



Congress unlikely to change NSA snooping

By: David Lightman- June 11, 2013

The revelations that the government has secret programs to collect data from U.S. phone records and the Internet are unlikely to force any significant changes in the program, at least not anytime soon.

While some members of Congress are irate about what they call too much government snooping with too little oversight or transparency, most likely will go along with heightened surveillance because they believe the programs are an effective and necessary tool to combat terrorism, or are loath to look soft on terrorism. One of the top-secret programs collects millions of Americans' phone data as it seeks links to known foreign terrorists. Another permits the government to search nine American Internet companies in an effort to learn about potential threats developing abroad.

What could change the mood is the growing chorus of protests from the libertarian and civil liberties communities, which are blitzing social media with their concerns. An unlikely left-right coalition is pledging to push legislation to curb the extent of the spying or at least to make the programs more transparent.

"Politics is a social thing. The more you see others outraged, you get outraged," said Jim Harper, director of information policy studies at the libertarian Cato Institute. But Harper, a former congressional counsel, warned that leadership resistance "is tough to overcome."

A small group of Democrats and Republicans has long questioned whether there are enough safeguards on surveillance.

Sen. Rand Paul, R-Ky., has introduced the Fourth Amendment Restoration Act, which would require government agencies to obtain a warrant to search Americans' phone records.

Sen. Mark Udall, D-Colo., an Intelligence Committee member, also has proposed making it harder to obtain Americans' private electronic communications without warrants, and he is urging a new debate over the Patriot Act. He and Sen. Ron Wyden, D-Ore., another committee member, issued a joint statement asserting that "statements that this very broad Patriot Act collection has been 'a critical tool in protecting the nation' do not appear to hold up under close scrutiny." They want more information about the data collection made public.

Sen. Jeff Merkley, D-Ore., has similar ideas. He plans to introduce legislation to declassify significant opinions under the Foreign Intelligence Surveillance Act. The Foreign Intelligence Surveillance Court secretly oversees requests for both domestic and international spying.

Paul also is considering filing a class-action lawsuit, with Internet providers, phone companies and consumers joining to sue the federal government.

He has strong support in the libertarian community, which has demonstrated considerable political muscle. But they're up against another political dynamic: Members of Congress are reluctant to vote against anything perceived as helping administrations go after terrorists.

The usual line is that the president has access to detailed, daily national security briefings and all members of Congress don't have the same access. As a result, members of Congress can sometimes "become hesitant" on national security issues, said former Rep. Mickey Edwards, an Oklahoma Republican.

Harper is counting on social media to change that attitude. "Let's see," he said, "if members of Congress get heat from back home."

That's not likely yet.

A majority of Americans – 56 percent – say the National Security Agency's program tracking the telephone records of millions of Americans is an acceptable way for the government to investigate terrorism, according to a new survey by the Pew Research Center and The Washington Post. And while the public is more evenly divided over the government's monitoring of email and other online activities to prevent possible terrorism, these views are largely unchanged since 2002, shortly after the 9/11 terrorist attacks.

"I'd be surprised if much changed," said Darrell West, vice president and director of governance studies at Washington's Brookings Institution. "Privacy advocates are very upset, but they're not the ones making the decisions."

Those decisions are up to congressional leaders, notably the heads of the intelligence committees. They've been resolute – and bipartisan – in insisting that while they're always willing to look at the program, it remains vital to national security.

As soon as reports surfaced about the programs last week, Senate Intelligence Committee Chairman Dianne Feinstein, D-Calif., and Co-Chairman Saxby Chambliss, R-Ga., issued a joint statement saying key committees had been briefed extensively and "detailed information" had been made available to all members of Congress.

And congressional leaders were guarded.

"We've got a lot of questions," said House Majority Leader Eric Cantor, R-Va. "I know that all of us are sort of asking what in the world has gone on. We don't know right now."