

Senate Approves Surveillance Measure

By SIOBHAN GORMAN

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WASHINGTON -- The Senate yesterday delivered President Bush a victory as it fought off efforts to deny legal protections to companies that helped the government conduct domestic surveillance.

The White House-backed surveillance measure, which grants legal immunity to companies alleged to have helped the government's warrantless spy program, passed the Senate yesterday. Now the battle shifts to the House of Representatives, where the House bill passed last year doesn't include a provision to immunize phone companies. The law that currently governs government surveillance is set to expire at the end of this week.

The News: The Senate approved granting legal immunity to companies alleged to have helped the government's warrantless spy program, a victory for the White House.

What's Next: The battle shifts to the House, where a bill passed last year doesn't include the immunity provision.

What It Means: If the Bush administration prevails in final negotiations, it will help Republicans in the 2008 campaign by showing they can still beat Democrats on national-security issues.

"We lost every single battle we had on this bill," said Sen. Christopher Dodd, a Connecticut Democrat who led the opposition to the immunity provision. "The question is now: Can we do better with the House carrying the ball?" He said that if the final version of the measure includes an immunity provision, he would attempt to block it in the Senate.

If the White House prevails in the final negotiations on the surveillance proposal, it will hand Republicans a potent weapon for their 2008 campaign arsenal by showing that their party, even in its weakened state, can still beat Democrats on national-security issues.

Democratic leaders in the House, who have struggled to keep the party's liberal and conservative members united, are now debating their options. These include attempting to extend the deadline, allowing the date to pass while they negotiate with the Senate, proposing another alternative, or passing the Senate measure. A Democratic congressional official said accepting the Senate version, as the House did in August last time this issue arose, has "zero chance" of adoption.



Christopher Dodd

Senate Democrats proposed an additional two-week deadline extension, though Mr. Bush has said he won't support that. The White House has threatened to veto any bill that doesn't provide immunity for phone companies. Of the three leading 2008 presidential contenders -- senators all -- the only one missing from the Senate floor debate yesterday was Sen. Hillary Clinton of New York. Illinois Democratic Sen. Barack Obama mixed with colleagues on the Senate floor while awaiting a verdict on an amendment he supported that would have eliminated immunity protections. He voted to strip immunity but left before the vote on the White House-backed bill itself. Sen. John McCain, the Arizona Republican, cast his vote in support of the bill. Sen. Clinton has said she opposed the bill.

After succumbing to White House pressure to approve a temporary expansion of surveillance powers in August, Democratic leaders in both parties vowed to pare domestic spying capability in the permanent version of the law being debated. The bill makes permanent much of the broadened domestic spy powers, though it does include a few additional oversight provisions for Congress and the specialized court that governs this area.

More important, it grants legal immunity to companies in an attempt to negate the approximately 40 lawsuits against phone companies around the country, including **AT&T Inc.** and **Verizon Communications Inc.**

Senators yesterday rejected multiple attempts to truncate or strip immunity protections from the spy measure. A proposal to totally strip immunity protections failed to garner support from even one-third of the Senate. Two other proposals met similar fates.

Representatives of AT&T and Verizon declined to comment.

On the House side, lawmakers who have seen documents outlining agreements between phone companies and the government aren't convinced of the case for immunity. "Review and consideration of the documents and briefings provided so far leads me to conclude that there is no basis for the broad telecommunications-company amnesty provisions advocated by the administration," House Judiciary Committee Chairman John Conyers of Michigan wrote to the White House yesterday.

House Democrats face the challenge of competing factions within their ranks. While 21 of the more conservative Democrats have signed a letter supporting the Senate bill, other Democratic lawmakers have argued for splitting off the immunity issue from the rest of the surveillance proposal and taking it up separately. Last week, Central Intelligence Agency Director Michael V. Hayden said pending lawsuits against telecommunications companies had made work with private companies more difficult. Director of National Intelligence Mike McConnell said the broader powers granted in

August had allowed intelligence agencies to disrupt terrorist plots.

If Friday's deadline expires, the law would revert to the surveillance rules in effect last summer before Congress approved the six-month expansion of spy authorities. All spy operations authorized under the new law would continue at least through August, but new operations would be required to obtain warrants.

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