

# **FISA LIVEBLOG: CHRIS “NOT ONLY DO I DRESS BETTER THAN KIT BOND, I DEFEND THE CONSTITUTION, TOO!” DODD**

Dodd up: Thanks to Reid for leadership on this issue.

Majority leader made clear—this is about Constitution and rule of law. Call up amendment.

The entire amendment: Strike Title II.

Were those warrants sought before the telecoms turned over those communications. Allow co-equal branch to determine whether actions of executive branch were legal. We have 3 co-equal branches of govt. We being legislative should insist that judicial branch determine actions taken.

Thanked a number of Senators—but not Obama.

May seem like a difficult issue to follow. Rule of law v. rule of men. For more than 7 years Bush has demonstrated that he doesn't respect rule of law. Today considering legislation to grant retroactive immunity to those who are alleged to have cooperated without warrants. Some may argue companies received documentation and that therefore it is automatically legal. They argue mere existence of documentation makes it legal. Already know companies received some form of documentation. Not whether companies received a document from White House. A very uncomplicated problem. Did the companies break the law? FISC has rejected 5 requests in 30 years. Why not go to court? Why did they depend on paper documentation? Because of this so-called compromise, judge's hands will be tied. Holding Admin to account for violating constitution. Where law ends, tyranny begins.

Bush's false dichotomy: to be more security, we have to give up rights. False choice. It's precisely when you stand up and protect your rights you become stronger. Cannot protect American if you fail to protect the Constitution of the United States.

Eisenhower: The clearest way to show what the rule of law means is to recall what has happened when there is no rule of law.

If we do not stand up for the Constitution, history will decide that those of us in this body bear equal responsibility for looking the other way time and time again. It's time we stood up for the rule of law. FISA Court strikes a balance between secure nation and nation defending its rights.

Not every phone company did what they did. The ones that didn't should be celebrated for standing up for the rule of law. Tomorrow we vote around 11:00 in the morning.

Levin noted that this itself can become a precedent. For some future administration to circumvent the FISA courts. This is about whether a court of law should decide. Let's not decide it by a simple vote here and not decide it by a simple vote that I believe we'll regret for years and years to come.