



At Berkeley, Rand Paul Condemns NSA, CIA Spying

Speaking at the University of California, Berkeley, on March 19, Senator Rand Paul (R.-Ky.) chastised the NSA for its illegal spying and received heavy applause from an audience comprised mostly of students.

Paul also criticized the CIA for its illegal spying, reinforcing similar remarks made by Sen. Dianne Feinstein (D.-Calif.) on the Senate floor on March 11. In a March 20 commentary about Feinstein's remarks for Fox News, former judge Andrew Napolitano called the NSA "the CIA's cousin."



"I don't know about you, but I'm worried," Paul addressed the Berkeley Forum at UC Berkeley's International House. "If the CIA is spying on Congress, who exactly can or will stop them?"

The *San Francisco Chronicle* cited Paul's statement that Feinstein's revelations about the CIA had created uneasy feelings on Capitol Hill. "I look into the eyes of senators and I think I see real fear," he said. "I think I perceive fear of an intelligence community drunk with power, unrepentant and uninclined to relinquish power."

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Paul said he had congratulated Feinstein on her statement, telling her: "'Great speech, everybody is talking about it.' [I told her] I hope she will stand up, not let the CIA push her around, not let the NSA (National Security Agency) push her around."

Following Feinstein's remarks, Paul said that the Senate should appoint a select committee, "bipartisan, independent" and with full investigative powers, to investigate the government spy agencies' abuses.

Paul's cooperation with a very liberal Democratic senator is not without precedent. When the USA Patriot Act — a measure enacted as a result of the 9/11 terrorist attacks that had the effect of suspending the Bill of Rights in the name of "national security" — was being debated, a leading opponent of this federal power grab was Senator Russ Feingold (D.-Wisc.). Feingold, who warned against the "enormous expansion of authority," was the single Senate vote against the Patriot Act in 2001.

In the House, Senator Paul's father, Rep. Ron Paul was one of only three Republicans (the others being Robert Ney of Ohio and Butch Otter of Idaho) to vote against the Patriot Act. (Independent Rep. Bernie Sanders of Vermont — now a senator who is also concerned about NSA spying — also voted nay.)

"You may be a Republican, or a Democrat, or a Libertarian," Paul told the crowd. "I'm not here to tell you what to be. I am here to tell you, though, that your rights, especially your right to privacy, is under assault. I'm here to tell you that if you own a cellphone, you're under surveillance. I'm here to tell you that the NSA believes that equal protection means that Americans should be spied upon equally, including Congress."

"I believe what you do on a cellphone is none of their damn business," Paul said emphatically, drawing



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much applause.

While Paul — who recently finished first in the 2014 *Washington Times*/CPAC presidential preference straw poll with 31 percent of the vote — seems like an unlikely figure to win any popularity contests in iconically liberal Berkeley, he skillfully stuck to a subject where his libertarian sense of personal freedom struck a common chord even with liberals. His reference to Senators Feinstein and Bernie Sanders (I-Vt.) demonstrated that the right to privacy is an unalienable, intrinsic right that transcends partisanship. He said:

Senator Sanders and I don't agree on everything. He's an independent from Vermont, but he asked ... the NSA: "Are you collecting records on Congress?" And in characteristic arrogance, do you know what the NSA said? They said Congress is getting the same treatment everybody else is. In other words, "Yes, yes, and again yes." They're spying on Congress.

Paul asked his audience to consider what the NSA's unconstitutional actions mean for the separation of powers: "Digest exactly what that means. If Congress is spied upon, without their permission, who exactly is in charge of your government?"

Speaking in a city that voted 78 percent for President Obama in the 2012 election, Paul did not hesitate to criticize the president.

"I find it ironic that the first African-American president has without compunction allowed this vast exercise of raw power by the NSA," said the senator, before delving into historic cases of spying.

"Certainly J. Edgar Hoover's illegal spying on Martin Luther King and others in the civil rights movement should give us all pause," he said. "Now if President Obama were here, he would say he's not J. Edgar Hoover, which is certainly true. But power must be restrained because no one knows who will next hold that power."

However, Paul did not address a key difference between Hoover's surveillance of King and the current surveillance by the NSA and CIA, undoubtedly because it was not only far outside the main focus of his talk, but would probably be political suicide even to mention it. It should be recalled that the principal reason Hoover, the FBI's first director and a strident anti-communist, ordered the surveillance of King was that King had employed advisors with communist connections within his civil rights organization.

Richard Reeves noted in his book *President Kennedy: Profile of Power*, that in June 1963, after President Kennedy had been informed of the presence of communist advisors in King's organization, he met privately with King in the White House Rose Garden and, putting a hand on King's shoulder, told him: "They're Communists; you've got to get rid of them."

On October 10, 1963, after King still had not discharged the advisors, U.S. Attorney General Robert F. Kennedy — the president's brother and a steadfast liberal — authorized the FBI to begin wiretapping King's telephones.

A writer for the *New York Times* of March 19 noted: "Paul's remarks were part of his effort to bring his libertarian brand of conservatism to audiences in less friendly territory.... Paul knew his audience better than it may have appeared. The title of his speech, 'The N.S.A. vs. Your Privacy,' was carefully tailored as the latest piece of a grander strategy by the senator to broaden his appeal to people — particularly younger ones — who have largely written the Republican Party off."

During an interview before his speech, Senator Paul explained why he accepted the invitation to speak at a university known as a bastion of liberalism: His goal was "hopefully showing that the message of a



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Republican with a libertarian twist may well be acceptable to people, even in Berkeley.”

An entire article could be written attempting to define what terms such as “libertarian,” “liberal,” and “conservative” mean and how they intersect with the historic platforms of the Republican and Democratic Parties. There has been much redefining and co-opting of the terms over the years, with many Democrats calling themselves liberals and Republicans calling themselves conservatives bearing little philosophic resemblance to those who created our (small r) republican form of government during the founding era.

Both nominal liberals and nominal conservatives seem to have strayed in the direction of violating the Constitution and increasing the size of government as a means to their ends. Liberals (aka “progressives”) have supported bigger government to create social-welfare programs and conservatives (actually neoconservatives) have supported more federal power in the name of security and national defense. Libertarianism, in contrast, offers a fresh perspective for those who recognize that their individual freedom is threatened by too much government. However, even libertarianism needs a solid anchor to ground it in principle, lest its abhorrence of too much government lead it in the opposite direction toward moral and political anarchy.

The signers of the Declaration of Independence recognized that government was needed to secure our unalienable rights, and the government that some of them and their successors created was limited by our Constitution. Jefferson, who was an excellent personification of a classical liberal and modern libertarian, wrote: “ In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.”

What better term is there to describe those who would use the chains of the Constitution to bind those who want to steal our freedoms than “constitutionalist”? It is the term *The New American* has used for several years to replace the increasingly ambiguous “conservative,” and is an apt description for Senator Rand Paul and his father, former Rep. Ron Paul.

Photo of Sen. Rand Paul at the Berkeley Forum: AP Images

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