

REID ON FISA: IT'S UP TO THE PRESIDENT

Harry and Nancy had some SOTU pre-buttal fun at the Press Club today. And while there, Reid made it very clear that the President will be responsible if PAA lapses next week.

The president has to make a decision. He's either going to extend the law, or he will...which is temporary in nature, or there will be no wiretapping.

We have worked very hard to try to come up with a way to proceed on this but **it's up to the President.**

The amendments that were offered in the Senate ... they would have passed. The majority of the senate favored these amendments.

They refused to allow us to vote on what we call "Title 1" which is a procedural aspect of this, and then they never even dreamed of our going to the second part, which is the retroactive immunity. Which is...there is real controversy over that and there should be a vote in the United States senate as to whether or not there should be retroactive immunity. They won't give us one.

So again, **it's up to the president.** He can either continue the present law for an extended period of time, we would agree to two weeks, we would agree to a month, and we would agree to a longer period of time than that.

But **it is up to the president.** Does he want the law? **It's up to him.**

If it fails, he can give all the speeches he wants, including the State of the Union, about how we've stopped things, if he does that, it's disingenuous, and it's not true.

I'm intrigued by this for two reasons.

First, it suggests Reid has done some vote-counting and has some degree of confidence that the cloture vote will fail on Monday. Also note that Reid claims that some of the amendments would have passed—I'm curious if he has whip counts on the amendments, too?

But this is also an important first step in messaging this issue. With the nearly unprecedented obstructionism of the Republicans on this issue, we should be able to win the messaging battle. But we're going to have to work hard at it.

It'd help if everyone followed Feingold's lead and called the Republicans out for their shameless conduct.