



'Surveillance State Repeal' Push Resumes on Capitol Hill

Congressman: 'repeal all of this junk.'

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As the expiration of controversial Patriot Act provisions nears, anti-mass surveillance congressmen and privacy advocates are pushing for wholesale repeal of that 2001 law.

"We need to repeal all of this junk and just start over," Rep. Thomas Massie, R-Ky., said Tuesday at a Capitol Hill briefing geared toward congressional staffers.

Massie is working with Rep. Mark Pocan, D-Wis., to rally support for a bill that would do just that.

The bill, the Surveillance State Repeal Act, would abolish the entire Patriot Act and the FISA Amendment Act of 2008, which gave legal footing to more ambitious Bush administration surveillance programs.

"This isn't just tinkering around the edges," Pocan told about two dozen event attendees.

The bill would require warrants for collecting Americans' communications, attempt to restrain mass surveillance of Americans under Executive Order 12333 and ban spy agencies from foisting surveillance-enabling product redesigns on tech companies, a reform that passed the House 293-123 last year before being cut from a large spending bill by congressional leaders.

Massie said the bill would significantly enhance whistleblower protections, meaning "the next Edward Snowden doesn't need to go to Russia or Hong Kong."

Snowden, a former contractor who exposed vast U.S. phone and Internet surveillance beginning in June 2013, "couldn't have come to me legally and exposed it to me," Massie said. His only option would have been to speak with intelligence committee members sympathetic to the programs, he said, "[and] they'd probably take him right to jail."

Massie scoffed at what he sees as fear-mongering from executive branch officials who, he says, actually hold up photos of the twin towers burning while lobbying against mass surveillance reform in closed congressional hearings.

An earlier version of the surveillance-repealing package was introduced in 2013 by Rep. Rush Holt, D-N.J., who has since left Congress.

On hand to sell the bill Tuesday were policy advocates who promised pressure on members and who attempted to make staffers comfortable with the idea of wholesale repeals.

Cato Institute policy analyst Patrick Eddington, a former Holt aide, said it was time to “raise the bar on what constitutes reform.”

Eddington said it was “very disturbing” that NSA officials exaggerated the usefulness of programs such as the dragnet collection of U.S. phone records immediately after Snowden’s first leaks, and he questioned whether anything in the Patriot Act prevented a terror attack.

Panels probing 9/11 found a lack of information-sharing, not information itself, he said. NSA spy programs, Eddington reminded staffers, did not prevent jihadis from bombing the 2013 Boston Marathon, murdering 13 troops at Fort Hood in 2009 or from boarding and attempting to bomb aircraft with explosives hidden in underwear and shoes.

CREDO Mobile campaign manager Zach Malitz said that as the Patriot Act provisions’ June expiration approaches, “the Obama administration will put overwhelming pressure” on lawmakers to renew spy authorities, likely with a few “flimsy superficial reforms.”

Malitz said the bill would be an “enormous step in the right direction” and that CREDO – a phone company that also runs a large progressive advocacy group – will continue to oppose legislation that it sees as giving the mere appearance of reform, singling out last year’s USA Freedom Act, which would have ended the bulk phone record program but renewed Patriot Act provisions.

Shahid Buttar, executive director of the Bill of Rights Defense Committee, pitched the legislation to staffers as “institutional self-protection” for the legislative branch, noting Patriot Act sponsor Rep. Jim Sensenbrenner, R-Wis., and others say they first learned from Snowden of certain NSA surveillance programs allegedly allowed under their legislation.

Norman Singleton, vice president of policy at the Campaign for Liberty and congressional aide to former Rep. Ron Paul, R-Texas, suggested if any Senate staffers were in attendance they should talk their bosses into pushing a companion bill.

When the Patriot Act passed, Singleton recalled, “nobody read the bill [and] nobody cared.” The Department of Justice, he said, “took their wish list off the shelf and packaged it as counterterrorism.”