

I DON'T THINK "FISA" AND "EXPIRE" MEAN WHAT OBAMA THINKS THEY DO

There's a really disturbing line in this article on backlash against Obama for his FISA stance (say "hi" to Jane, Glenn, and Markos as you read).

Greg Craig, a Washington lawyer who advises the Obama campaign, said Tuesday in an interview that Mr. Obama had decided to support the compromise FISA legislation only after concluding it was the best deal possible.

"This was a deliberative process, and not something that was shooting from the hip," Mr. Craig said. "Obviously, there was an element of what's possible here. **But he concluded that with FISA expiring, that it was better to get a compromise than letting the law expire.**"
[my emphasis]

Either Greg Craig is not the guy the Obama campaign should have discussing—much less advising him on—these issues, or Craig is simply repeating Obama's profoundly erroneous logic.

But in either case, FISA is not expiring anytime soon. Last I checked, FISA's been on the books for 30 years, and I have every expectation it will remain on the books for the next 30 years, regardless of how Obama votes on July 8.

Either Craig or Obama is making the common—but ignorant—mistake of conflating the Protect America Act with FISA. The former **does** expire in early August. The latter does not.

I might be accused of pedantry by maintaining this distinction. But its useful to maintain the distinction because it focuses on the

differences between FISA and PAA. FISA provides a way for the government to wiretap individuals legally, while providing real protections for American citizens. Whereas PAA provides the government the ability to get basket warrants based on the say so of the Attorney General, dramatically eroding the protections for American citizens.

When someone erroneously claims that FISA is going to expire shortly, it's a good bet that that person is thinking about retaining the basket warrant provisions of the PAA and not—as the spin suggests—simply "modernizing" FISA so the government can wiretap foreigners via telecom circuits in the United States.

It'd be useful if someone asked the Obama campaign which of these authorities Obama is really intent on maintaining.