

USE THE CANTOR SHELLACKING TO REVERSE COURSE ON USA FREEDUMBER

Eric Cantor, who famously held up earthquake relief to his own district on Paygo rules, got his ass handed to him last night by Tea Party candidate Dave Brat.

And while my impression is Cantor lost because of that kind of disdain for his constituents, it is in fact the case that 1) Cantor was a key player in watering down and then passing the USA Freedom Act and 2) Brat campaigned on an anti-surveillance platform. Which means pundits are already reading Cantor's defeat as a loss for the NSA.

But it's only a loss if it leads to the defeat of USA Freedom, one of the last bills Cantor shepherded through the House before his shellacking.

So I think the privacy community should use it as an opportunity to do what it should have done as soon as USA Freedom got watered down into USA Freedom: loudly declare that Jim Sensenbrenner reneged on the deal made in the USA Freedom Act and that the legislative effort needs to be reset.

I say that because right now the privacy community has lost all its leverage in this process by not loudly coming out against USA Freedom after Cantor watered it down, by not rallying the privacy community on solid principles. Sure, doing so doesn't help in the House, where significant damage has already been done. But doing so may be one of the few things that would restore the credibility of the institutional players and restore some kind of unity to the effort.