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Spy Bill Debate Comes to an End

Congress Votes to Pass the Bill 69-28

By Z. BYRON WOLF

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339 comments

Some 15 months after the first reports emerged that the Bush administration may have been engaging in a massive, top-secret, warrantless surveillance program, Congress passed a sweeping new law Wednesday that critics say will leave most of the program largely intact.

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President Bush says this legislation will make it easier to protect Americans.

The revelations about the surveillance program sparked fierce debate on Capitol Hill from Democrats and an all-out attack from civil libertarians.

Lawmakers voted 69 to 28 to pass the bill, which also offers a controversial provision that provides a get-out-of-jail-free pass to telephone companies beset by lawsuits after they provided the government with access to information for the program, which began after the 9/11 terror attacks.

While the program will now become law, most of it's provisions remain secret from the public and most lawmakers, although the administration

will now be required to place all international surveillance activity under the authority of a secret court created to consider the so-called FISA cases.

Sen. Arlen Specter, a Republican who opposes the way the bill gives the phone companies immunity from lawsuits told his colleagues before the vote they were preparing to commit an "historical embarrassment."

"Everybody knows we don't know what we're voting on," Specter said, pointing out that many lawmakers still have not been fully briefed on the president's program, for which the phone company immunity is being granted.

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"That's what the members of the Senate are being asked to do today, grant retroactive immunity on a program the senators don't know what it is," Specter said, although he opposed the attempt to strip the immunity provision in favor of changing it. Specter's amendment also failed.

And so the FISA bill was an "historical embarrassment" that Specter became complicit in when he chose later to vote for the law.

"Faced with two unsatisfactory options, I chose to give law enforcement the extra power to fight terrorism even though I would have preferred a different balance on protecting constitutional rights," he said in a paper statement after the vote.

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President Bush praised the law, calling it a "vital piece of legislation that will make it easier for this administration and future administrations to protect the American people."

"This vital intelligence bill will allow our national security professionals to quickly and effectively monitor the plans of terrorists outside the United States, while respecting the liberties of the American people," Bush told reporters in the White House Rose Garden immediately upon his return from the G8 Summit in Japan.

Sen. Kit Bond, the ranking Republican on the Senate Intelligence Committee, attempted to assure Americans that the new measure does not encroach on their rights "unless you've got al Qaeda on speed dial."

Making the argument to protect civil liberties at the expense of national security proved too difficult for many Democrats.

Sen. Barack Obama, who is the Democrats' presidential candidate, had pledged earlier this year to support a filibuster of the bill. But while Obama voted in favor of the doomed amendments to strip the immunity clause, he did not vote in favor of filibustering the bill and supported its final passage.

Congress will be required to reevaluate the law in 2012.

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