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For immediate release

Media contact:  
Patrick Corcoran  
(847) 687-7579

### **Pera questions Lipinski's FISA vote**

In response to the domestic wiretapping program recently approved by Congress, Democrat Mark Pera, who is challenging Lipinski in Illinois' 3<sup>rd</sup> U.S. Congressional District, has the following statement for release:

On Aug. 5, before he left Washington D.C. for vacation, U.S. Rep. Dan Lipinski gave President Bush and former-Attorney General Alberto Gonzalez permission to run the domestic wiretapping program without judicial oversight.

A Congressman who is aware of the troubles befalling our nation should know by now that this Administration won't just let the wiretapping program gather dust. We can be sure that sometime during the next six months, President Bush will exercise the power given to him by Congress.

It is shocking to see such blind trust from "Democrats" like Lipinski who willy-nilly throw away Congress' own power in deference to a President who has routinely demonstrated to the American people and to Congress that he cannot be trusted.

In my experience as Assistant Cook County State's Attorney, I requested wiretaps and I respected the protocol involved in the process, of going to a judge and having a third party sign off on the request. It never impeded my ability to do my job.

It is particularly troubling that Lipinski again capitulated to Bush's and other Republicans' blatant use of concerns about terrorism in presenting the proposal. By bucking the Democratic Party and voting with the Republicans, Lipinski has again withered in the face of fear mongering.

This whole issue brings to mind what Benjamin Franklin once said, "The man who trades freedom for security does not deserve nor will he ever receive either."

What makes Lipinski's vote that much more egregious is it granted expanded powers to the former Attorney General, someone who has lost credibility with even the staunchest Republicans. The Gonzalez resignation is another reminder that we, the critics of this Administration's rampant disregard for our Constitutional system, must remain vigilant against a "unitary executive."

While the Bush Administration and Lipinski claim a high regard for democracy and the rule of law, their actions demonstrate a deep-seated contempt for both. Congressman Lipinski took an oath to up-hold the Constitution but by repeatedly voting in lockstep with the Bush Administration and shirking his responsibility to check presidential power, he has violated that oath and our trust.



A Congressman that understands his responsibility to the American public would do well to remember that two years ago, Americans voted for meaningful, purposeful change. As this FISA vote demonstrates, that demand has fallen upon deaf ears in the 3<sup>rd</sup> District of Illinois.

It's time to stand up to the President and say 'No more!' Dan Lipinski won't do anything about this Administration; it is time to send someone to Congress who will.

*Some background:*

The Foreign Intelligence Surveillance Act (FISA) was created in the late-1970s to provide federal oversight of domestic surveillance operations by government agencies. One way of doing so was by requiring that a secret FISA court approve, in advance, any such operations.

After Sept. 11, the Bush Administration — through the Patriot Act — authorized a secret wiretapping program that allowed domestic surveillance by government agencies without prior permission from the FISA courts. In 2005, the New York Times revealed the secret program, which became known as the warrantless wiretapping program, to the public.

When Democrats took over the House in January, the Administration rethought its warrantless wiretapping program and brought it under the oversight of the FISA court.

The FISA court initially ruled that the Administration's program was appropriate, but when the decision came up for review in the spring, a judge disagreed with the previous ruling. The anonymous judge decided that government agencies needed a warrant to monitor a conversation between parties outside the U.S. when their communications were made via systems within the United States' communications network.

According to U.S. National Intelligence Director Mike McConnell, the government obtained a temporary stay on the ruling. The expiration of the stay on May 31 prompted the Congressional review.

On Aug. 5, by a vote of 227-183, Congress approved a temporary revision of FISA that granted new, wide-ranging powers to Gonzalez and removed a requirement that called for FISA court supervision of certain types of surveillance operations, including those monitoring conversations between parties outside the U.S. using our nation's communications network.

Of 231 Democrats in the U.S. House, only 41 voted in favor of the six-month extension. Out of the 202 Republicans in the House, only 2 voted against the proposal.

This issue is not going away. In just five months, legislators will be called upon again to decide whether they want to force the Bush Administration to defend its controversial warrantless wiretapping program or fold in the face of confrontation.

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