

Further Erosion of American Civil Liberties. Why Renew the Foreign Intelligence Surveillance Act

Part II

By [Renee Parsons](#)

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Region: [USA](#)

Theme: [Law and Justice](#)

As a mid March deadline approaches, the mad scramble is on for Congress to rubber stamp a 'clean' renewal of the Foreign Intelligence Surveillance Act ([FISC](#)) without amendment.

At every opportunity since 2001, Congress has used the re-authorization process to expand both the Patriot Act and the [FISA Court](#)'s authority in a further erosion of American civil liberties.

Over the years, [Fourth Amendment protections](#) have been eviscerated allowing government access into every nook and cranny of American life.

Read Part I here:



[Why Renew the "Ultra Secret" Foreign Intelligence Surveillance Act \(FISA\) Court?](#)

By [Renee Parsons](#), February 21, 2020

Those expansions of authority with bipartisan Congressional support who claim to value liberty and freedom except when it comes to conducting widespread surveillance of Americans. The Court has functioned unscathed as the Dems historically split 50-50 in their support for civil liberty and surveillance votes while almost 100% of Republicans have supported the mass surveillance of the American people under the illusion of a national security threat. It is worth noting that the US is the world's leader in surveillance of its own citizens.

It might be expected that any politician who wraps themselves in the American flag would find US surveillance repugnant but that has not been the case as the House [Freedom Caucus](#)'s avid support for the Surveillance State has demonstrated.

The following are recent Congressional roll-call votes [reauthorizing](#) the FISA Court:

- 2008 Senate vote [32 - 66](#); House vote [293 - 129](#)
- 2012 Senate vote [73 - 23](#); House vote [301-118](#)

- 2018 Senate vote [65 - 34](#); House vote 256 - 164

Despite its original intent in 1978 to provide [oversight](#) into government surveillance on American citizens, the FISA Court has remained super secret and obscure from public awareness, resistant to meaningful Congressional oversight and largely immune from real accountability while unilateral in its authority. In other words, hands off the Court while the black-robed wizards labor in dark places about mysterious matters delving into the lives of anonymous Americans who remain unaware of the intrusion - and Congress has dutifully obeyed.

As a result of the [IG Report on FISA Abuses](#) revealing the FBI's egregious misconduct and the Court's unwillingness to protect its jurisdiction, there is a bit of groundswell in Congress demanding 'significant' amendments to the Court's authority. Whether that groundswell materializes or evaporates into obscurity, remains to be seen.

The question remains whether any amount of 'reform' can make the FISA Court acceptable from a Constitutional perspective or whether continued existence of the Court is necessary given its unabashed record of facilitating near-unanimous approval to conduct surveillance, in other words, the Court is needed for the mindless approval of surveillance applications to create the false impression for a gullible public that there is an independent Constitutionally-valid process at work.

No matter what changes are made to the Court, the process approving surveillance will always be subservient to the political whim of the day. It is essential to recognize that automatic approvals are indicative of a judicial system complicit with a rigged law enforcement agency more committed to increased surveillance as a means to justify its existence as well as to assure budget and staff increases. The ease with which the Bureau manipulated the moribund Court ([FISC](#)) into approving flawed applications suggests that unless profound changes are made to the FBI/DOJ, the current crisis is doomed to repeat itself.

With the Russiagate fiasco and the IG Report on FISA leading to Spygate, an impeachment charge depending on a covert whistleblower of suspect intentions and origin, it might be expected that the upcoming Court re-authorization ought to, especially for House Republicans, be a subject of fierce debate who have learned first hand, in a way that the Dems did not, that surveillance is a nasty business fraught with unintended consequences.

While Attorney General Bill Barr favors a 'clean' renewal bill with reforms being enacted at the Department level, Sen Lindsay Graham (R-SC) who is more focused on his re-election, agrees to [postpone](#) any substantive changes to some future time. However, on the House side, it is an entirely different scenario with sleeping bi-partisan tigers finally awakened to the implications of how the FISA Court process does not serve the American people and how easily it can be manipulated.

Judiciary Committee member [Rep. Zoe Lofgren](#) (D-Calif) has five amendments to further strengthen 'reforms' to the Committee's bill, all of which were [rebuffed](#) by Committee Chair Jerrold Nadler at the [urging of](#) House Speaker Nancy Pelosi and Intel Chair Adam Schiff (D-Calif). Scutlebutt says that the House Judiciary bill is more of a Schiff 'wish list' with watered down civil liberty tokens.

It is essential to recognize that government surveillance; that is, to secretly spy into another's private life is never done with good intentions or with the innocence of a harmless outcome. As the American Empire struggles to survive, spying, in all its nefarious forms, is a gross violation of elementary principles of fairness and ethics in a moral, just and civil society. It is ironic that Americans, as the most surveilled people on the planet, also pay for their own surveillance through their tax dollars.

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