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Biden Assails McCain On Warrantless Wiretapping

Senate Foreign Relations Committee chair Joe Biden, a former presidential candidate seen as a potential running mate for Barack Obama, has issued a statement regarding John McCain's apparent belief that the practice of wiretapping without warrants is legal.

As the New York Times [reported today](#), McCain advisor Douglas Holtz-Eakin wrote in a letter that McCain believes that President Bush had the right to authorize the U.S. to monitor Americans' international communications without warrants, despite the Foreign Intelligence Surveillance Act, drafted in 1978.

McCain believes "neither the administration nor the telecoms need apologize for actions that most people, except for the A.C.L.U. and trial lawyers, understand were constitutional and appropriate in the wake of the attacks on Sept. 11, 2001," Holtz-Eakin wrote. He added that McCain would, as President, not be opposed to "asking the telecoms for appropriate assistance to collect intelligence against foreign threats to the United States as authorized by Article II of the Constitution."

In his statement, Biden wrote that the FISA statute, which he helped draft, "made clear the exclusive legal steps the President must take in order to conduct national security surveillance."

"President Bush chose to ignore the law and now it seems Senator McCain will continue this policy," Biden writes. "Once again – there is no daylight between President Bush and Sen. McCain."

"We all share the goal of capturing the terrorists and protecting national security and we can do that without violating the privacy of the American people," he added. "Like President Bush, Sen. McCain is presenting the American people with a false choice—national security or civil liberties. We need a President who understands that we can have both. It's what our values and our Constitution demands."

