



Judiciary Committee Delays Consideration of Telecom Immunity

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The Senate Judiciary Committee is delaying consideration of a controversial proposal to grant legal immunity to telecommunications companies that facilitated a warrantless wiretapping program.

A committee aide tells [RAW STORY](#) it is "likely" the panel will produce legislation that differs from an Intelligence Committee bill. The Intel bill includes telecom immunity, but it remains unclear whether immunity will be struck by the Judiciary committee.

The delay comes as civil liberties groups and grassroots activists have urged the Democratic Congress not to cede to President Bush's demands that the well-connected industry be spared from lawsuits alleging the illegally violated customers privacy rights.

The Judiciary Committee is meeting Thursday to consider an update to a foreign intelligence law that President Bush has said needs to include a retroactive grant of immunity from ongoing civil lawsuits brought by customers who say they were illegally spied on. Senators on the panel will only consider one-third of the bill today, delaying consideration of the retroactive immunity provision for at least a week, a Judiciary Committee spokeswoman said.

"To make the legislation easier to manage, the Chairman has decided the Committee today will mark up ONLY Title I," the spokeswoman told [RAW STORY](#) via e-mail. "They will turn to Title II and Title III next week. Immunity is in Title II."

Several senators -- including most of the committee's Democrats and its ranking Republican -- have expressed reservations about the proposal to invalidate the court cases, which privacy advocates say are the only way to determine the Constitutionality of Bush's warrantless surveillance of Americans.

National Journal's CongressDaily, a subscription-only newsletter, reports that a key Democrat on the committee may now be wavering in her support for immunity.

Sen. Dianne Feinstein, D-Calif., who sits on the Judiciary and Intelligence committees, said she is re-evaluating her support for retroactive legal immunity. She voted to approve it as part of the Intelligence Committee bill.

"I did support [immunity] in the intel bill and I'm giving it further thought," she said.

(Republican Sen. Arlen) Specter said he does not know if there will be enough votes on the Judiciary Committee to strip the immunity provision.

Specter also has raised concerns about granting immunity to the telephone and Internet companies that are alleged to have let the government tap into their networks. On Wednesday, he proposed a compromise in which the government would become the defendant in lawsuits aimed at the telecoms.

"I think it's very important that the courthouse not be closed so there can be a judicial determination to see if there have been any violations of privacy rights," Specter told [The Hill](#). "I think the telephone companies were good citizens, and should not suffer from what they did. And my idea is to have the government substituted as the party."

The committee will resume marking-up the FISA update Nov. 15, but once it does the bill could have several paths to the Senate floor.

"If the Senate Judiciary Committee passes out a bill that is different from the Intel bill (which, of course, is likely), there would be a ... 'intra-Senate' conference ... between the Intel and Judiciary Committees" an aide says via e-mail. The committees -- or the top Democrat and Republican on each panel -- would reconcile the differences between their bills and send a single compromise to the full Senate.

Alternately, Senate Majority Leader Harry Reid could invoke Senate rules that would allow him to pull the Judiciary bill straight to the floor.

The Intelligence Committee bill faces substantial roadblocks because of its immunity provision. Sen. Chris Dodd (D-CT) has placed a customary "hold" on the bill, and he says he would filibuster if a bill that grants immunity comes up for a vote. Dodd, a dark-horse presidential candidate, has been joined by the Senate's more prominent White House contenders like Barack Obama and Hillary Clinton.

Activists credit pressure aimed at lawmakers from whistleblowers and others alleging abuse from telecom companies.

"That makes me feel like maybe we've had a teeny bit of impact," said Mark Klein, a former AT&T employee who has alleged the company has allowed the National Security Agency to monitor all Web traffic on the company's network. Klein's allegations and internal documents he obtained form the basis of a key lawsuit against AT&T brought by the Electronic Frontier Foundation on behalf of AT&T customers

Klein is in Washington this week lobbying Senators to block telecom immunity. He took questions from viewers of C-Span's Washington Journal Thursday.

DOWNLOAD today's C-Span Video of their interview with former AT&T Communications Technician, Mark Klein.

http://www.c-spanarchives.org/library/index.php?main_page=product_video_info&cPath=6_10&products_id=20156&highlight=



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