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After wiretapping victory, Bush says he wants more authority from Congress

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The day after President George W. Bush marshaled political forces in Congress to grant him greater authority to engage in counterterrorism-related spying, the president stated that he would seek greater changes to the Foreign Intelligence Surveillance Act when the legislative branch returns to work in September.



"While I appreciate the leadership it took to pass this bill, we must remember that our work is not done," the President said [in his Sunday statement](#). "This bill is a temporary, narrowly focused statute to deal with the most immediate shortcomings in the law."

The President said next month he would focus on further immunizing private companies that cooperate with government wiretapping. However, he used complicated language to describe these activities.

"When Congress returns in September the Intelligence committees and leaders in both parties will need to complete work on the comprehensive reforms requested by Director McConnell, including the important issue of providing meaningful liability protection to those who are alleged to have assisted our Nation following the attacks of September 11, 2001," he said.

One constitutional scholar derided Bush's reasoning, particularly the tortuous language in his statement.

"Apparently 'allegedly helped us stay safe' is Bush Administration code for telecom companies and government officials who participated in a conspiracy to perform illegal surveillance," wrote Yale Law Professor Jack Balkin in [a Monday morning blog post](#). "Because what they did is illegal, we do not admit that they actually did it, we only say that they are alleged to have done it."

Balkin also offered another amusing interpretation of Bush's words.

"Or perhaps the Administration is suggesting that although such parties are alleged to have helped the country stay safe, there's no evidence that their repeated violations of federal law actually did much to promote our security," he quipped.

Last week, National Intelligence Director Mike McConnell made a related appeal, appearing to acknowledge that telecommunications companies had not only 'allegedly' assisted the government in its wiretapping activities.

"[T]hose who assist the Government in protecting us from harm must be protected from liability," he said in a Friday statement. "This includes those who are alleged to have assisted the Government after September 11, 2001 and have helped keep the country safe....I appreciate the commitment of the congressional leadership to address this particular issue immediately upon the return of Congress in September 2007."

And for one top Congressional advocate of Bush's proposed wiretapping

'reforms,' the participation of telecommunication companies in government spying was not described as an allegation at all.

"These are companies who were doing the patriotic thing," said Rep. Pete Hoekstra (R-MI), Ranking Republican on the House Permanent Select Committee on Intelligence, in an interview with Paul Gigot for [Fox News's Journal Editorial Report on Saturday night](#). "They were helping the U.S. government, the American people, get the information that we believe we needed to keep us safe. They voluntarily participated, and now that the program is exposed, they've been open to all kinds of lawsuits."

Meanwhile, pundits were already building the case for expanding liability protections for telecommunications companies that help the government spy.

"The new legislation does not go far enough because, while it addresses liability for telecommunications companies under FISA, it does not look at companies' liabilities under other laws," wrote Harold Furchtgott-Roth, a former Federal Communications Commission commissioner, in [a Monday article in the New York Sun](#). "This is an important point because the American Civil Liberties Union and other groups have many legal cases against various communications companies for cooperating with the federal government on many matters outside FISA."

Hoekstra in a statement released to [RAW STORY](#) Saturday night after the House passed his legislation said that, "he would use momentum from Congressional Republicans' efforts to fix FISA to push for comprehensive reform of the law to...obtain retroactive liability for parties who may have aided the government."

But Democratic House Speaker Nancy Pelosi also stated her own plan to pass legislation in September with the intention of countering the changes enacted by the President's allies in Congress.

"Tonight, the House passed S. 1927, a bill approved by the Senate yesterday, which is an interim response to the Administration's request for changes in FISA, and which was sought to fill an intelligence gap which is asserted to exist," the Speaker said in [a Saturday letter to the House Intelligence and Judiciary Committees](#). "Many provisions of this legislation are unacceptable, and, although the bill has a six month sunset clause, I do not believe the American people will want to wait that long before corrective action is taken."

She therefore called on the committees, "as soon as possible after Congress reconvenes," to pass "legislation which responds comprehensively to the Administration's proposal while addressing the many deficiencies in S. 1927."

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