

US House passes bipartisan 2-year reauthorization of Section 702 warrantless surveillance

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12 April 2024

On Friday, the House of Representatives passed a bill by a vote of 273 to 147 to reauthorize and strengthen warrantless electronic spying by the US government in what is known as Section 702 of the Foreign Intelligence Surveillance Act (FISA). The two-year extension is expected to be passed by the Senate and then signed into law by President Joe Biden.

The surveillance powers in Section 702, which were set to expire on April 19 if not renewed, are a blatant violation of the Fourth Amendment to the US Constitution against unreasonable searches and seizures. They permit intelligence agencies to gather electronic communications of US citizens and non-citizens without a warrant by tapping directly into the systems of telecommunications and internet providers, such as AT&T, Verizon, Google and many others.

The bipartisan vote—147 Democrats joined with 126 Republicans to pass the bill—demonstrated once again that the US political establishment supports the unimpeded access of the spy agencies, i.e., NSA, CIA and FBI, to electronic communications and claims that blanket surveillance is a critical national security matter that overrides Fourth Amendment rights.

According to the official language of the FISA rules, the US intelligence agencies are authorized to collect email, text and phone call data and monitor the communications of foreign citizens outside of the US without the need for a court-approved warrant. However, this activity also necessarily gathers the same information of US citizens communicating with the foreign “targets.” The intelligence agencies claim the surveillance is needed to fight human trafficking, cybercrimes, drug smuggling and terrorist plots.

The fraud behind these arguments and violation of

basic democratic rights has been exposed repeatedly since the illegal spying operation was first established by the George W. Bush administration post-9/11.

After the Section 702 rules were established in 2008, a supposed reform of the surveillance which legalized the operations, the US government’s own internal oversight and monitoring of these powers has shown that the communications of everyone are being illegally collected and searched at will regardless of citizenship.

In May of last year, for example, unsealed court records showed that the FBI violated the rules of Section 702 at least 278,000 times. The documents showed the FISA database was used in domestic law enforcement investigations into the January 6, 2021 US Capitol attack, the mass George Floyd protests in the spring and summer of 2020 and 19,000 financial contributions to a congressional candidate.

During the political maneuvering on the House floor before the reauthorization bill was finalized and passed, a series of extraordinary but unsurprising events took place. President Biden reportedly made phone calls to individual congresspeople to flip their votes and defeat an amendment requiring the government to get a warrant before searching the communications of US citizens.

The Democrat Biden was successful in blocking the amendment by joining with Republican Speaker Mike Johnson—who claims the president was not legitimately elected and is working directly with Donald Trump to disrupt the vote in the 2024 elections—who cast the deciding vote for a 212-212 tie. In the House, a tie equals a defeat.

On Thursday evening, the White House issued a statement that said it “strongly opposes” the warrant

amendment because it would “rebuild a wall around, and thus block our access to, already lawfully collected information in the possession of the US Government.” In other words, since the data has already been gathered in violation of the Fourth Amendment, the Constitution should not be allowed to block the intelligence and law enforcement agencies from using it as they see fit.

In the leadup to the passage of the bill, Trump had mobilized his fascist supporters in the House in a campaign to “KILL FISA,” saying it was used to spy on his campaign for president in 2016. Days before the bill was passed, it went down to defeat, which forced a number of adjustments, including the reduction of the duration of the authorization from five to two years.

Other modifications to the bill, which increase the surveillance powers, permit intelligence gathering on foreign narcotics trafficking organizations and vetting potential foreign visitors to the United States. The bill also empowers certain congressional leaders to observe classified hearings before the FISA court that authorizes national security surveillance of anyone and expanding the types of companies with access to foreign communications that can be required to participate in the program.

Behind the campaign of the Biden administration to pass the Section 702 reauthorization is the hegemonic strategy of US imperialism and plans for world war being developed by the Pentagon. The Democrats and Republicans fear the growing movement against the US-backed Israeli genocide in Gaza and the US-NATO war against Russia in Ukraine.

The Section 702 surveillance powers are a critical part of the repressive apparatus being built up with the aim of suppressing opposition to war among young people and in the working class. The defense of democratic rights cannot be entrusted to any section of the capitalist ruling elite, including the nominally liberal wing. It requires the independent political mobilization of the working class in the fight for socialism.



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