

House Democrats work overtime to renew US government surveillance law

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The US House of Representatives voted Wednesday to extend key provisions of the Foreign Intelligence Surveillance Act (FISA) and reauthorize government spying on the public. The legislation is now headed for the Senate for approval and is then expected to be signed into law by President Trump sometime prior to the expiration of the previous rules on March 15.

The vote came by a margin of 278 to 136, with majorities of both Democrats (152-75) and Republicans (126-60) supporting passage. House Democratic leaders backed the bill, as did the two former CIA agents in the Democratic caucus, Abigail Spanberger of Virginia and Elissa Slotkin of Michigan.

The legislation continues the procedure by which the Federal Bureau of Investigation (FBI) can surveil US citizens with approval from a secret Foreign Intelligence Surveillance Court (FISC) upon completion of a special application. Since the FISA law was first established in 1979—in the aftermath of the Watergate crisis which exposed the criminal activities of the Nixon administration—more than 40,000 FISA applications have been submitted to FISC judges, with all but a minuscule two-tenths of one percent given approval.

In the year 2018, for example, the FISA court received a total of 1,080 requests from law enforcement to spy on Americans, and there was only one instance in which the request was denied. It must also be kept in mind that the targets of such surveillance are not permitted legal representation before the court, or even to know that their fundamental right against unreasonable searches and seizures is being transgressed.

Although much media emphasis has been placed on the new law's official ending of the program utilized by the National Security Agency to collect metadata

from all phone calls and text messages—originally exposed by former intelligence contractor Edward Snowden in 2013—it still permits such surveillance to proceed with judicial approval.

Three other surveillance powers set to expire on March 15 were renewed without change. At immediate issue are three vanishing aspects of the surveillance state erected after 9/11. These are part of Section 215, known as the “business records” provision, which allows the FBI to compel companies to provide customer data without a warrant. The “roving wiretap” allows the FBI to wiretap the same individual on multiple phones, while the “lone wolf” provision allows the FBI to designate an individual unconnected with any organization to be targeted for surveillance as a terrorist.

From the beginnings of the mass electronic surveillance program that was started in the aftermath of the events of September 11, 2001, US law enforcement and intelligence agencies have been systematically violating the constitutional rights of the population. With the renewal of the FISA laws, these violations will continue and become even more aggressive.

A major consideration in the negotiations over the final bill was that the Justice Department's independent inspector general, Michael E. Horowitz, and his team uncovered the fact that the FISA process is riddled with violations and “errors” by the FBI. These were exposed by Horowitz in analyzing the way that surveillance of Carter Page, a former Trump campaign adviser, was approved and reauthorized in 2016 and 2017.

According to the published details, FBI agents presented one-sided and tendentious material to the FISA court supporting their contention that Page was a conduit between the Russians and Trump campaign

manager Paul Manafort, and systematically suppressed more substantial evidence that discredited their theory.

While this particular exposure arose out of the conflict between the White House and congressional Democrats, who were backed by US intelligence, during the impeachment of Donald Trump, there is no doubt that the same kind of violations and far worse are happening on a daily basis within the clandestine world of government surveillance operations.

The critical push to get the renewal bill—called the USA FREEDOM Reauthorization Act of 2020—to the floor of the House came from leading Democrats. House Judiciary Committee Chairman Jerrold Nadler of New York and House Intelligence Committee Chairman Adam Schiff of California worked late Tuesday to reach a deal with leading Republicans over objections from Democrats in the Congressional Progressive Caucus.

In a joint statement Nadler and Schiff said, “Along with the House Leadership, we have engaged in bipartisan negotiations with input from many members to get to a deal on reforming FISA while reauthorizing important national security provisions set to expire this weekend.” In other words, the national security interests of US imperialism outweigh the protection of fundamental democratic rights protected by the US Constitution.

Attorney General William Barr said of the legislation, “I have reviewed the House FISA bill and support its passage,” and a White House representative said that Trump is “pleased with the direction that we’re headed.” It was also praised by Senate Majority Leader Mitch McConnell (Republican from Kentucky) who said, “We applaud the bipartisan House passage of this legislation and look forward to voting to pass it in the Senate as soon as possible.”

While the exact schedule is not known at the time of this writing, the Senate has a recess beginning next week and it is expected that a vote will take place before the Sunday expiration date. Senate Republican leaders have urged support for the House bill and pledged to move forward with a vote as soon as possible this week.

Two interrelated issues came together on the rapidly proceeding FISA law renewal that expose the priorities of US ruling establishment. Despite the appearance of divided government during the House impeachment

and Senate acquittal of President Donald Trump six weeks ago, there is virtual unanimity within both capitalist parties that laws authorizing surveillance of the public must not be allowed to lapse.



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