



Congress is blowing its chance to protect the Fourth Amendment

Adam Sullivan

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Congress is preparing to extend the federal government's secretive surveillance authorities, extinguishing any hope that our elected leaders have learned their lesson about the perils of unchecked executive power.

The U.S. House voted this month to extend the Foreign Intelligence Surveillance Act, drawing support from most Republicans and about a third of the Democrats. The 1978 law was intended to provide oversight over surveillance on foreigners, but now is warrantlessly sweeping up Americans' private information as well.

A diverse set of interest groups are fighting the extension of the federal government's surveillance powers, including FreedomWorks and the Cato Institute on the right, along with Demand Progress and the American Civil Liberties Union on the left.

U.S. Rep. Dave Loebsack was one of the 65 House Democrats voting in favor of the extension, joined by two Iowa Republicans, U.S. Reps. Steve King and David Young.

I was surprised at Loebsack's vote, since he has spent the past year telling Americans that President Donald Trump threatens our republic.

He signed on as a plaintiff in a lawsuit accusing Trump of violating the U.S. Constitution. He tweeted that Trump's firing of the FBI director "flies in the face of the rule of law." He has called the Trump administration's immigration moves "dangerous" and his foreign policy "irresponsible."

Despite all that, Loebsack still voted to let Trump appointees keep their ability to search data collected from private citizens who haven't been charged with a crime.

As the liberal activism group Indivisible put it, "Is your Democratic [member of Congress] more conservative than Ted Cruz on surveillance?" Voters in Iowa's 2nd District have to wonder.

In full disclosure, I worked for Loebsack's opponent during the 2016 election.

"Although this bill should have gone further to protect Iowans' right to privacy, it was ultimately the only responsible option that improved privacy protections without putting our national security and the safety of Iowans at risk," Loebsack told me through a spokesman.

Loebsack's explanation is hard to square with the fact he also voted against a proposed amendment by U.S. Rep. Justin Amash, R-Mich., which would have required government agents to get a warrant before seeking private information about American citizens.

U.S. Rep. Rod Blum co-sponsored the defeated Republican amendment, and voted against the full bill.

“I respect the work of our intelligence community and law enforcement agencies to protect U.S. citizens from harm within the country and overseas, but I cannot support flagrant violations of the Fourth Amendment,” Blum said in a statement.

I don't believe Trump is an existential threat to our country, nor was former president Barack Obama. Yet our Constitution is based on a firm skepticism of executive power, no matter who holds it.

Any authorities we give one president are inherited by the next. A true threat to our republic is when Congress abdicates its duty to check the president.