

PATRIOTS AND SECRETS HEARING, DAY ONE WRAP UP



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A quick overview of Wednesday's doings in House Judiciary Committee's mark-up of the PATRIOT Act renewal.

The hearing started with John Conyers introducing a managers amendment to the bill that made tweaks to the overall bill to move them slightly closer to what the Obama Administration wanted. Republicans tried to gut National Security Letters (NSLs). One of those pertained to the changes in NSL minimization.

Republicans tried to eliminate special protections for library records, expand NSLs, and eliminate any minimization on NSL information. On all three, those amendments went down on a party line vote. Nadler did a particularly good job at defending the logic of the underlying bill, particularly the standards of proof the government must have to conduct certain kinds of searches.

Then, Adam Schiff (as I had predicted) piped up to make one of the changes the Administration wanted. He switched the 215 standard to what the Senate Judiciary Committee has adopted (showing the reasons to believe that records are relevant to an authorized investigation), but then required the Administration to come up with a better way to collect this information. Whereas in the Senate, that effort won bipartisan support, here it was strictly party line vote (though it seemed like Maxine Waters considered voting against it from the left).

The highlight of the hearing, though, was a

speech that Mel Watt made. He talked about how, in the days after 9/11, he thought, "Well, if AG Ashcroft is protecting me from terrorists, who's protecting me from AG Ashcroft?" He went on to bemoan the fact that there was no one like Bob Barr left on the Republican side. "I long for the day that somebody on your side of the aisle and remember that it was you that stood for individual rights at one point in your party's history."

All things considered, this is currently a better bill than the Senate side—though still one that allows for data mining of Americans. They're coming back tomorrow, though, so we have not yet succeeded in improving on the SJC bill.

[Ed. note: The House Judiciary Committee is expected to reconvene Thursday at 11:00 a.m. EST; watch for more coverage here at emptywheel.]