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## **Neil Abercrombie Statement on House Passage Electronic Surveillance Modernization Act**

“I voted against the Electronic Surveillance Modernization Act because I believe the founding fathers got it right when they designed a government with checks and balances, so that one branch of government could check the ability of another branch to exert too much power over its citizens.

Twenty-eight years ago, Congress enacted the Foreign Intelligence Surveillance Act, or FISA, which spelled out a process our government had to follow before it could listen in on private conversations. That law established a special FISA court to hear the government’s reasons and issue warrants for the surveillance, and it laid out emergency circumstances when the President could conduct the surveillance first and then go to the FISA court to authorize it afterward. Checks and balances. That system has worked very well. Only two requests for warrants have ever been turned down.

But now, after the Bush Administration’s wiretapping program was ruled unconstitutional and illegal by a federal court, the Administration has demanded that the law be changed to give the President nearly unlimited authority to decide when wiretapping can be conducted without court approval. And with today’s communication technologies, we know that millions and millions of communications between American citizens — phone calls, emails, and text messages — will be collected by the government and electronically sifted for possible messages to terrorists.

Very simply, there is no reason to change the FISA law except that this Administration wants to do whatever it wishes and not have to check with anyone or let anyone else know what it’s doing; not Congress, not the courts. No checks and balances. That’s not the way our government is supposed to work.”

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