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House Defeats Effort to Rein In N.S.A. Data Gathering

By **JONATHAN WEISMAN**

WASHINGTON — A deeply divided House defeated legislation Wednesday that would have blocked the [National Security Agency](#) from collecting vast amounts of phone records, handing the Obama administration a hard-fought victory in the first Congressional showdown over the N.S.A.'s surveillance activities since Edward J. Snowden's security breaches last month.

The 205-to-217 vote was far closer than expected and came after a brief but impassioned debate over citizens' right to privacy and the steps the government must take to protect national security. It was a rare instance in which a classified intelligence program was openly discussed on the House floor, and disagreements over the program led to some unusual coalitions.

Conservative Republicans leery of what they see as Obama administration abuses of power teamed up with liberal Democrats long opposed to intrusive intelligence programs. The Obama administration made common cause with the House Republican leadership to try to block it.

House members pressing to rein in the N.S.A. vowed afterward that the outrage unleashed by Mr. Snowden's disclosures would eventually put a brake on the agency's activities. Representative Jerrold Nadler, Democrat of New York and a longtime critic of post-Sept. 11 counterterrorism efforts, said lawmakers would keep coming back with legislation to curtail the dragnets for "metadata," whether through phone records or Internet surveillance.

At the very least, the section of the [Patriot Act](#) in question will be allowed to expire in 2015, he said. "It's going to end — now or later," Mr. Nadler said. "The only question is when and on what terms."

Representative Mike Rogers of Michigan, the chairman of the House intelligence committee, promised lawmakers he would draft legislation this fall to add more privacy protections to government surveillance programs even as he begged the House to oppose blanket restrictions.

The amendment to the annual Defense Department spending bill, written by Representatives libertarian Republican from Western Michigan, and John Conyers Jr., a veteran liberal Democrat turned Democrat against Democrat and Republican against Republican.



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It would have limited N.S.A. phone surveillance to specific targets of law-enforcement investigations, not broad dragnets. It was only one of a series of proposals — from restricting funds for Syrian rebels to adding congressional oversight to foreign aid to Egypt — intended to check [President Obama's](#) foreign and intelligence policies.

But in the phone surveillance program, the House's right and left wings appeared to find a unifying cause. Representative Raúl R. Labrador, Republican of Idaho, called it "the wing nut coalition" and Mr. Amash "the chief wing nut."

Mr. Amash framed his push as a defense of the Fourth Amendment's prohibition against unreasonable search and seizure, and he found a surprising ally, Representative Jim Sensenbrenner, Republican of Wisconsin and one of the principal authors of the Patriot Act. Mr. Sensenbrenner said his handiwork was never meant to create a program that allows the government to demand the phone records of every American.

"The time has come to stop it," Mr. Sensenbrenner said.

Opposing them were not only the House speaker, John A. Boehner and Mr. Obama but also the leaders of the nation's defense and intelligence establishment.

On Tuesday, the director of the National Security Agency, Gen. Keith Alexander, spent hours providing classified briefings to lawmakers about the program, and the White House took the unusual step of issuing a statement urging lawmakers not to approve the measure. On Wednesday, James L. Jones, the retired Marine Corps general who was Mr. Obama's national security adviser from 2009-2010, added his name to an [open letter in support of preserving the N.S.A. programs](#) that had been signed by more than half a dozen top national security officials from the Bush administration.

"Denying the N.S.A. such access to data will leave the nation at risk," said the letter, which was circulated to undecided members.

Mr. Rogers took a personal swipe at Mr. Amash, a darling of social media, when he said the House is not in the business of racking up "likes" on Facebook. He said the calling log program was an important tool for protecting against terrorist attacks.

"This is not a game," he fumed. "This is real. It will have real consequences."

But many rank-and-file Republicans and Democrats appeared impervious to such overtures. Representative Jared Polis, Democrat of Colorado and a supporter of the amendment, said if the Obama administration felt strongly about defending the program, Mr. Obama would have spoken out personally. Instead, the White House released a statement under the name of the press secretary, Jay Carney.

“The press secretary says hundreds of things every day,” Mr. Polis said.

The divisions in Congress seemed to reflect the ambivalence in the nation as a whole. In a CBS News poll released Wednesday, 67 percent of Americans said the government’s collection of phone records is a violation of privacy. At the same time, 52 percent called it a necessary tool to help find terrorists.

But the final tally in the House suggested the tide was shifting on the issue. In the weeks that followed the Snowden leaks, the united voices of Congressional leaders and administration officials in support of the N.S.A. programs seemed to squelch the outrage Mr. Snowden had hoped for. Anger seemed to be more trained on Mr. Snowden than on the programs he revealed.

As the news media and the government chronicled Mr. Snowden’s flight from law enforcement, a web of privacy activists, libertarian conservatives and liberal civil liberties proponents rallied support behind Congressional action. House members said they had received hundreds of phone calls and e-mails before Wednesday’s vote, all in favor of curtailing the N.S.A.’s authority.

Ultimately, 94 House Republicans defied their leadership; 111 Democrats — a majority of the Democratic caucus — defied their president.

“This is only the beginning,” Mr. Conyers vowed after the vote. The fight will now shift to the Senate, where longtime critics of N.S.A. surveillance Mark Udall, Democrat of Colorado, and Ron Wyden, Democrat of Oregon, immediately took up the cause.

“National security is of paramount importance, yet the N.S.A.’s dragnet collection of Americans’ phone records violates innocent Americans’ privacy rights and should not continue as it exists today,” Mr. Udall said after the vote. “The [U.S. House of Representatives](#)’ bipartisan vote today proposal should be a wake-up call for the White House.”

Charlie Savage contributed reporting.