

WHITE HOUSE WRITES PRE-EMPTIVE SIGNING STATEMENT ON EXCLUSIVITY

(Thanks to Selise for the YouTube)

Feingold: The DNI envisions a government where, if it were technologically feasible, would listen in on every, every international phone call made by its citizens. And read every, every international email. Now that's a police state, Mr. President, not the United States of America.

The letter from Mukasey and McConnell to Congressional leaders is basically a laundry list of FISA amendments with the Administration's opinion on those amendments. Here's the quick summary.

Amendments that would merit a veto:

- [no number] no communication collected if the govt knows beforehand that it is to or from a person believed to be in the US
- 3913: Significant Purpose test
- 3912: Specific Individual Target test
- 3915: Limits disseminating foreign intelligence information
- 3907: Straight immunity
- 3927: Substitution of govt for defendants

- 3919: FISC review on immunity

Amendments it doesn't like but that wouldn't merit a veto:

- 3930: 4-year sunset
- 3920: Court review of compliance with minimization

Amendments it very much likes (surprise! They're both Bond amendments)

- 3941: Expedited FISA review
- 3938: Add language on WMD

A pre-emptive signing statement on exclusivity

We understand that the amendment relating to the exclusive means provision in S.2248 is undergoing additional revision. As a result, we are withholding comment on this amendment and its text at this time. We note, however, that we support the provision currently contained in S. 2248 and to support its modification, we would have to conclude that the amendment provides for sufficient flexibility to permit the President to protect the Nation adequately in times of national emergency.

My takeaway? If the Administration says it would accept a minimization review, I say we make it a priority; it would vastly improve the bill. I would love to see the "significant purpose" amendment pass, and have it serve as a poison pill. This Administration won't even commit that their wiretapping really relates to foreign intelligence! Hell, they might as well say that a minor purpose of wiretapping Democrats is foreign intelligence, because Democrats have different foreign policy goals than Republicans. Also, there are a few of Feingold's important amendments that don't appear here. If BushCo

don't oppose them, then by all means let's have more protection and oversight.