-act-do-anyway), which instituted a number of reforms to protect privacy, prohibited nationwide bulk collection of phone records, and created the authority for the call detail records program. Now we have a chance to demand additional reforms, and fix problems that have developed over the last few years.

**What’s the most important change for Congress to make to the PATRIOT Act?**

In our view, it’s most important that Congress rescind the authority within Section 215 for the [**call detail records program**](https://cdt.org/insights/the-nsa-shuttered-the-call-detail-records-program-so-too-must-congress/). Although this program was a huge improvement over the one it replaced, which allowed nationwide bulk collection of phone records, it is still problematic.



**It's Time to End the NSA's Metadata Collection Program**

When the issues are taken together—severe costs to privacy, no evidence of security value, technical flaws—they indicate that we are better off without the NSA's metadata collection program.

[**Read More**](https://www.pogo.org/analysis/2019/04/its-time-to-end-the-nsas-metadata-collection-program/)

There are three key reasons for Congress to pull the plug on the call detail records program. First, the program is highly invasive. In 2018, the NSA used it to collect records from over [**19 million**](https://www.dni.gov/files/CLPT/documents/2019_ASTR_for_CY2018.pdf) phone numbers, based on fewer than 50 targets. Surveillance on this scale, and of individuals not suspected of any wrongdoing, is unacceptable.

Second, we have no reason to believe it aids national security. The intelligence community has provided no evidence that the program has contributed to the detection or disruption of a terrorist plot. In [**multiple**](https://www.judiciary.senate.gov/meetings/examining-the-inspector-generals-report-on-alleged-abuses-of-the-foreign-intelligence-surveillance-act) [**hearings**](https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=2239) last year, NSA officials refused to say if the program had ever done so, even though, as lawmakers noted, the agency was [**happy to make**](https://www.washingtonpost.com/world/national-security/officials-surveillance-programs-foiled-more-than-50-terrorist-plots/2013/06/18/d657cb56-d83e-11e2-9df4-895344c13c30_story.html) such statements in the past regarding surveillance systems and programs that had provided value.

Third, the call detail records program is dysfunctional on a technical level. The program has had [**multiple instances**](https://s3.amazonaws.com/demandprogress/reports/sec-215-violations-report.pdf) of overcollection—meaning the NSA received phone records the law didn’t authorize it to collect. These problems were so severe that in response to the first instance of overcollection, the agency [**purged**](https://www.nytimes.com/2018/06/29/us/politics/nsa-call-records-purged.html) its [**entire stores**](https://www.nsa.gov/news-features/press-room/Article/1618691/nsa-reports-data-deletion/) of call records data from the program, and following the second, it [**shut down**](https://www.nytimes.com/2019/03/04/us/politics/nsa-phone-records-program-shut-down.html) the program. The program is still dormant, pending further review and developments.

**If the call detail records program is left on the books and gets restarted later, could the NSA collect my call records?**

That’s definitely a risk. The call detail records program uses what’s known as “contact chaining,” which grabs all the call records of an individual target as well as those of everyone they talk to. So even if you never spoke to the target, but had a mutual contact, such as your doctor, lawyer, or pastor, your call logs with that mutual contact would be collected by the NSA.

The program has been shut down for over a year because of the technical issues mentioned above, not because of how invasive the program is. If the NSA feels that it has sufficiently resolved those technical issues, it seems likely the agency would restart the program.

Removing the portion of Section 215 that creates the authority for the program would rule out the possibility that the NSA could restart it.

**What other parts of FISA and the PATRIOT Act need reform?**

While the three mentioned above are the only ones that will actually expire if Congress doesn’t act, a new law extending these provisions could also take on a significant range of additional reforms to FISA. Many problems we’ve seen in PATRIOT Act surveillance ultimately result from broader, systemic issues with how FISA as a whole operates.

First, Congress should provide stronger oversight and more transparency for the activities of the FISA Court. In 2015, in order to promote privacy rights, the USA FREEDOM Act created an amicus curiae, or “friend of the court,” role for an outside litigator to provide the court with added expertise, specifically in cases involving novel questions of law. This was a good start, but Congress should expand this role so the amicus has access to more materials and a greater range of proceedings.

Second, Congress should reform FISA so that it properly protects location privacy. In 2018, the Supreme Court [**ruled**](https://www.pogo.org/analysis/2018/06/carpenter-decision-huge-step-forward-for-privacy-rights-but-major-problems-remain/) that the Fourth Amendment requires law enforcement to obtain a warrant for electronic location tracking—specifically for cellphone location tracking—but left many details ambiguous. Many provisions of FISA, notably Section 215, could allow the government to demand location records that reveal Americans’ most sensitive activities and interactions. Congress should include legislative language requiring a warrant for this type of location surveillance.

Third, Congress should require that the government notify individuals when they are targeted by FISA surveillance. When an individual is subject to a traditional criminal wiretap, the law requires that, after the investigation is over, the government notify the individual. But most of the invasive types of surveillance the government conducts under FISA do not require this type of notification. This leaves individuals unable to challenge the government’s conduct in court if they believe they were improperly targeted for surveillance or that the surveillance was conducted improperly.

These are among the most important reforms that new legislation should make, but they are far from the only ones. Privacy advocates, including POGO, have highlighted a range of [**reforms**](https://www.pogo.org/letter/2019/11/broad-coalition-opposes-patriot-act-extension-absent-major-reforms/) Congress should act on, including systemic changes to prevent surveillance abuse. And in addition to long-standing surveillance concerns, the recent Justice Department Inspector General report has shone a light on other problems Congress should turn its attention to.

**How are problems highlighted in the inspector general report about FISA Court proceedings connected to the PATRIOT Act reauthorization?**

The Justice Department Inspector General’s December 2019 [**report**](https://www.justice.gov/storage/120919-examination.pdf) investigates the use of the warrant-focused provision of FISA built into the original law. In its debate leading up to the PATRIOT Act reauthorization, Congress is focusing on how to make the FISA system more accountable, so it’s an obvious choice for lawmakers to examine this issue as well.

The report revealed serious problems with assertions the government made to the FISA Court in order to obtain a warrant to wiretap and surveil other electronic communications of former Trump campaign advisor Carter Page. Specifically, the inspector general discovered that while the original warrant application was done properly, information in the applications to renew the warrant omitted and mischaracterized important information.

The inspector general found no evidence that political bias motivated these omissions and misrepresentations, but it’s worth noting that investigators can be driven by a much more basic problematic impulse: confirmation bias, and the desire to keep pursuing a suspect they believe is guilty. That’s one of the reasons it is critically important that judges, who are able to look at investigations from an independent vantage point, approve surveillance requests. But in order for the system to work, the judge needs to receive all relevant information.

**What if Congress can’t agree on new legislation before the deadline?**

If Congress is unable or unwilling to pass a bill that properly addresses these issues, it could kick the can down the road and push back the PATRIOT Act deadline a few months. But this would be extremely irresponsible.

The PATRIOT Act provisions that are about to sunset were originally set to expire on December 15, but Congress opted to delay the sunset to wait for publication of the inspector general report (and because the impeachment of Trump was absorbing most of the time in the House of Representatives’ schedule). Now, however, there is no reason for Congress to delay action on these critically important issues that affect all Americans’ privacy rights.

**What is the Project On Government Oversight doing to push for reform?**

Our main priority is to ensure that Congress passes a strong reform bill to protect privacy rights and prevent abuse of surveillance powers. We’ll be working with a coalition of advocates and experts to persuade Congress to act, and making sure that the legislative language accomplishes what it purports to.

The recently introduced [**Safeguarding Americans’ Private Records Act**](https://www.wyden.senate.gov/news/press-releases/bipartisan-bicameral-coalition-roll-out-new-bill-to-reform-nsa-surveillance-and-protect-americans-rights) is a bipartisan bill that includes many of the key improvements to FISA we’ve been pushing for. We’ve been campaigning for years to change the PATRIOT Act, and improve privacy protections in FISA as a whole. With the passage of the USA FREEDOM Act in 2015, our work helped [**roll back**](https://www.lawfareblog.com/so-what-does-usa-freedom-act-do-anyway) overbroad surveillance; but that law was a step forward, not a complete solution. We’ll be continuing to work with congressional offices to highlight the risks that overbroad surveillance poses, and how to fix them. And, as the PATRIOT Act reauthorization deadline approaches, we plan to make sure lawmakers take another big step in protecting us from unchecked and excessive surveillance.

**What is the Patriot Act Today?**

#### What is the "USA/Patriot" Act?

Just six weeks after the September 11 attacks, a panicked Congress passed the "USA/Patriot Act," an overnight revision of the nation's surveillance laws that vastly expanded the government's authority to spy on its own citizens, while simultaneously reducing checks and balances on those powers like judicial oversight, public accountability, and the ability to challenge government searches in court.

#### Why Congress passed the Patriot Act

Most of the changes to surveillance law made by the Patriot Act were part of a longstanding law enforcement wish list that had been previously rejected by Congress, in some cases repeatedly.  Congress reversed course because it was bullied into it by the Bush Administration in the frightening weeks after the September 11 attack.

The Senate version of the Patriot Act, which closely resembled the legislation requested by Attorney General John Ashcroft, was sent straight to the floor with no discussion, debate, or hearings.  Many Senators complained that they had little chance to read it, much less analyze it, before having to vote.  In the House, hearings were held, and a carefully constructed compromise bill emerged from the Judiciary Committee. But then, with no debate or consultation with rank-and-file members, the House leadership threw out the compromise bill and replaced it with legislation that mirrored the Senate version.  Neither discussion nor amendments were permitted, and once again members barely had time to read the thick bill before they were forced to cast an up-or-down vote on it.  The Bush Administration implied that members who voted against it would be blamed for any further attacks - a powerful threat at a time when the nation was expecting a second attack to come any moment and when reports of new anthrax letters were appearing daily.

Congress and the Administration acted without any careful or systematic effort to determine whether weaknesses in our surveillance laws had contributed to the attacks, or whether the changes they were making would help prevent further attacks.  Indeed, many of the act's provisions have nothing at all to do with terrorism.

#### The Patriot Act increases the government's power to spy in four areas

The Patriot Act increases the governments surveillance powers in four areas:

1. Records searches.  It expands the government's ability to look at records on an individual's activity being held by a third parties. (Section 215)
2. Secret searches.  It expands the government's ability to search private property without notice to the owner. (Section 213)
3. Intelligence searches.  It expands a narrow exception to the Fourth Amendment that had been created for the collection of foreign intelligence information (Section 218).
4. "Trap and trace" searches.  It expands another Fourth Amendment exception for spying that collects "addressing" information about the origin and destination of communications, as opposed to the content (Section 214).

##### 1.  Expanded access to personal records held by third parties

One of the most significant provisions of the Patriot Act makes it far easier for the authorities to gain access to records of citizens' activities being held by a third party.  At a time when computerization is leading to the creation of more and more such records, Section 215 of the Patriot Act allows the FBI to force anyone at all - including doctors, libraries, bookstores, universities, and Internet service providers - to turn over records on their clients or customers.

**Unchecked power**  
The result is unchecked government power to rifle through individuals' financial records, medical histories, Internet usage, bookstore purchases, library usage, travel patterns, or any other activity that leaves a record.  Making matters worse:

* The government no longer has to show evidence that the subjects of search orders are an "agent of a foreign power," a requirement that previously protected Americans against abuse of this authority.
* The FBI does not even have to show a reasonable suspicion that the records are related to criminal activity, much less the requirement for "probable cause" that is listed in the Fourth Amendment to the Constitution.  All the government needs to do is make the broad assertion that the request is related to an ongoing terrorism or foreign intelligence investigation.
* Judicial oversight of these new powers is essentially non-existent.  The government must only certify to a judge - with no need for evidence or proof - that such a search meets the statute's broad criteria, and the judge does not even have the authority to reject the application.
* Surveillance orders can be based in part on a person's First Amendment activities, such as the books they read, the Web sites they visit, or a letter to the editor they have written.
* A person or organization forced to turn over records is prohibited from disclosing the search to anyone.  As a result of this gag order, the subjects of surveillance never even find out that their personal records have been examined by the government.  That undercuts an important check and balance on this power: the ability of individuals to challenge illegitimate searches.

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|  | **The law before the Patriot Act** | **The law under the Patriot Act** |
| **When can the Patriot Act be used?** | To gather foreign intelligence or investigate international terrorism | To gather foreign intelligence or protect against international terrorism |
| **What can the FBI demand be turned over?** | "records" | "any tangible things (including books, records, papers, documents, and other items)" |
| **Who can they demand information about?** | Only people who the FBI has evidence are an "agent of a foreign power" | Anyone |
| **Who can they demand it from?** | Only common carriers, public accommodation facilities, physical storage facilities, or vehicle rental facilities | Any entity (including bookstores and libraries) |

**Why the Patriot Act's expansion of records searches is unconstitutional**Section 215 of the Patriot Act violates the Constitution in several ways.  It:

* Violates the Fourth Amendment, which says the government cannot conduct a search without obtaining a warrant and showing probable cause to believe that the person has committed or will commit a crime.
* Violates the First Amendment's guarantee of free speech by prohibiting the recipients of search orders from telling others about those orders, even where there is no real need for secrecy.
* Violates the First Amendment by effectively authorizing the FBI to launch investigations of American citizens in part for exercising their freedom of speech.
* Violates the Fourth Amendmentby failing to provide notice - even after the fact - to persons whose privacy has been compromised.  Notice is also a key element of due process, which is guaranteed by the Fifth Amendment.

##### 2. More secret searches

For centuries, common law has required that the government can't go into your property without telling you, and must therefore give you notice before it executes a search.   That "knock and announce" principle has long been recognized as a part of the Fourth Amendment to the Constitution.

The Patriot Act, however, unconstitutionally amends the Federal Rules of Criminal Procedure to allow the government to conduct searches without notifying the subjects, at least until long after the search has been executed.  This means that the government can enter a house, apartment or office with a search warrant when the occupants are away, search through their property, take photographs, and in some cases even seize property - and not tell them until later.

Notice is a crucial check on the government's power because it forces the authorities to operate in the open, and allows the subject of searches to protect their Fourth Amendment rights.  For example, it allows them to point out irregularities in a warrant, such as the fact that the police are at the wrong address, or that the scope of the warrant is being exceeded (for example, by rifling through dresser drawers in a search for a stolen car).  Search warrants often contain limits on what may be searched, but when the searching officers have complete and unsupervised discretion over a search, a property owner cannot defend his or her rights.

Finally, this new "sneak and peek" power can be applied as part of normal criminal investigations; it has nothing to do with fighting terrorism or collecting foreign intelligence.

##### 3. Expansion of the intelligence exception in wiretap law

Under the Patriot Act, the FBI can secretly conduct a physical search or wiretap on American citizens to obtain evidence of crime without proving probable cause, as the Fourth Amendment explicitly requires.

A 1978 law called the Foreign Intelligence Surveillance Act (FISA) created an exception to the Fourth Amendment's requirement for probable cause when the purpose of a wiretap or search was to gather foreign intelligence.  The rationale was that since the search was not conducted for the purpose of gathering evidence to put someone on trial, the standards could be loosened.  In a stark demonstration of why it can be dangerous to create exceptions to fundamental rights, however, the Patriot Act expanded this once-narrow exception to cover wiretaps and searches that DO collect evidence for regular domestic criminal cases.  FISA previously allowed searches only if the primary purpose was to gather foreign intelligence.  But the Patriot Act changes the law to allow searches when "a significant purpose" is intelligence.  That lets the government circumvent the Constitution's probable cause requirement even when its main goal is ordinary law enforcement.

The eagerness of many in law enforcement to dispense with the requirements of the Fourth Amendment was revealed in August 2002 by the secret court that oversees domestic intelligence spying (the "FISA Court").  Making public one of its opinions for the first time in history, the court revealed that it had rejected an attempt by the Bush Administration to allow criminal prosecutors to use intelligence warrants to evade the Fourth Amendment entirely.  The court also noted that agents applying for warrants had regularly filed false and misleading information.  That opinion is now on appeal. [link to FISA page]

##### 4. Expansion of the "pen register" exception in wiretap law

Another exception to the normal requirement for probable cause in wiretap law is also expanded by the Patriot Act.  Years ago, when the law governing telephone wiretaps was written, a distinction was created between two types of surveillance.  The first allows surveillance of the content or meaning of a communication, and the second only allows monitoring of the transactional or addressing information attached to a communication. It is like the difference between reading the address printed on the outside of a letter, and reading the letter inside, or listening to a phone conversation and merely recording the phone numbers dialed and received.

Wiretaps limited to transactional or addressing information are known as "Pen register/trap and trace" searches (for the devices that were used on telephones to collect telephone numbers).  The requirements for getting a PR/TT warrant are essentially non-existent:  the FBI need not show probable cause or even reasonable suspicion of criminal activity.  It must only certify to a judge - without having to prove it - that such a warrant would be "relevant" to an ongoing criminal investigation. And the judge does not even have the authority to reject the application.

The Patriot Act broadens the pen register exception in two ways:

**"Nationwide" pen register warrants**  
Under the Patriot Act PR/TT orders issued by a judge are no longer valid only in that judge's jurisdiction, but can be made valid anywhere in the United States.  This "nationwide service" further marginalizes the role of the judiciary, because a judge cannot meaningfully monitor the extent to which his or her order is being used.  In addition, this provision authorizes the equivalent of a blank warrant: the court issues the order, and the law enforcement agent fills in the places to be searched. That is a direct violation of the Fourth Amendment's explicit requirement that warrants be written "particularly describing the place to be searched."

**Pen register searches applied to the Internet**  
The Patriot Act applies the distinction between transactional and content-oriented wiretaps to the Internet. The problem is that it takes the weak standards for access to transactional data and applies them to communications that are far more than addresses.  On an e-mail message, for example, law enforcement has interpreted the "header" of a message to be transactional information accessible with a PR/TT warrant.  But in addition to routing information, e-mail headers include the subject line, which is part of the substance of a communication - on a letter, for example, it would clearly be inside the envelope.

The government also argues that the transactional data for Web surfing is a list of the URLs or Web site addresses that a person visits.  For example, it might record the fact that they visited "[www.aclu.org](https://www.aclu.org/)" at 1:15 in the afternoon, and then skipped over to "[www.fbi.gov](http://www.fbi.gov/)" at 1:30.  This claim that URLs are just addressing data breaks down in two different ways:

* Web addresses are rich and revealing content.  The URLs or "addresses" of the Web pages we read are not really addresses, they are the titles of documents that we download from the Internet.  When we "visit" a Web page what we are really doing is downloading that page from the Internet onto our computer, where it is displayed.  Therefore, the list of URLs that we visit during a Web session is really a list of the documents we have downloaded - no different from a list of electronic books we might have purchased online.  That is much richer information than a simple list of the people we have communicated with; it is intimate information that reveals who we are and what we are thinking about - much more like the content of a phone call than the number dialed.  After all, it is often said that reading is a "conversation" with the author.
* Web addresses contain communications sent by a surfer.  URLs themselves often have content embedded within them.  A search on the Google search engine, for example, creates a page with a custom-generated URL that contains material that is clearly private content, such as:

<http://www.google.com/search?hl=en&lr=&ie=UTF-8&oe=UTF-8&q=sexual+orientation>

Similarly, if I fill out an online form - to purchase goods or register my preferences, for example - those products and preferences will often be identified in the resulting URL.

#### The erosion of accountability

Attempts to find out how the new surveillance powers created by the Patriot Act were implemented during their first year were in vain.  In June 2002 the House Judiciary Committee demanded that the Department of Justice answer questions about how it was using its new authority.  The Bush/Ashcroft Justice Department essentially refused to describe how it was implementing the law; it left numerous substantial questions unanswered, and classified others without justification.  In short, not only has the Bush Administration undermined judicial oversight of government spying on citizens by pushing the Patriot Act into law, but it is also undermining another crucial check and balance on surveillance powers: accountability to Congress and the public. [cite to FOIA page]

#### Non-surveillance provisions

Although this fact sheet focuses on the direct surveillance provisions of the Patriot Act, citizens should be aware that the act also contains a number of other provisions.  The Act:

* Puts CIA back in business of spying on Americans. The Patriot Act gives the Director of Central Intelligence the power to identify domestic intelligence requirements.  That opens the door to the same abuses that took place in the 1970s and before, when the CIA engaged in widespread spying on protest groups and other Americans.
* Creates a new crime of "domestic terrorism." The Patriot Act transforms protesters into terrorists if they engage in conduct that "involves acts dangerous to human life" to "influence the policy of a government by intimidation or coercion."  How long will it be before an ambitious or politically motivated prosecutor uses the statute to charge members of controversial activist groups like Operation Rescue or Greenpeace with terrorism?  Under the Patriot Act, providing lodging or assistance to such "terrorists" exposes a person to surveillance or prosecution.  Furthermore, the law gives the attorney general and the secretary of state the power to detain or deport any non-citizen who belongs to or donates money to one of these broadly defined "domestic terrorist" groups.
* Allows for the indefinite detention of non-citizens.  The Patriot Act gives the attorney general unprecedented new power to determine the fate of immigrants.  The attorney general can order detention based on a certification that he or she has "reasonable grounds to believe" a non-citizen endangers national security.  Worse, if the foreigner does not have a country that will accept them, they can be detained indefinitely without trial.

**In Like Flynn**

US President Donald Trump said Sunday that he was “strongly considering” a full pardon for former top aide Michael Flynn, reviving an old controversy even as the country struggled to cope with the coronavirus pandemic.

That announcement came amid a flurry of tweets both defending the president’s handling of the pandemic and attacking political foes past and present.

“So now it is reported that, after destroying his life & the life of his wonderful family (and many others also), the FBI, working in conjunction with the Justice Department, has lost the records of General Michael Flynn,” Trump tweeted, citing an unspecified report.

“How convenient. I am strongly considering a Full Pardon!”

Flynn, a retired US Army general, was Trump’s first national security advisor before being removed from office, after only 22 days, over his contacts with Russians. He eventually pleaded guilty to lying to the FBI.

Later, Flynn attempted to withdraw that plea, saying prosecutors had violated a plea agreement, but a judge rejected the request; Flynn’s sentencing has been postponed.

Trump’s flurry of tweets Sunday stood in jarring contrast to his more conciliatory comments a day earlier, when he praised some Democrats for their work on the coronavirus pandemic and even had praise for a favorite target, the news media.

After noting early Sunday that it was “A NATIONAL DAY OF PRAYER,” the president suggested that as vice president Joe Biden bore some responsibility for the loss of 17,000 lives to the swine flu (“very late response time”); called Democratic Senator Charles Schumer “pathetic” over his comments about the Supreme Court; and targeted Hillary Clinton over her handling of emails and the Benghazi crisis.

**The 12 Trillion Dollar Margin Call**

With Americans having far bigger concerns on their minds, we doubt many will have time for prayer today, although there is one person who could do with some divine assistance: Fed chair Jerome Powell.

And there is a specific reason for that... or rather 12 trillion reasons.

But first, let's back up to a post we write back in October 2009 explaining how the Fed's emergency response during the financial crisis - which included credit facilities backed by corporate bonds and even stocks, all the way to unlimited FX swap lines with foreign central banks - was first and foremost in response to a massive dollar margin call that resulted in the aftermath of the Lehman and AIG collapse as conventional cross-border funding pathways froze up, forcing the Fed to step in and flood the world with dollars to avoid a catastrophic surge in the dollar as the entire world scrambled to obtain the world's reserve currency.

Back then the BIS published a paper titled "The US dollar shortage in global banking and the international policy response" which explained how then-Fed Chair Ben Bernanke in essence bailed out the entire developed world, which was facing an unprecedented dollar shortage crisis due to the sudden deflationary shockwave unleashed by the financial crisis, which also ground the global economy, and conventional dollar funding pathways to a halt while heightened counterparty risk after Lehman's collapse and liquidity concerns compromised short-term interbank funding, resulting in a lock of shadow banking conduits and money market funds "breaking the buck." In short: an unprecedented crisis as a result of a global dollar margin call.

This is how the BIS quantified the peak dollar shortage at the heights of the financial crisis:

... European banks’ US dollar investments in nonbanks were subject to considerable funding risk at the onset of the crisis. The net US dollar book, aggregated across the major European banking systems, is portrayed in Figure 5 (bottom left panel), with the non-bank component tracked by the green line. By this measure, the major European banks’ US dollar funding gap had reached $1.0–1.2 trillion by mid-2007. Until the onset of the crisis, European banks had met this need by tapping the interbank market ($432 billion) and by borrowing from central banks ($386 billion), and used FX swaps ($315 billion) to convert (primarily) domestic currency funding into dollars. If we assume that these banks’ liabilities to money market funds (roughly $1 trillion, Baba et al (2009)) are also short-term liabilities, then the estimate of their US dollar funding gap in mid-2007 would be $2.0–2.2 trillion. Were all liabilities to non-banks treated as short-term funding, the upper-bound estimate would be $6.5 trillion.

Had the Fed not stepped in with a barrage of liquidity-providing instruments and facilities, the rest of the world would have simply collapsed as the $6.5 trillion dollar funding gap closed in on itself, causing an indiscriminate sell off of all dollar denominated assets. It also triggered the first ever launch of virtually unlimited dollar swap lines between the Fed and all other central banks:

The severity of the US dollar shortage among banks outside the United States called for an international policy response. While European central banks adopted measures to alleviate banks’ funding pressures in their domestic currencies, they could not provide sufficient US dollar liquidity. Thus they entered into temporary reciprocal currency arrangements (swap lines) with the Federal Reserve in order to channel US dollars to banks in their respective jurisdictions (Figure 7). Swap lines with the ECB and the Swiss National Bank were announced as early as December 2007. Following the failure of Lehman Brothers in September 2008, however, the existing swap lines were doubled in size, and new lines were arranged with the Bank of Canada, the Bank of England and the Bank of Japan, bringing the swap lines total to $247 billion. As the funding disruptions spread to banks around the world, swap arrangements were extended across continents to central banks in Australia and New Zealand, Scandinavia, and several countries in Asia and Latin America, forming a global network (Figure 7). Various central banks also entered regional swap arrangements to distribute their respective currencies across borders.

The newly created swap lines which served as a "letter of credit" underwritten by the entity that prints the US currency soared in usage in the early days of the financial crisis, and were critical to contain a far greater liquidation cascade. Why do we bring all this ancient history up? For two reasons.

First, it may come as a shock to some but ever since the financial crisis nothing has been actually fixed, and instead the Fed stepped in at every market stress event to inject more liquidity, aiding the issuance of even more debt, and kicking the can while helping mask the symptoms of the crisis, only made the underlying financial instability even more acute. Meanwhile conventional wisdom that the US banking system was rendered more stable now are dead wrong, with the public and countless financial professionals fooled by the nearly two trillion in excess reserves (we all saw what happened when this number dropped to a precarious "low" of "only" $1.3 trillion in September of 2019) injected by the Fed in recent years. All this liquidity upon liquidity has only made the system that much more reliant on the Fed's constant bailouts and liquidity injections.

Ssecond, as the events of last week so ominously demonstrated, the dollar shortage is back with a vengeance, as confirmed by last week's concurrent surge in both the Bloomberg Dollar index and the FRA/OIS spread, a closely followed indicator of interbank dollar funding availability.

Indeed, as of Friday, and following a rollout of various "bazooka" interventions by the Fed including a massive $5 trillion repo facility and the launch of QE5, as well as an emergency six POMO operations on Friday to unlock the freezing Treasury market which failed to boost risk sentiment, the FRA/OIS not only failed to respond but surged to the highest level since the financial crisis.

At the same time cross-currency basis swaps - especially for Japan - are screaming dollar shortage which is not worse only thanks to the trillions in excess dollars already sloshing in the system as well as last week's emergency liquidity injections which boosted the Fed's balance sheet by over $200 billion in just a few days in the form of expanded repos and quantitative easing.

And yet - as the market's response to the Fed's bazooka announcement demonstrated - it does not appear to be enough.

Why?

Because, and going back to the original topic of a massive dollar margin call, there is now - in JPMorgan's calculations - a global dollar short that has doubled since the financial crisis and was $12 trillion as of this moment, some 60% of US GDP.

So what can the Fed do? For one possible answer we go to Zoltan Pozsar who last week laid out precisely why the coronavirus pandemic (and subsequent oil crisis) would led to a historic run on the dollar (as he so aptly put it "the supply chains is a payment chain in reverse... and so an abrupt halt in production can quickly lead to missed payments elsewhere"), and concluded that to offset the dollar scramble, the Fed would need to "combine rate cuts with open liquidity lines that include a pledge to use the swap lines, an uncapped repo facility and QE if necessary."

So far the Fed has already launched stealth QE, which will likely transform into an official, full-blown QE5 this week when the FOMC meets, and all that's missing are swap lines and an uncapped standing repo facility, both of which cross beyond the purely monetary realm and have political implications. Whether those are also announced today will depend on if the Fed will pursue another intermediate step first, in the form of a Commercial Paper facility, which Bank of America believes will be unveiled in just a few hours.

**The BLM is Being Moved**

Okay, let me get this out in the open. I am no friend of the BLM. We have witnessed the arson, murder, kidnapping, assault, and terrorist tactics used by them over the past few years. From the near miss massacre at the Bundy Ranch standoff over BLM cattle rustling, to the premeditated murder of Lavoy Finnicum to the BLM arson and violence against the Hammonds in Oregon, I have been fuming for years about them. I think they are thugs and mercenaries sent to steal land from Americans.

So, when this story came up, I was laughing my butt off.

Colorado boasts of being the ideal winter playground, with its world-class ski slopes, and the Rocky Mountains provide plenty of outdoor activities in the summertime as well. Nevertheless, only about half of the employees of the Bureau of Land Management have agreed to move to Colorado as the agency moves from the nation's capital.

[The news site Government Executive reports](https://www.govexec.com/workforce/2020/03/most-interior-employees-reject-mandatory-reassignments-secretary-says/163524/) 173 workers at the agency received letters reassigning them to Grand Junction, Colorado, or other state offices. But only 80 have accepted. Interior Secretary David Bernhardt said the agency already is hiring replacements. The BLM decided to move to Colorado because nearly all the land it manages is in the West.

Trump administration officials also have explained the move will lower lease payments and cut travel costs, the report said.

"BLM employees have told Government Executive that even some of those who have accepted their reassignments are still looking for jobs in Washington and will come back home as soon as possible. Many employees have already found new jobs and left the agency. The workers all suggested morale at the Washington office has plummeted, mistrust of leadership has grown and a sinking feeling that the Trump administration is seeking to sideline important work has set in," the report said.

[The Grand Junction Sentinel reported](https://www.gjsentinel.com/news/western_colorado/gao-blm-falling-short-on-relocation-effort/article_ef3192f0-5fdd-11ea-b223-930a333b01ae.html) bureaucrats in the Government Accountability Office have raised objections to the Trump administration's decision to move the office.

The GAO claimed the BLM hasn't followed "key practices" in its work.

"Although BLM's reorganization is well underway, (the Department of) Interior has an opportunity to apply key practices for effective agency reforms as it continues to relocate BLM staff and considers reorganizing its other bureaus. Adopting effective practices for agency reform will help Interior ensure that the bureaus are well positioned to achieve intended reform goals and continue to deliver valuable services to the taxpayer," the GAO reported contended.

A Democrat and Trump critic, Rep. Raul Grijalva of Arizona, demanded the review. He said, following the GAO criticism, that the Trump administration "cannot be trusted with the levers of power."

BLM officials said Grijalva's assertions were faulty. There are about 40 jobs in Grand Junction's headquarters office. Ig there are any Americans left in Colorado, this might be a good paying way to help take our country back from the socialists.

**The Boomer Remover**

Leave it to [Generation Z](https://www.dailydot.com/tags/generation-z/) to come up with a brutal nickname for a [global pandemic](https://www.dailydot.com/tags/coronavirus/). But leave it to people angry about the tag to keep ‘boomer remover’ trending—and make the hashtag a meme.

“Every tweet in the hashtag #BoomerRemover is someone complaining that the millennials are saying it, like, ur the ones making it trend ffs,” @marymaudlinn wrote on Twitter.

[](https://twitter.com/marymaudlinn)

**[caliente](https://twitter.com/marymaudlinn)**[@marymaudlinn](https://twitter.com/marymaudlinn)

Every tweet in the hashtag [#BoomerRemover](https://twitter.com/hashtag/BoomerRemover?src=hash) is someone complaining that millennials are saying it, like, ur the ones making it trend ffs

#BoomerRemover, which trended on [Twitter](https://twitter.com/search?q=%23boomerremover&src=typed_query) and [TikTok](https://www.tiktok.com/tag/boomerremover) on Friday, is gallows humor at its most extreme. The coronavirus causes respiratory illness COVID-19 and has caused 41 deaths in the U.S., according to the [CDC](https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html), with over 1,600 reported cases. The elderly, immunocompromised, and children are at the highest risk of catching COVID-19.

Like the explosion of [“OK boomer”](https://www.dailydot.com/unclick/ok-boomer-meme/) memes, the hashtag reflects a difficult political climate and growing animosity between generations.

“Its so they can finally afford rent, since boomers made policies that benefitted themselves at the expense of others for decades,” @mo\_tariq wrote. “And millennials have been blamed for all of society’s problems.”

[](https://twitter.com/whoulooknat)

**[That Girl](https://twitter.com/whoulooknat)**[@whoulooknat](https://twitter.com/whoulooknat)

 · [Mar 13, 2020](https://twitter.com/whoulooknat/status/1238433449364594694)

So young kids are hoping their parents and grandparents die? [#BoomerRemover](https://twitter.com/hashtag/BoomerRemover?src=hash)   
Is that so they can finally move out of the basement and upstairs?

[](https://twitter.com/mo_tariq23)

**[Abeer Tariq](https://twitter.com/mo_tariq23)**[@mo\_tariq23](https://twitter.com/mo_tariq23)

Its so they can finally afford rent, since boomers made policies that benefitted themselves at the expense of others for decades. And millenials have been blamed for all of society's problems

[205](https://twitter.com/intent/like?tweet_id=1238473194799071233" \o "Like)

[10:33 AM - Mar 13, 2020](https://twitter.com/mo_tariq23/status/1238473194799071233)

[Twitter Ads info and privacy](https://support.twitter.com/articles/20175256)

[See Abeer Tariq's other Tweets](https://twitter.com/mo_tariq23" \o "View Abeer Tariq's profile on Twitter)

Boomers and millennials were shaped by different housing and stock markets, and their attitudes about the way life should be lived have also been distinctly molded, per [*the Wall Street Journa*l](https://www.wsj.com/articles/the-economic-indicators-that-shaped-three-generations-11583975591).

[](https://twitter.com/PearlteaRizzy)

**[miiya ミイヤ   a real-life anime](https://twitter.com/PearlteaRizzy)**[@PearlteaRizzy](https://twitter.com/PearlteaRizzy)

Millennials and Gen Z: dying from depression, homelessness, nonliving wages, mass shootings, poor healthcare, etc  
  
Boomers: Walk it off, snowflakes.   
Millennials and Gen Z: \*calls coronavirus Boomer Remover\*

Boomers: NOW LISTEN HERE YOU LITTLE SHITS HOW DARE YOU PEOPLE ARE DYING

[370K](https://twitter.com/intent/like?tweet_id=1238369458323738624" \o "Like)

[3:41 AM - Mar 13, 2020](https://twitter.com/PearlteaRizzy/status/1238369458323738624)

[Twitter Ads info and privacy](https://support.twitter.com/articles/20175256)

[84.9K people are talking about this](https://twitter.com/PearlteaRizzy/status/1238369458323738624" \o "View the conversation on Twitter)

“I can’t hate on gen z’s for the #BoomerRemover tag,” @misschazmatazz wrote. “After Trump, Boris, Brexit, ignoring climate change, facing a future that won’t be a good as their grandparents but still being called ‘lazy’ for using a smartphone I can see why this bitter resentment would develop.”

[](https://twitter.com/misschazmatazz)

**[Chardine Taylor Stone](https://twitter.com/misschazmatazz)**

[✔@misschazmatazz](https://twitter.com/misschazmatazz)

I can't hate on gen z's for the [#BoomerRemover](https://twitter.com/hashtag/BoomerRemover?src=hash) tag.

After Trump, Boris, Brexit, ignoring climate change, facing a future that won't be a good as their grandparents but still being called "lazy" for using a smartphone I can see why this bitter resentment would develop.

But not everyone is onboard

“I like the hashtag #BoomerRemover,” political commenter @EdTheSock tweeted. “I should clarify— I like the way online Millennials are reveling in it. Exposes they are completely full of shit w/their ‘don’t judge, don’t discriminate, be compassionate’ high-horse preaching, as if they invented the ideals. Screw you.”

**The Free College Scam**

I went to college. Lots of it. I spent 20 years in college, and I learn way faster than the average person. I paid my own way. I worked part time, full time, hell I worked all the time. I did it all. I washed dishes, cooked dishes, built houses, worked in labs, taught classes, and worked in manufacturing plants my whole life. I’m still working 17 hours a day. But, I owe nothing to anyone. Not a single penny in debt, other than a small loan left on my pickup truck. I’ll have that paid off soon, and the Credit Bureau can start trashing me again,

The Congressional Budget Office (CBO) recently [released](https://www.cbo.gov/system/files/2020-02/55968-CBO-IDRP.pdf) a new assessment of the cost of the federal government’s income-driven repayment (IDR) plan for student loans. The numbers are depressing. The federal government expects to write off $207 billion in student loan debt in the next decade.

How did we get here? Back in the 1960s, based on the notion that going to college is a good investment and hoping to level the playing field for minorities and the poor to go to college, President Lyndon Johnson signed the 1965 Higher Education Act. It lets the government guarantee student loans made by private financial institutions, essentially putting all risk on the shoulders of taxpayers.

President Richard Nixon followed with the Higher Education Act of 1972, which codifies the system we have today: students can get a combination of grants and loans from the federal government to pay for college. The 1972 act also established Sallie Mae, a government-sponsored enterprise. Sallie Mae was authorized to borrow from the U.S. Treasury at below-market rates to purchase federally guaranteed student loans from banks, thus freeing capital so private banks could make even more student loans.

There is no academic criteria to prevent anyone from getting a student loan because college debt has become an entitlement available to all. There is also no concern about dropouts and the borrower’s ability to repay.

With this abundant supply of cheap taxpayer money, the demand for college went up, so colleges raised tuition and fees, which then caused Congress to increase student loan limits and grant amounts. This vicious cycle keeps repeating itself as colleges become more and more expensive and the outstanding student loan debt has increased. Pell Grants today cover less than 30 percent of college tuition and fees, even though they used to cover 80 percent in 1975.

## It’s Other People’s Money, So Who Cares?

The federal student loan program has enriched Sallie Mae, private banks, and colleges, but exposed U.S. taxpayers to enormous financial risk. Undeterred, President Clinton decided to get the federal government even more involved in student lending by having the U.S. Department of Education launch a Direct Loan Program in 1993.

When President Obama came into office, he decided that a federal government takeover was the best way to fix the student loan problem. In 2010, the President signed the Health Care and Education Reconciliation Act (HCERA) Act, which kicked private lenders out and made the federal government the only issuer of all federal student loans.

We were [told](https://obamawhitehouse.archives.gov/economy/middle-class/helping-middle-class-families-pay-for-college) the federal government takeover would “put an end to wasteful subsidies to banks and used much of the more than $40 billion in savings to strengthen college access.” The CBO even projected in 2012 that the federal takeover would generate a $219 billion profit over a decade.

The HCERA Act also offered the income-driven repayment (IDR) option to help student borrowers manage repayment. The IDR capped monthly student loan repayments at 15 or 10 percent of income for borrowers after 2014, and made taxpayers pay the rest of their tab after 20 years.

President Obama sweetened the offer further by announcing a “Pay as You Earn Plan,” which allowed about 1.6 million students to take advantage of IDR as early as 2012. People who work in government jobs will see any remaining debt paid entirely by taxpayers after 10 years. Not surprisingly, the federal government takeover and the IDR were welcomed by many back then, and President Obama easily won his reelection.

A decade later, we learned the truth. Instead of generating $219 billion in profit, now the CBO projects an $11 billion loss through 2029 based on its own questionable accounting. The Wall Street Journal, based on fair value accounting that American businesses use, [estimates](https://www.wsj.com/articles/the-great-student-loan-writedown-11581638995?mod=opinion_major_pos2) the loss will be $263 billion by the end of this decade.

## Borrowers Were Happy To Get Other People’s Money

The Obama administration grossly underestimated the number of borrowers who would sign up for the IDR. By 2016, close to six million borrowers took advantage of the IDR plan, more than the 1.6 million original estimate we were given. Borrowers are attracted to IDR because there is no concern for the value of their education or how much they can make in the future.

Actually, the IDR incentivizes borrowers to find a low-paying first job so they can keep their initial repayment low and expect a final loan payoff at the end of 10 or 20 years. CBO’s own [data](https://www.cbo.gov/system/files/2020-02/55968-CBO-IDRP.pdf) shows “borrowers who select income-driven plans tend to borrow more money. CBO also expects the average subsidy rate of loans in income-driven plans to be higher for loans to graduate students than loans to undergraduate students, mainly because graduate students take out larger loans, which are less likely to be paid off.”

The CBO also estimates that if there is no change in current law, the federal government will disburse $1.05 trillion in federal student loans in the next decade, out of which “undergraduate borrowers would have $40.3 billion forgiven and graduate borrowers would have $167.1 billion forgiven. The forgiven amounts are equal to 21 percent of the disbursed amount for undergraduate borrowers and 56 percent of the disbursed amount for graduate borrowers.” So even based on CBO’s questionable accounting, taxpayers will bail out more than $200 billion in student loans in the next decade.

## Free College Is A Scam

The fiasco of the IDR is merely the latest episode of our nation’s student loan crisis, a crisis created by the government that has been worsened by a succession of “well-intentioned” fixes.

Today student loan borrowers collectively owe more than $1.5 trillion and an average of $34,000 per person. About [40 percent](https://www.npr.org/2019/03/13/681621047/college-completion-rates-are-up-but-the-numbers-will-still-surprise-you) of them never even completed a degree despite accumulating mountains of debt. Some will still be paying their student loans after retirement.

Sen. Bernie Sanders’ free college proposal may seem to help current student borrowers, but does nothing to address the root cause of the rising costs of attending colleges, nor will his proposal ensure quality education. Instead, his proposal will end up costing students more in [subpar education](https://www.forbes.com/sites/michaelhorn/2019/07/16/five-reasons-why-free-college-doesnt-make-the-grade/#66d4b03fa6c1) outcomes and will cost taxpayers even more unsustainable debt because there is no such thing as a “free college,” and someone still has to pay for it.

## How To Stop the Madness

To fix the student loan crisis, the nation must do several things. First, the federal government must get out of the student lending business, stop lending to students and their parents, and stop guaranteeing private student debt. Let private financial institutions impose time-tested sound lending criteria such as a borrower’s ability and willingness to repay in order to minimize future losses.

Second, adults should stop promoting the idea that “borrowing money to pay college tuition is a good investment.” In an [op-ed](https://www.marketwatch.com/story/a-college-presidents-advice-to-students-dont-borrow-to-pay-tuition-2020-02-10?mod=personal-finance), Walter V. Wendler, president of West Texas A&M University, wrote that adults have a responsibility to inform students and their parents that not every college degree is worth whatever it costs.

Based on [starting salaries by college majors](https://www.cnbc.com/2019/11/27/how-to-use-college-scorecard-to-see-how-much-college-graduates-earn.html), the marketplace clearly values some majors more than others. Adults also need to help students understand the pitfalls of borrowing. “Borrowing the amount you can’t afford to pay back or you have to spend a lifetime to pay back is not an investment,” wrote Wendler.

He advises prospective students not to borrow to pay college tuition because “student loan debt can have a negative, long-term effect on people [financially](https://hbr.org/2019/04/student-debt-is-stopping-u-s-millennials-from-becoming-entrepreneurs) and [emotionally](https://academic.oup.com/ej/article-abstract/122/563/1094/5079467?redirectedFrom=fulltext).” If a student must borrow, he recommends following the “[60 percent Rule](http://www.thecb.state.tx.us/about-us/60x30tx/),” which means never borrow more than 60 percent of one’s anticipated starting salary at the first job.

## You Don’t Need College to Make Your Way In Life

Adults should also let students know that not everyone needs to go to college to have a successful and fulfilling life. The most recent Deloitte [Skill Gap Study](https://www2.deloitte.com/us/en/pages/manufacturing/articles/future-of-manufacturing-skills-gap-study.html?id=us:2el:3pr:skillgap18:awa:er:111418) shows that 2.4 million jobs will likely go unfilled over the next decade because businesses can’t find workers with the right skill sets.

Many colleges do not have the flexibility nor the resources to equip students with the most desirable and marketable skills that businesses need today. Apprenticeship and vocational schools are better investments and better alternatives for some students than college. There are also [lucrative careers](https://fee.org/articles/5-lucrative-jobs-that-don-t-require-a-college-degree/) that don’t require a college degree at all.

Third, colleges need to have a skin in the game, which means they must invest in their students’ future success. Purdue University started an income sharing program in which the university lends money directly to students, in exchange for a share of their income for a period of time after graduation.

Students who attend the San Francisco-based online computer coding school Lambda pay nothing upfront. The school gets to claim 17 percent of their future income for two years, but only if graduates get a job making $50,000 per year.

We need more colleges to invest in their students’ success like Purdue and Lambda do. Austen Allred, the co-founder and CEO of the Lambda School, [said](https://www.cnbc.com/2019/02/08/purdue-university-introduces-first-income-sharing-agreement-for-students-.html), “If your job as a school is effectively promising a job, it doesn’t make sense that student pays you a bunch of money that doesn’t work out on the other side.” Amen to that.

**Which Came First, Corona-Scare, or the Wall Street Blowout?**

Probably not since the onset of the 14th Century Dark Age has civilization been hit with the simultaneous spread of a killer disease along with the collapse of the global financial system. In 1347 Europe was engulfed by the arrival of rat-carried bubonic plague, a terrifying and unknown pathogen, only several years after the collapse of the Bardi-Peruzzi banking system that had been running most of Europe into the ground. That convergence left Europe ripe for the ravages of the Black Death, which ultimately wiped out up to an estimated half the population of the continent. Like the pandemic of today, Europe was not the first to be visited by bubonic plague, which ultimately ravaged most of the planet, reducing much of Asia to a killing field.

So now, we too have the double-headed hydra of a downward-spiraling financial crisis and the rapid spread of a supposedly killer disease. Many public health steps are now being taken, probably too late to stop the spread of the disease, but hopefully in time to mitigate the catastrophic loss of life. However, on the financial front nothing is being done to rein in the situation, let alone initiate a durable recovery.

Long before the coronavirus emerged on the national and international scene, the Wall Street banking system went into the first phase of collapse. In early September, the overnight lending market, the Repurchase market, the repo market, froze up. This market is a crucial cog in the financial engine powering U.S. business and banking operations. It seized up on September 17th, requiring an emergency infusion of cash from the Federal Reserve, unprecedented since the 2007 Great Recession. The NY Fed began pumping billions of U.S. dollars into that overnight market..

Since September 17, this amount has reached over $7 trillion. Despite moves by Fed Chairman Powell on March 3 to quell the crisis, by lowering interest rates by two basis points and increasing the overnight repo lending to $150 billion (since raised to $175 billion/night!), the turbulence in the markets has continued. On March 9, it resulted in the biggest single day drop in U.S. history (over 2000 points), which is being referred to as the “coronavirus sell off.” Despite continued Federal Reserve intervention, on March 12 the market dropped by over 2300 points, characterized as the biggest drop since the 1987 crash. Despite the ongoing bailout, the stock market is dead, but everything is being done to try and save it at the expense of the population.

Against this backdrop of severe financial unraveling, enter the coronavirus pandemic. Since January, the coronavirus has gotten people’s attention, and is now dominating the news cycle. There is much speculation by commentators as to how bad this virus is. Should it be compared to SARS, H1N1, Ebola, or maybe even the Spanish Flu of 1918, when an estimated 50 million people died globally? As fear spreads throughout the country, President Trump initially claimed that everything was under control.

Yet the continued, rapid spread of the disease exposed the lie in those initial foolish comments. Increasingly, the Administration has moved to do more to try to protect the population. The initial delay by the White House set back the efforts considerably, and now they are playing catch up to a disease that has no news cycle. . .

Despite recent declarations by Trump that very few people have died, that number is constantly growing, and will continue to do so.

The number infected as of this writing is over 2100, itself probably a gross underestimate. Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, testified in Congress on March 11 that COVID-19 is “ten times more lethal than the seasonal flu,” which has already taken 20,000 U.S. lives this season. However, no one actually knows how bad the crisis is because there has been no adequate Investigation or testing.

Numerous experts have compared the threat of the coronavirus to that of the Spanish flu, which killed 673,000 Americans over its 1918-19 course. On March 13, the New York Times and other media cited the estimates of the magnitude of the deaths to be expected, by Dr. James Lawler, an infectious disease specialist and public health expert at the University of Nebraska Medical Center.

Dr. Lawler’s calculations suggested 480,000 deaths, which he said was conservative. By contrast, about 20,000 to 50,000 people have died from flu-related illnesses this season, according to the C.D.C. Unlike with seasonal influenza, the entire population is thought to be susceptible to the new coronavirus.

Meanwhile, Back to the Markets and the Economy

In contrast to Trump’s negligence on the coronavirus, he has repeatedly demanded that the Fed lower interest rates even more to try and save the stock market. While Trump flails about like a beached whale, the equally negligent Congress has failed to even hold hearings on the Federal Reserve bailout of the repo market. Congress is mandated by the Dodd-Frank Act to hold the Fed accountable for any large outlays to the serially criminal Wall Street banks. It is the Wall Street banks who are the recipients of the largesse that the NY Fed has been pumping into the repo market, and the Congress has abdicated its responsibility by refusing to hold the Fed or the banks accountable for this fiasco.

Death from a thousand media cuts

The Fake Stream News is at it on every channel every hour. Even though all but about 0.1% of those who allegedly are infected with the Chinese bioweapon die from it, the Global Media Empire is making this out to be the zombie apocalypse. I really don’t know what the whole toilet paper thing is, but I haven’t seen a run on bread at my local grocery since the 4-hour blizzard of 2015. Or was it 2012? I am laughing my ass off, but actually really enjoying the lack of traffic going to work each day.

My stock portfolio took a hell of a hit, but that’s okay. I had cash on hand, so when my favorite stocks dropped by 80% in value, I bought shares like crazy. I have already made 36% of my losses back. I was like a retard at Chuck E Cheese.

So, is this the End Game or New Recovery?

Seriously, we have a golden opportunity to do something really great here. On the hemorrhaging economic front, two measures must be taken immediately. The first is the restoration of Glass Steagall, a bill (HR 2176) for which is now in the U.S. House and must be passed immediately. This would put a firewall between the commercial banking system and the investment banks. Just as the population is being told to stay away from anyone who is sick, Glass-Steagall would quarantine infected investment banks and their derivatives-virus spewing cousins from contaminating our commercial banking system. The ability of the Too-Big-to-Fail Banks, from JP Morgan Chase to Citigroup, to finance the $275 trillion derivatives bubble and the assorted Stock and Bond market bubbles would be immediately be curtailed by the passage of Glass-Steagall.

Next, we must get the productive economy going by putting people back to work at real jobs, not low-wage service jobs, but high-paying manufacturing jobs. The centerpiece of this would be the repatriotization of trillions in American cash being held off shore by the FATCA rules. That cash has to get back into America, so we can finance the manufacturing startups that are waiting in every city in the country to go to work.

This new equity would used in the same manner as Roosevelt used the Reconstruction Finance Corporation to finance his New Deal infrastructure drive. A $4 trillion equity fund can begin to rebuild the urgently needed infrastructure of our nation. There are at least 60 thousand companies needing access to capital to begin making the products their customers already want. Everything from more effective health clinics to electric trucks need that money. This would crush the Fascists working inside our agency government by letting the working people compete against global corporations that currently run our government.

﻿During the Black Death of the Middle Ages, Giovanni Boccaccio chronicled many of the horrors of the period in his book The Decameron. His reflection is equally apt today:

“To have compassion for those who suffer is a human quality which everyone should possess, especially those who have required comfort themselves in the past.”

Well, I meet with small business people every single day. And I have suffered the loss of my company and all my employees and all of my customers, simple because the Fascists inside our government did not want me competing with General Motors. I was slow to believe it myself, until the Secretary of State told me to my face in front of 400 witnesses in the Congressional Auditorium that I should just buy a GM and stop trying to make electric trucks on my own. After that, I was told that the entire ATVM Fund worth $23.5 billion was secretly earmarked for GM when they come out of bankruptcy.

I was not alone. Every small company there that day was crushed under the boots of Nancy Pelosi and Ray LaHood.

**The Case of Line Item Veto**

The President cannot write law. Congress writes laws. But the last few decades have changed all that. Now, think tanks full of highly paid lobbyists write massive laws thousands of paged long with hidden laws inside of hidden laws. They are then funneled to the corrupt speaker of the house, like Paul Ryan or Nancy Pelosi. They are then crammed down the throats of the Congress with sometimes only hours to read a massive catalog of bills and regulations.

Then it is signed, because there is something there for everyone, and after all you can’t win all the time. Then it goes to the Senate, where it may be under the same pressure. They may sign it as well and send it to the President.

This is where things could, and very seriously, need to change. The President has the power to veto. Up until now, it is an all-or-nothing veto. What we are asking for is line item veto. This allows the President to strike out of the law individual line items.

According to several White House officials, House Speaker Nancy Pelosi attempted to include federal funding for abortion in the coronavirus economic stimulus plan.

In an exclusive story, [The Daily Caller](https://dailycaller.com/2020/03/12/donald-trump-nancy-pelosi-coronavirus-stimulus-hyde-amendment-abortion-funding-white-house-allegations) reports several officials allege that while Pelosi was negotiating the stimulus package with US Treasury Secretary Steve Mnuchin, she tried to lobby for "several" provisions which stalled bipartisan guarantees to the measure.

The officials said on Thursday that the House Speaker tried to include a directive that would have created a $1 billion "slush fund."

"A new mandatory funding stream that does not have Hyde protections would be unprecedented," one White House official told The Daily Caller. "Under the guise of protecting people, Speaker Pelosi is working to make sure taxpayer dollars are spent covering abortion — which is not only backwards but goes against historical norms."

The Hyde Amendment blocks all government funding from supporting abortions except in instances of rape, incest or to save the life of the mother. Congress passed the amendment in 1976.

Another White House official asked "what the Hyde Amendment and abortion have to do with protecting Americans from coronavirus?" according to [The Daily Caller](https://dailycaller.com/2020/03/12/donald-trump-nancy-pelosi-coronavirus-stimulus-hyde-amendment-abortion-funding-white-house-allegations).

Even though President Trump signaled he would sign any stimulus bill offered by Congress, several Republicans disapproved of the bill negotiated by Pelosi and Mnuchin.

Trump said on Thursday he did not support the measure as it stood.

"No, there are things in there that had nothing to do of what we are talking about. It is not a way for them to get some of the goodies they have been able to get for the last 25 years," Trump said, without offering specifics.

**I’ll Remember**

By Brooks Agnew

When there is nothing left to sing,

And the final flake of light

Flutters into darkness,

I’ll remember;

When the future meets the past;

All in the way we kiss,

And the way you make it last;

I'll remember;

Oh, the days we danced,

And the rains we soaked,

And the hands we held,

And the pains we felt,

Between the smiles

We shared.

When the last wind dies,

And the last star twinkles

Its last vibration

I’ll remember;

The castles we built,

And the times we wished,

And the gifts we gave,

And the glass we poured

Around the ice

We melted.

When the universes fold,

And the next I am begins,

To let light become

The garden we can walk,

I’ll remember,

Our singularity.