Third, section 213 permits delayed notification even where the government seizes electronic information, so long as the court issuing the warrant finds ''reasonable necessity'' for the seizure. Thus, if officers get a warrant under federal wiretapping statutes, they still must comply with a complex set of safeguards. For all other warrants involving electronic communications—those involving video or Internet surveillance, for example—delayed notification under the PATRIOT Act applies.

Fourth, section 213 places no express limit on the length of the delay. Instead, it authorizes delay for a ''reasonable period'' of time and permits extensions of the delay for ''good cause shown.'' Section 213 opens the door for secret searches extending over months or even years without the knowledge of the target of the search. Such delays render notice meaningless. Although the judge in any particular case may impose a specific deadline by which notice must be given, the statute does not require such a deadline. Where the warrant itself does not impose specific time limits, judicial review of the necessity of continuing delay in notification is impaired. No concrete timeframe triggers a governmental duty to justify continued delay. Because the target of the search is, by definition, unaware of the search, he or she cannot be expected to seek review of the need for continued delay. Courts would have the opportunity to review the necessity of delay only after the fact, while also under the pressure to prosecute and admit evidence obtained through the notice-less search.

Finally, section 213 extends the availability of ''sneak-and-peek'' warrants far beyond the PATRIOT Act's stated purpose of fighting terrorism. The provision contains no limitation on the types of cases in which a covert warrant could be used.

CONCLUSION

The threatening nature of section 213 is not obvious, and thus, it is more dangerous to the cause of preserving liberty. If the public is blinded by fear of terrorism or ignorance of what is at risk, section 213 has the potential to become the insidious mechanism of steady but discernible erosion in the foundation of our freedoms. Section 213 takes the exception and makes it the rule—in fact, makes it the law of the land. It gives broad statutory authority to secret searches in virtually any criminal case. Even if the Supreme Court upholds the constitutionality of such practices, Congress can—and should—limit them by statute. In such cases, justice delayed truly is justice denied.

Terrorism is a scourge that must be addressed. Government has a fundamental duty to protect its people from enemies, foreign or domestic. Fear of terrorism, or anything else, deprives us of free choice as surely as does tyranny; indeed, terrorism is an instrument of tyranny. We must not, however, allow fear to erode the constitutional foundation of our freedom. We can no more gain real security by being less free than we can gain wealth or wisdom or anything else of value. No such trade-off is possible. That is the definition of ''unalienable''—rights with which we were endowed by our Creator, and which therefore cannot be repudiated or transferred to another. Our Constitution recognizes that higher law, and we ignore it at our peril.

We now are engaged in a national crisis, an unconventional war in which our surreptitious enemies use the camouflage of a free society's commitment to privacy and diversity to achieve their goals. Our government is justified in adapting its law enforcement methods to the new threat, but we must take care to ensure those methods are consistent with the timeless principles of our founding. To do less is to sanction a dangerous expansion of governmental authority and a corresponding reduction of personal privacy.

Our body of laws serves as both a connecting mortar and a protective barrier between the foundation of our Constitution and the structure of our government. Laws are necessary for applying constitutional principles to the endless variety of everyday life. They join the abstract and the concrete. They enable us to safely explore our freedom and realize the potential of liberty.

However, when laws reach beyond limits imposed by the Constitution, when they grant too much power to government and too little deference to the source of that power, they cease to connect or protect. If unchecked, these laws can destroy the foundation of individual rights. Proponents contend that we have nothing to fear from section 213 or any other provision of the PATRIOT Act. This may be true, as long as the public is as vigilant as the American colonists were after Otis inflamed their passions regarding the Writs of Assistance. But can we trust that the law will be used as judiciously, with as much care to protecting civil liberties, once the public's attention has turned to other matters?

The concern is not new or unique to the PATRIOT Act. Few of our Founding Fathers had greater faith in his fellow man than Thomas Jefferson. Yet that faith had its limits. In the Kentucky Resolutions, Jefferson wrote:

[I]t would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism-free government is founded in jealousy, and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power: that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go . . . .

Due process. Probable cause. Those are the constitutional limits within which we ''bind down those whom we are obliged to trust with power'' and preserve our individual rights. A law that sets those limits aside, or obfuscates them in vague statutory language and legalistic definitions, has the potential for eroding the foundation of freedom as surely as terrorists have the potential for breaching the ramparts of our security. An informed people and a vigilant and responsive Congress are the keys to guaranteeing that our rights to security and freedom are ensured. They are essential to protecting the foundation of liberty and preserving each individual's God-given role as the architect of his or her own destiny. As John Stuart Mill warned:

A people may prefer a free government, but if, from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if they can be deluded by the artifices used to cheat them out of it; if by momentary discouragement, or temporary panic, or a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet even of a great man, or trust him with powers which enable him to subvert their institutions; in all these cases they are more or less unfit for liberty.

TO HONOR MR. JIM BRODIE

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 2005

Mr. GRIJALVA. Mr. Speaker, It is with great honor that I recognize Jim Brodie. Jim was a respected member of the community, providing tireless hours to the youth, community and Habitat for Humanity.

Jim was a lifelong union ironworker, working in industrial and commercial construction. Upon retirement, he continued his service to our community by assisting Habitat for Humanity of Tucson in the construction and later supervision of projects throughout the Old Pueblo.

The energy and expertise he provided for Habitat for Humanity, its volunteers and its clients was unprecedented. He was a gifted leader, working on multiple projects and at various stages of the products. Among his many talents was the ability to work with young and old alike. This is especially noted with his success in working on the High School Build Program, proving to be a mentor, role model, and friend to the students he supervised.

For the last 8 years of his life, Jim's work with the Habitat High School Build programs inspired the youth, their parents, and their teachers. Although initially hesitant to work the students, his ability to motivate and provide guidance came to him second nature. He was a natural teacher, impacting multiple lives and instilling pride in the lives that he impacted.

Jim's role in supervising the Habitat High School Build programs, which included five schools and the State Prison programs, was unique. Furthermore, it was a true gift to our community and youth. He worked closely with the high school teachers to develop important mentoring relationships with students. His dedication went well beyond the building projects and will influence students for years to come.

His legacy includes the 40 families that now live in Habitat homes built by students participating in the High School Build program. Jim was admired by all who met or heard of him. His life and work is an inspiration to us all.

THE FAIR MINIMUM WAGE ACT OF 2005

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, today, together with 100 of my colleagues, we are introducing legislation to raise the Federal minimum wage from $5.15 to $7.25 over 2 years. Senator EDWARD KENNEDY is introducing identical legislation in the Senate. Two reports that are also being released today, one by the Center for Economic and Policy Research and one by the Children's Defense Fund, make obvious the importance of raising the minimum wage for workers, children, and families.

American workers are long overdue for a raise. Real wages are actually declining for the first time in more than a decade, while