

# ROLL CALL-THEN AND NOW

Phred asked what we had accomplished with all our work in the last five months. I've got a more specific post (among other things, calling out my Senator Stabenow for another one of her ridiculously bad votes). But for now, here are Democrats who voted for the Protect America Act, in August (bold are those who voted differently today; final vote was 60-28-12):

Bayh (D-IN)  
Carper (D-DE)  
Casey (D-PA)  
Conrad (D-ND)  
**Feinstein (D-CA)**  
Inouye (D-HI)  
**Klobuchar (D-MN)**  
Landrieu (D-LA)  
Lincoln (D-AR)  
McCaskill (D-MO)  
Mikulski (D-MD)  
Nelson (D-FL)  
Nelson (D-NE)  
Pryor (D-AR)  
Salazar (D-CO)  
Webb (D-VA)

And here are the Democrats who voted for S.2248 today (bold are those who changed their vote since August; underline did not vote in August; final vote was 68-29-3).

**Baucus (D-MT)**  
Bayh (D-IN)  
Carper (D-DE)  
Casey (D-PA)  
Conrad (D-ND)  
Inouye (D-HI)  
Johnson (D-SD)  
**Kohl (D-WI)**  
Landrieu (D-LA)  
Lincoln (D-AR)  
McCaskill (D-MO)

Mikulski (D-MD)  
Nelson (D-FL)  
Nelson (D-NE)  
Pryor (D-AR)  
**Rockefeller (D-WV)**  
Salazar (D-CO)  
Webb (D-VA)  
**Whitehouse (D-RI)**

So, if nothing else, we flipped DiFi and Amy Klobuchar's vote. DiFi issued a statement about her vote—emphasizing that without exclusivity, she couldn't support the modernized FISA.

I have decided to vote against the FISA Bill before the Senate. This is not an easy decision because I strongly believe that we need to modernize the law relating to the gathering of foreign intelligence, and I support many of the provisions in the Senate bill.

However, I believe this bill didn't do enough to protect against the assertion of executive power. I have said on many occasions that without the additional language to strengthen and tighten the exclusivity already in FISA, I could not support final passage.

I offered an amendment on this very issue. My amendment, which would have made it clear that FISA is the exclusive authority for wiretapping U.S. persons for foreign intelligence purposes, received well more than a majority of this body – 57 votes. But it did not receive the 60 votes required. Given this strong vote, I remain hopeful that similar language will be included in a FISA bill that goes to the President.

There should never be another warrantless surveillance program. And **I continue to believe that there should be a strong statement in law making it crystal clear that FISA must be**

**followed, period.**

Unfortunately, the bill before the Senate did not include such language and simply didn't go far enough in protecting against executive power . That's why I voted against the Senate bill.

[my emphasis]

Apparently, though, 19 of her colleagues have no worries about unfettered executive power.