

# ACLU'S POKER FACE

Thus far, I have not seen a statement from the ACLU on last night's developments with respect to the PATRIOT Act – the passage of cloture, McConnell's failure to even ask for an immediate vote, followed by McConnell filing several amendments that would weaken USA F-ReDux.  
[Correction: here is one. h/t EG]

Indeed, no one even seems to be interested what the ACLU thinks about all this, reporting the key players to include Mitch McConnell and Richard Burr, the White House and Intelligence Agencies, and the House, especially House leadership that would be forced to shepherd any changes to USA F-ReDux back through the House, but not the ACLU.

I'm interested.

Especially with Burr's amendment to extend the transition period to the new phone records program to a full year. After all, ACLU's lawsuit just got punted back to the District to see what happens now, but it was punted based on the presumption that Congress was going to fix the illegal dragnet "soon."

A year is not "soon," at least not in my book.

If ACLU agrees with me, they can ask the judges to provide some relief "sooner" than a year from now, either by ordering an earlier end to the dragnet or – at the very least – requiring the NSA to pull all of ACLU's records from their dragnet. Indeed, given the number of active court challenges the ACLU has against the government, they'd be able to argue pretty compellingly they need quicker relief than a year.

In the past, NSA has suggested it would be too onerous to pull the records of one plaintiff from the dragnet. Who knows whether they were just bullshitting judges, but if it is too onerous, that would present other issues.

All of which is my way of saying the ACLU may have a few cards of interest in their hand that no one is much considering. I'm not going to ask them what they're holding, mind you. I like that they may be deliberating in secret to thwart efforts to extend the dragnet.

I'm just noting that they do appear to still be holding some cards...