

PATRIOT EXTENSION: CONGRESS CAN'T JUST EXTEND PATRIOT

I've been remiss in laying out what I think the real solution for Section 215 is; I hope to get to that later this week.

Meanwhile, in the House, the question of what to do about the phone dragnet is already heating up. Adam Schiff, newly appointed ranking member in the House Intelligence Committee, is trying to buck up reform advocates in the face of calls for MOAR HAYSTACKS following the HebdoCharlie attack.

Schiff told me that those who are hoping for reform of bulk metadata collection need to remain vigilant against the possibility that lawmakers will seize on the Paris horror to blunt the case for change.

"Some will argue that the events in Paris make it impossible to reform any of our intelligence gathering programs," Schiff said. "But as long as we can accomplish these reforms bolstering our privacy, while maintaining our security, we should do so."

Remember, Schiff was the first to call publicly to have the telecoms hold the phone records.

Newly appointed Chair Devin Nunes, however, not only wants to reauthorize PATRIOT but also FISA (which isn't expiring).

Q: What do you think should be the path forward for reform of the Foreign Intelligence Surveillance Act Courts? Do you support consideration and passage of the FISA Court Reform Act of 2013? If not, do you have your own proposals for FISA reform?

A: I believe the FISA court system is

working well and striking the right balance between protecting Americans' constitutional rights and allowing for effective intelligence operations to catch terrorists. So I don't think it needs reform at this time – we don't want to further encumber intelligence and law enforcement communities who already have a difficult task in tracking those who wish to attack Americans at home and abroad.

[snip]

Our immediate priorities will be analyzing the president's budget, crafting the intelligence authorization bill and working with other committees to reauthorize FISA and the Patriot Act.

I hope we can hold him to his observation that FISC is working great, because most "reform" efforts (especially the RuppRoge effort out of the House Intelligence Committee) took authority out of FISC's hands and put it into the IC's.

One thing is missing from this discussion, on all sides.

Congress needs to do more than just extend PATRIOT, if they want full dragnet. They need to extend it, probably by starting with immunity, and probably some other tweaks, to be able to access all the phone records they want. That'll be harder to do if it's not done under cover of "reform."