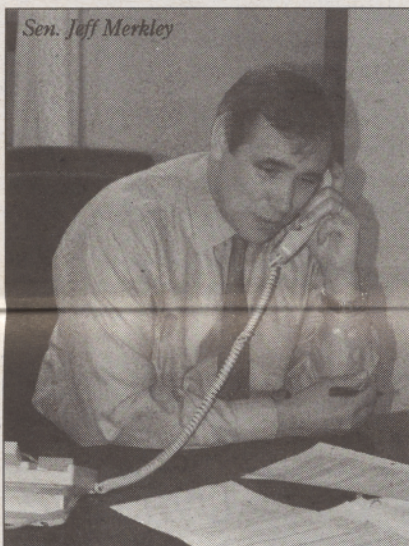


A measure of justice

Sen. Jeff Merkley joins a crew of senators taking aim at the Patriot Act and the telecom companies it rode in on

BY JOANNE ZUHL
STAFF WRITER

For eight years now, nearly all things bad coming out of the federal government were tainted by the jingoistic Patriot Act, that sweeping piece of patchwork legislation that chewed up the U.S. Constitution and spit out a new era of government spying, imprisonment and corporate impunity.



Sen. Jeff Merkley

That may sound a bit harsh, but considering it created warrantless wiretapping and secretive investigations on U.S. citizens, bound and gagged federal watchdogs, and subsequently allowed telecommunication companies to spy on us with impunity, it's tough to pitch it harshly enough.

But there are efforts underway in Washington, D.C. to correct at least parts of the Patriot Act's most egregious elements. Oregon's freshman senator, Democrat Jeff Merkley, has signed on as an original co-sponsor of the Judicious Use of

Surveillance Tools in Counterterrorism Efforts, or Justice Act, introduced by Sens. Russ Feingold (D-Wis.) and Richard Durbin (D-Ill.). The Justice Act would reform the USA Patriot Act, the Federal Intelligence and Surveillance Act (FISA) Amendments Act, and other surveillance authorities to help restore judicial oversight.

In addition to the Justice Act, Merkley also has co-authored the Retroactive Immunity Repeal Act to amend the FISA Amendments Act, which shielded companies from liability for illegally violating their customers' privacy during the Bush administration.

Merkley talked with Street Roots about the need for the legislation and the tough road it faces to a signature from the Obama White House.

Joanne Zuhl: *There are three expiring provisions to the Patriot Act that the Justice Act addresses: that includes the government searches of people's personal records, roving wiretaps and greater government oversight on national security letters, which cleared the way for surveillance on broadly defined targets, including U.S. citizens. Give us your views on what significant changes this bill would make.*

Jeff Merkley: The Bush administration went way out of bounds in violating the constitutional privacy of Americans, and we are trying to re-establish that right while setting it in reasonable balance to access to information. The National Security Letters, for example, should be used to obtain records of people who have connections with terrorism or espionage, but not to have a broad authority to obtain basic information without a court order on basically anyone for any reason. In each of these areas it's really significantly establishing more oversight and tightening the oversight of how these powers can be used.

J.Z.: *You say the Bush administration went*

way out of bounds with the Patriot Act. Give us some examples of what you consider some of the most egregious activities under this act.

J.M.: One was granting immunity to the telecom companies. Americans have every right to know exactly what their companies did and they should be accountable under the law. But that immunity provision means we'll never know what happened and there

will be no accountability, which makes it very hard to make sure that in the future, companies thoroughly respect the constitutional safeguards of Americans. So that's one example: Use of FISA courts to obtain information without warrants when they could have obtained the warrants with very little trouble. But they just basically

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