

RADICAL IDEA: THE LEGISLATURE ENDS SMITH V. MARYLAND

The Senate Judiciary Committee hearing with the NSA Review Group just finished. There was no earth-shattering news. Perhaps the best one-liner from the hearing came when former CIA Deputy Director Mike Morell said that metadata is content (and I'm grateful he said it early in the hearing so it will make the evening news). Bizarrely, he claimed he just learned that while working on this report which is rather ... unconvincing.

At the very end of the hearing, however, Senator Richard Blumenthal said something equally as important, which went something like,

Smith v. Maryland is about as outdated as any Supreme Court [sic] can be. Congress has an equal responsibility to protect the Constitution as the Supreme Court. There is no need to wait for the Supreme Court.

It's a great idea, for the legislature to end Smith v. Maryland's encroachment on the Constitution, and he's right, Congress does have the authority to act.

But as far as I know, Blumenthal has yet to introduce a bill doing that.