

THOUGHTS ON FISA

The smart lawyers who (I think) didn't attend YKos have already posted some really important things on the FISA debacle this weekend. Go [here](#), [here](#), [here](#), and [here](#). Oh, and here's one from a smart lawyer who was at YKos. But the short version is that Bush now has even more rights to wiretap than what he was known to have had under the secret programs that he instituted after 9/11, because the existing law, as distinct from what they claimed about the earlier program, does not require to show a plausible connection to Al Qaeda. Basically, if the government wants to collect my phone calls to my parents-in-law in Ireland and they're willing to claim that the target of the tap is my parents-in-law and that a significant purpose of that collection is intelligence related, they're going to get to hear about our plans to meet in South Carolina in the fall.

One thing that not enough people are emphasizing, though, is who gets to make these claims. If BushCo wants to tap my calls to my parents-in-law, then the only proof they need to offer, regarding who is the target and what is the value for intelligence collection, is the word of DNI Mike McConnell and AG Alberto Gonzales. Yup, a man whom much of Congress—to say nothing of clued in observers—believe to be a certifiable liar, is the guy who gets to tap my calls if he wants to claim it serves an important intelligence collection purpose. So a legislative process that should have been used to insist on the firing of Alberto Gonzales instead gave him and his lying eyes vastly increased power. Not to mention the fact that, at a time when we're worried about Gonzales' politicization of the judicial system, we've just moved more oversight out of the courts and into Gonzales' pocket.