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July 8, 2008

CARDIN STATEMENT ON THE FISA AMENDMENTS ACT

“Courts should decide whether the law was broken, not Congress”

Washington, DC – **U.S. Senator Benjamin L. Cardin** (D-MD), a member of the Senate Judiciary Committee, released the following statement today regarding H.R. 6304, the Foreign Intelligence Surveillance Amendments Act (FISA) of 2008. The Senate is expected to vote on the FISA legislation on Wednesday. Senator Cardin’s full statement is available at www.cardin.senate.gov.

“Tomorrow, I will vote for the amendments that strike or amend the provision granting retroactive immunity to telecommunication companies in the FISA Amendments Act. Many of these companies cooperated with the government in good faith, and they deserve some relief, but it should be up to the Courts and not the President or the Congress to decide whether the law was broken.

“Granting retroactive immunity to the telecommunication companies creates a dangerous precedent for future Administrations and private actors to violate the law, and then ask forgiveness through an after-the-fact amnesty or a pardon.

“If these amendments do not pass, I intend to cast my vote against the final bill. This was not an easy decision. I believe the men and women of our intelligence community – many located in Fort Meade, Maryland – are dedicated public servants who are doing a great job on behalf of their country and trying to comply with all applicable laws. But we are a nation of laws and the President and Attorney General deliberately ignored the law and bypassed the FISA Court for years with their warrantless wiretap program.

“I thank the House and Senate members who worked hard to improve this bill, particularly House Majority Leader Steny Hoyer. Title I is not perfect, but it does bring the President’s program under the FISA statute and FISA Court, provides for oversight by Congress and the courts, and sunsets the bill in December 2012. I feel strongly that the next Administration should be required to come back and justify these new authorities to Congress. Congress will then have time to evaluate how the new law has been implemented, and debate further changes.”

“Except for the retroactive immunity provisions in Title II, I support the compromise legislation because it is important for the intelligence community to have the tools it needs to do its job. Our nation still faces individuals and groups that are determined to do harm to Americans, as well as our interests throughout the world.”

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