

Extension of warrantless NSA spying, with bipartisan support, heads to Trump for signature

Fred Mazelis
20 January 2018

The US Senate voted yesterday by a large margin, as expected, for a six-year extension of the National Security Agency's warrantless surveillance program, which had first been exposed in 2013 by Edward Snowden. The Senate action, following its passage in the House of Representatives the previous Thursday, sends the bill to President Donald Trump for his signature.

In both houses of Congress, the extension of Section 702 of the FISA Amendments Act received strong bipartisan support. In the House, 55 Democrats joined 178 Republicans in voting down an amendment that would have placed some restrictions on spying by requiring that a warrant be obtained for US resident records swept up in mass surveillance. On the final vote, 65 Democrats supported the warrantless spying in the House, and the bill passed by the lopsided margin of 256 to 164.

In the Senate, passage was signaled on Tuesday, when 19 Democrats joined with 41 Republicans to approve a procedural maneuver proposed by the Republican Majority Leader Mitch McConnell. McConnell's move prevented amendments such as the one voted down by the House the previous week from being brought to a vote in the upper chamber of Congress. Two days later, the Senate passed the bill by 65-34, a margin of almost 2-1, again with bipartisan support.

The Foreign Intelligence Surveillance Act, or FISA, was first enacted in 1978, in the wake of the exposure of CIA abuses and illegal spying under the Nixon Administration. It created a Foreign Intelligence Surveillance Court, which, while almost always approving warrant requests for surveillance, was

intended to appease the public anger provoked by the outrageous abuses that had been at least partially revealed by the Senate subcommittee headed by Frank Church, and other investigations of the period.

Section 702, first enacted in 2008 after the revelations of illegal spying under the George W. Bush administration, drastically weakened the earlier regulations. It permits the warrantless collection of emails, texts and other exchanges, conducted via firms like Google, Facebook and other Internet platforms, between foreigners and US citizens.

The congressional votes over the past week have underlined the bipartisan character of the attacks on democratic rights and privacy rights, including the Fourth Amendment to the US Constitution, which prohibits the illegal search and seizure of the "persons, houses, papers and effects" of US citizens. Among those supporting warrantless mass surveillance in the House of Representatives was Democratic Minority Leader Nancy Pelosi, whose opposition to the limited restrictions on the program earned the public praise of Republican House Speaker Paul Ryan. Also vociferously opposing even timid restraints on the NSA was Adam Schiff, the California Democrat who has become notorious for his leadership role in the anti-Russia campaign alleging that meddling by Moscow cost Hillary Clinton the election in 2016.

In the Senate, California's Dianne Feinstein, a noted hard-line Democrat on foreign policy matters, similarly supported Majority Leader McConnell's effort to smooth the passage of the 702 extension. Joining Feinstein were such Democrats as Mark Warner of Virginia, Tammy Duckworth of Illinois, Bob Casey of Pennsylvania, and Jack Reed and Sheldon Whitehouse,

both of Rhode Island. Warner has been the point man in the Senate in the campaign to demonize Russia and to demand ever-greater restrictions on Internet freedom in the name of “national security.”

The support from Feinstein and other Democrats was crucial in allowing McConnell’s motion to achieve 60 votes in the chamber, the figure needed to prevent a filibuster. McConnell expressed satisfaction at the outcome, stating, “We need our armed forces and intelligence community to protect us, and they need us to give them the tools to do it.” The Democrats thus played a decisive role in what the *New York Times* approvingly called “the end of a debate” provoked by the courageous actions of Snowden in exposing the realities of mass surveillance by the capitalist state in the US in the 21st century.

The ineffectual opposition to the six-year extension of Section 702 of FISA came from right-wing libertarian Republicans as well as some Democratic liberals. In the Senate, Kentucky Republican Rand Paul joined Oregon Democrat Ron Wyden at a press conference pledging continuing opposition to warrantless surveillance, with Wyden calling the passage of the bill without amendments “a dereliction of duty.”

The American Civil Liberties Union reacted to Congress’s action with a statement declaring, “No president should have this power, much less one who has endorsed policies designed to unfairly target critics, immigrants and minority communities.” Journalist Glenn Greenwald tweeted sarcastically that 19 Senate Democrats and 55 House Democrats, all supposed supporters of the “Resistance” to the Trump administration, had joined “in giving Trump & Sessions greater domestic spying powers while blocking all efforts to add reforms and safeguards.” And Snowden himself tweeted last week, “House votes 256-164 to expand Trump’s warrantless surveillance powers for the next six years. The vote to reform warrantless searches of Americans’ phone calls and e-mails failed, needing the support of 26 more. Dems could have swung it, but 55 of them voted with the Trump camp.”

The action in Congress clearly shows—despite all the media hand-wringing over government paralysis with Trump in the White House, and regardless of the fact that the rival parties are engaged in unprecedented

warfare—that on issues of paramount importance to the interests of American imperialism, bipartisan agreement, in defense of capitalism against the working class, can and will always be found.

This essential unity of the rival gangs in Washington was also reflected in the unusual and awkward reversal on the issue of the 702 extension by Trump himself. First the president tweeted, at 7:33 a.m. on the morning of January 11, about the “controversial FISA Act ... that may have been used, with the help of the discredited and phony Dossier, to so badly surveil and abuse the Trump Campaign by the previous administration and others.”

Less than two hours later, Trump, although known for refusing to take orders or even advice, had apparently been persuaded to reverse himself. “With that being said, I have personally directed the fix to the unmasking process since taking office and today’s vote is about foreign surveillance of foreign bad guys on foreign land. We need it! Get smart!”

Behind Trump’s contortions on this issue is the contradiction between his efforts to whip up right-wing populism and fascistic sentiment against the so-called “deep state,” and the fact that he remains, of course, despite his volatility and recklessness, the spokesman and representative of this state, representing US imperialism.



To contact the WSWWS and the Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)