

# Protect America Act of 2007 / Act should be renewed

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< Protect America Act of 2007

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## Position: Act should be renewed

*This position addresses the topic Protect America Act of 2007.*

For this position

“ A FISA fix stripped of immunity is an effort by some Democrats to appease strident liberal groups that want to punish telecom companies for acting in the national interest. It's also a mistake, as Reyes has evidently come to recognize. The sooner the rest of the House leadership comes to its senses on this issue, the better.”

From House needs to follow Reyes' lead on FISA fix, by San Antonio Express-News editorial board (*San Antonio Express-News*, March 6, 2008) (view)

“ So let's not delay anymore. Pass a law, with immunity. In a time of crisis, these companies stepped up to cooperate. They did what their government asked. Don't open them to liability for that.”

From 'Any delay can be harmful', by Chicago Tribune editorial board (*Chicago Tribune*, March 25, 2008) (view)

“ Deep divisions remain, particularly over whether telephone companies that received official assurances that their participation in the warrantless wiretapping program was lawful should be shielded from private lawsuits. The Senate -- correctly, we believe -- provided such protections in its version of the measure.”

From Rules for Spying, by The Washington Post editorial board (*The Washington Post*, March 16, 2008) (view)

“ Federal case law has long upheld the president's authority to gather foreign intelligence without warrant. FISA does not trump that authority. You do not have to take our word for it, either. It was a Democrat, Carter attorney general Griffin Bell, who pointed this out when FISA was created in 1978. It was another Democrat, Clinton's deputy attorney general Jamie Gorelick, later a vice chair of the 9/11 Commission, who made the same point when FISA was amended in 1994.”

From The "Don't Protect America" Democrats, by Matthew Continetti (*The Weekly Standard*, March 11, 2008) (view)

“ This dangerous situation should never have arisen. From the beginning, presidents have exercised their Article II executive power to gather foreign intelligence -- in war and peace alike, without congressional or judicial intrusion. As our principal agent in foreign affairs, the president is constitutionally bound to protect the nation. For that, intelligence is essential.”

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From *Listening to the Enemy*, by Roger Pilon (*The Wall Street Journal*, January 28, 2008) (view)

“ McConnell wrote to the House Intelligence Committee: “We have lost intelligence information this past week as a direct result of the uncertainty created by Congress’ failure to act.” A requirement now in force — that the government show “probable cause” to a judge in Washington to bug non-Americans overseas — has “degraded” our intelligence-collection capacity, he added.”

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From *Bugging our Enemies*, by Clifford May (*National Review*, February 28, 2008) (view)

“ The problem is that, although it has a few work-around-provisions, such as allowing intelligence agencies to conduct surveillance for up to 72 hours without a warrant, FISA ultimately requires those agencies to jump through too many legal hurdles. Those include the Fourth Amendment's "probable cause" requirements, protections never intended for suspected terrorists' communications that are routed through the U.S.”

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From *Hard of Hearing*, by Kit Bond, Pete Hoekstra, Lamar Smith (*The Wall Street Journal*, February 26, 2008) (view)

“ FISA was in effect on 9/11, too. A bipartisan congressional inquiry into why our nation was blindsided by those attacks later concluded that "difficulties with the FISA process led to a diminished level of coverage of suspected al Qaeda operatives in the United States." One of the main contributors to that report was none other than Nancy Pelosi - now the speaker of the House.”

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From *Dems' Dereliction*, by Adam Putman (*New York Post*, February 25, 2008) (view)

“ The consequences of inaction are real. Today, if someone in a previously unknown terror cell calls an eager new recruit in London, our agents will have to hang up the phone, apply for a warrant and hope for the best. If a Marine in Iraq captures a terrorist from a previously unidentified terror group, our agents will not be free to call the phone numbers in his laptop right away.”

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From *House Inaction Left America Open To Attack*, by Mitch McConnell (*Investor's Business Daily*, February 25, 2008) (view)

“ Pelosi's Democrats are less worried about civil liberties than they are about crossing a rich source of their campaign cash - America's odious tort bar. The trial lawyers want to kill a provision in the Senate bill that protects US phone companies that cooperated with the government in post-9/11 surveillance. One can only hope that Pelosi's members hear from their constituents back home about their cavalier and selfish disregard for their country's security.”

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From *Pelosi vs. America*, by New York Post editorial board (*New York Post*, February 24, 2008) (view)

“ “It was fear of the FISA court, after all, that prevented Minnesota FBI field agents from searching the laptop of al Qaeda terrorist Zacarias Moussaoui--the suspicious student at the Pan Am International Flight Academy in Eagan, Minnesota--even though they knew about Moussaoui's jihadist beliefs and connection to a Chechen terrorist. That was the problem which the Terrorist Surveillance Program was meant to address. It was the sort of problem that the Protect America Act was meant to mitigate.” ”

From Hear No Evil, by Matthew Continetti (*The Weekly Standard*, February 23, 2008) (view)

“ “What we have here is a remarkable display of the anti-antiterror minority at work. Democrats could vote directly to restrict wiretapping by the executive branch, but they lack the votes. So instead they're trying to do it through the backdoor by unleashing the trial bar to punish the telephone companies. Then if there is another terror attack, they'll blame the phone companies for not cooperating.” ”

From Pelosi's Wiretap Offensive, by The Wall Street Journal editorial board (*The Wall Street Journal*, February 19, 2008) (view)

“ “Denying immunity would not just be counterproductive -- creating disincentives for cooperation from the industry whose expertise provides us with a technology edge over the people trying to kill us. It would be grossly unfair and eventually prompt the industry to question all government directives -- even court orders -- for fear that compliance would lead to ruinous litigation costs.” ”

From Profiles in No Courage, by Andrew C. McCarthy (*Human Events*, February 15, 2008) (view)

“ “Every federal appellate court to rule on the issue — including the highest, most specialized court created by Congress strictly to rule on surveillance matters, the Foreign Intelligence Court of Review — has concluded that the president has inherent constitutional authority to order surveillance on foreign threats to national security. In a perfect world, President Bush would be able to tell recalcitrant Democrats in the House, “Don't want to pass the Senate bill? Fine. I'll order surveillance to continue under my Article II power.” ”

From FISA Reform: The Bad Bill that Beats No Bill, by Andrew C. McCarthy (*National Review*, February 14, 2008) (view)

“ “Back in the fall of 2001, a shocked nation fully expected follow-on terrorist attacks. It would have been legally safe but irresponsible for the telecoms not to respond to the government's request. Those follow-on attacks never materialized. Not, we know, from lack of effort on the part of al-Qaida. But success in deterring terrorist attacks has bred a sort of complacency that has spawned punitive lawsuits against companies that were acting in good faith to assist the intelligence community. ” ”

From Senate FISA update should move forward, by San Antonio Express-News editorial board (*San Antonio Express-News*, February 13, 2008) (view)

Against this position

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“ “But focusing on the privacy of the average Joe in this way obscures the deeper threat that warrantless wiretaps poses to a democratic society. Without meaningful oversight, presidents and intelligence agencies can -- and repeatedly have -- abused their surveillance authority to spy on political enemies and dissenters.” ”

From Wiretapping's true danger, by Julian Sanchez (*Los Angeles Times*, March 16, 2008) (view)

“ “We all agree that when foreign terrorists are communicating with each other overseas, the U.S. government shouldn't need a warrant to listen in. But both the so-called Protect America Act (PAA) – the law we passed last year - and the Intelligence Committee bill go far beyond addressing that issue. They grant unprecedented powers to the executive branch to engage in widespread surveillance involving Americans, with virtually no judicial involvement.” ”

From It's Not Just About Immunity, by Russ Feingold (*Daily Kos*, January 17, 2008) (view)

“ “The Protect America Act completely eliminates the warrant requirement for surveillance "concerning persons reasonably believed to be outside of the United States" — even if one party to a call is an American citizen and the wiretap occurs on American soil. The attorney general is required to disclose to a secret court the general procedures used to choose wiretapping targets, but no judge reviews the list of specific targets to verify that the law is being followed. This evisceration of judicial review is an invitation to future abuses.” ”

From The Surveillance Scam, by Timothy B. Lee (*Reason*, February 7, 2008) (view)

“ “Those who believe the Constitution means what it says should tremble at every effort to weaken any of its protections. The Constitution protects all "persons" and all "people" implicated by government behavior. So the government should be required, as it was until FISA, to obtain a 4th Amendment warrant to conduct surveillance of anyone, American or not, in the U.S. or not.” ”

From The invasion of America, by Andrew Napolitano (*Los Angeles Times*, February 18, 2008) (view)

“ “Congress was certainly not informed, and if Mr. Ashcroft or later Alberto Gonzales certified anything under oath, it's a mystery to whom and when. The eavesdropping went on for four years and would probably still be going on if The Times had not revealed it. So what were the telecommunications companies told? Since the administration is not going to investigate this either, civil actions are the only alternative.” ”

From Because They Said So, by The New York Times editorial board (*The New York Times*, February 10, 2008) (view)

## Mixed on this position

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*No results*

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