



Guest opinion: U.S. needs intel act that protects rights

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Arizonans have been hearing a lot about federal surveillance laws.

Unfortunately, this information is coming from misleading and partisan television ads paid for by a foundation that will not disclose its funding sources.

As your representative in Congress, I want you to have the facts.

First and foremost, our nation's ability to conduct intelligence surveillance of potential enemies has not been diminished.

Under current law, our government may continue to monitor communications of any foreign target, including every known terrorist group.

If a new terrorist group is identified, our intelligence agencies can move quickly to take steps to protect us.

Second, let me give you some background. The Foreign Intelligence Surveillance Act became law in 1978 to provide a legal framework for the electronic surveillance of Americans who could be involved in acts of espionage, terrorism or treason against the United States.

At the time, Congress rightly sought to strike a balance between protecting our civil liberties and providing the intelligence community with the ability to collect vital information.

Since the enactment of FISA, much has changed. Technology has advanced at an astounding rate, and the Internet has revolutionized the way we communicate. U.S. surveillance laws have been updated many times over the past three decades.

I believe reforms are needed. We need the best tools possible in our fight against terrorism.

FISA legislation proposed by the Bush administration last summer, the Protect America Act of 2007, went too far. It failed to strike the right balance between personal freedom and national security.

PAA became law in August without my support. It authorized the warrantless interception of all foreign electronic communications routed through the U.S. even if the constitutional rights of Americans were violated in the process.

It also eliminated any meaningful oversight by the FISA court, expecting intelligence agencies to police themselves and opening the door to possible abuse by the executive branch.

The PAA reforms were controversial, so they were only put into effect for six months, until Feb. 16, 2008.

More permanent FISA reform legislation was still needed, so the House of Representatives on Nov. 15 passed the RESTORE Act, to allow our government to collect intelligence and combat terrorism while protecting our individual freedoms.

I supported this bill. It specifies that no warrant is required to intercept communications between non-U.S. persons outside the United States and provides the administration with the emergency authority to conduct surveillance for 45 days before obtaining a warrant.

It also states that conducting surveillance of Americans for the purposes of intelligence collection in the U.S. requires a warrant from the FISA court.

The RESTORE Act was sent to the Senate at the end of 2007, where it was extensively revised. The Senate sent its version back to the House on Feb. 12, just four days before the PAA was set to expire.

Unfortunately, negotiations between the two chambers failed, and no permanent FISA reform legislation was brought to the House floor.

I opposed adjourning the House for the Presidents Day District Work Period. It was irresponsible for Congress to go home when this issue had not been resolved.

I sent a letter to Speaker Nancy Pelosi urging that she keep members in Washington until compromise FISA legislation could be voted on and sent to the president.

I called for cancellation of the district work period so this important work could be completed.

The only vote before the expiration of PAA, however, was for a 21-day extension of current law so the House and Senate would have more time to negotiate permanent FISA reform.

I voted for this measure and was extremely disappointed it did not pass. Although the expiration of the Protect America Act does not prevent our intelligence community from gathering the information it needs, I remain committed to meaningful and permanent FISA reform.

I sent Speaker Pelosi another letter Feb. 26, encouraging her to resume negotiations with the Senate as soon as possible.

Securing our nation and protecting it from terrorist attacks are our greatest responsibilities in Congress. We can and must do this while maintaining the individual freedoms of all Americans.

Democrat Gabrielle Giffords represents Arizona's 8th District.