

REID: THE PRESIDENT AND THE REPUBLICANS WANT FAILURE

One of the things we're fighting for now on FISA is to make sure the Republicans get pinned as the obstructionists here. Here was Reid's first shot at doing so (a rough transcript of his speech, via email):

We want, if necessary, within the confines of the law, to do wiretapping of these bad people. But, Mr. President, Having said that we want to do it within the confines of our Law and our constitution. We want to make sure that this wire tapping does not include innocent Americans who just happen to be part of what they're collecting. That's what the American People expect us to do.

So I again say Mr. President, no one can question our patriotism, our willingness to keep our homeland safe. We have tried to move forward on this legislation. We have tried in many different ways. What we have been doing today and yesterday is moving forward on this legislation just as the distinguished Senator from California said. There are amendments that will make this legislation better. Now that's in the eye of the beholder. We all understand that. **But shouldn't the Senate have the ability to vote on those amendments?**

No matter what we do as a Senate it has to have a conference with the house. They have already passed their legislation. **But we have been stalled every step of the way.** Every step of the way, the Feingold Amendment, for example, was offered certainly it is germane. But he is being told, we're

being told he can't get a vote on this amendment because it concerns the FISA court orders well, his amendment was discussed at length previously half of it was accepted on a bipartisan basis much the other half wasn't. But certainly he is entitled to a vote Senator Whitehouse, Senator Feingold and I don't want to embarrass him – he is really a legal scholar. He went to one of our highest Law Schools in the world, he is a Rhodes Scholar.

Senator Whitehouse has been Attorney General of the State of Rhode Island and is certainly, Mr. President, known all over the country as someone who understands the law. He has been a tremendously good person as a member of the United States Senate. He served on both committees – the intelligence committee on the Judiciary Committee. He is a thoughtful person. The legislation that came out of the intelligence committee should be improved and as a member of the judiciary committee he worked to have that improved. He offered an amendment a short time ago, sought to offer an amendment, a major main amendment concerning – a germane amendment concerning minimization which means if you pick up by mistake an American you drop that you push that out of the way that isn't going to be made public in any manner we want to vote on that. It seems everyone would vote for it. I would certainly hope it is but there is an objection to even having a vote on that amendment. Senator Cardin, a long time member of the congress relatively new member of the senate but a long time experience member of the congress of the United States sought to offer an amendment, a germane amendment shortening the sunset provision. The Bill that is before us that came out of the intelligence committee is for six

years.

Now, Mr. President, things are changing rapidly in our country and in the world as it relates to things electronic. We don't know what is going to take place in regard to terrorism, violence or what's going to take place with our ability to do better jobs electronically to uncover some of the stuff we believe can be uncovered. He wants this legislation not to be for six years, for yours. That is – for six years but four years. He has been unable to offer that simple amendment. Senator Feinstein has just given a very fine statement seeking consent to offer a major main amendment on, excuse – A germane amendment on FISA. There have been editorials virtually in every state of the union in the newspapers saying that it should be the law, but she has not been able to offer that amendment. Senator Kennedy, Senator Kennedy, Mr. President, I wanted it would offer an amendment. That is so rational, so important, he says, let's have the inspector general do an investigation about the whole wiretapping program to find out what has taken place who has been involved in it and report back to congress. He sets a reasonable time. Guess what? **We can't even vote on that. He can't even offer the Amendment.**

I say to my friends that it doesn't matter what we try to do, we can't do it. **It appears that the majority [sic?], the president, and the republicans want failure.** They don't want a bill. So that's why they're jamming this forward. I am going to vote against cloture on this Mr. President. It is not fair that we have a major piece of legislation like this and were not even allowed to offer whether the bill should be four years or six years? Or an amendment on

millions of Americans picked up by mistake are brought out in the public eye. Or senator Feingold's amendment dealing with how court orders are issued. A real good amendment, an important amendment dealing with how court orders are issued. A real good amendment, an important amendment, if there were ever a catch 22, this is it. What were being asked to do is irrational, irresponsible and wrong. Where does this catch 22 come from.

[...]

I've said we will take a 30-day extension. We'll take a two-week extension, we'll take a 12-Month extension, we will take an 18-Month extension.

I tell all my friends I have been told and I appreciate very much my distinguished counterpart, Senator McConnell who has told me he has a cloture petition all signed. He will file it as soon as I yield the floor to him. I would say to all my friends that under regular order we will later that 1:00 Monday so the 30 hours runs out at its original time on Tuesday. **If cloture is not invoked and I am not going to vote for cloture, unless the president agrees to some extension time, the program will fail.**

I don't know any way out of this. But I in good conscience cannot support this legislation and at least unless we have a vote on retroactivity of immunity, I can't vote on it for cloture unless some of the very basic Amendments that people want to offer are allowed they would all agree on very short time lines.

No one is questioning spending a lot of time. We, the Democrats, are not in any way trying to stall this bill. We've

been trying to expedite it for a long time now.

He needs to tighten those talking points and get onto every Sunday show. This is about the Republicans wanting failure—not about keeping our country safe.

Meanwhile, call these people and tell them to vote against cloture:

Bayh (202) 224-5623
Carper (202) 224-2441
Inouye (202) 224-3934
Johnson (202) 224-5842
Landrieu (202) 224-5824
McCaskill (202) 224-6154
Mikulski (202) 224-4654
Nelson (FL) (202) 224-5274
Nelson (NE) (202) 224-6551
Pryor (202) 224-2353
Salazar (202) 224-5852
Specter (202) 224-4254 (What the hell—he had an amendment ignored today, too)