



Written by [Joe Wolverton, II, J.D.](#) on January 14, 2018

House OKs Warrantless Surveillance; Paul to Filibuster

Senator Rand Paul (R-Ky.) is preparing to filibuster a surveillance bill already passed by the House of Representatives — a bill that reauthorizes long-term federal surveillance of U.S. citizens under Section 702 of the Foreign Intelligence Surveillance Act (FISA).

In a press release, Paul said he would block the bill in order to keep a promise to protect the Fourth Amendment.



“Today, the U.S. House of Representatives passed a flawed bill that will continue the warrantless surveillance of innocent Americans. No American should have their right to privacy taken away. I will keep doing everything in my power, including filibuster, to oppose this legislation and to speak out and stand up for forcing the government to get a warrant based on probable cause, as required by the Constitution,” said Dr. Paul.

“If there were ever something worth filibustering I think it would be filibustering for the Bill of Rights,” Paul told Fox News on Friday.

The Fourth Amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

A man’s right to be secure in his “persons, houses, papers, and effects against unreasonable searches and seizures” has been a fundamental element of Anglo-American constitutional history for nearly 800 years.

These restrictions on the power of government over the individual are so elemental to liberty that the renowned lawyer James Otis declared that they “never could be surrendered or alienated but by idiots or madmen.”

Whether by idiots or madmen or something else, the fact is that on Thursday the House of Representatives [passed the extension of the federal government’s authority to conduct warrantless surveillance of Americans](#) by a staggering majority: 256-164.

Prior to this vote, Congress was not so kind to an attempt to support the Constitution, [summarily rejecting an amendment offered by consistent constitutionalist Representative Justin Amash \(R-Mich.\)](#) by a vote of 183 to 233. Amash said that his amendment, named the USARIGHTS Act, “protects Americans from warrantless spying, while allowing the government to continue using its surveillance program for foreign intelligence purposes.”

A similar constitutionalist measure was introduced in the Senate by Paul.

Neither man is a stranger to standing up to his own party, particularly when it comes to defending the rights protected by the Fourth Amendment.



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Paul has played foil via the filibuster previously, as well.

In 2013, the senator spoke for over 13 hours in defense of due process and in 2015, he stood for 10 hours, declaiming against the perpetuation of the federal surveillance apparatus.

As for whether or not the bill becomes law, we need only to look to Twitter, the pulpit of choice for President Donald Trump.

In the hours before the House voted, the president reminded readers that he may have been a victim of the violation of the Constitution that is Section 702:

“‘House votes on controversial FISA ACT today.’ This is the act that may have been used, with the help of the discredited and phony Dossier, to so badly surveil and abuse the Trump Campaign by the previous administration and others?” Trump tweeted.

Within a couple of hours, though — after House GOP leadership had tweeted their own take on the tyranny — President Trump seems to soften (some would say reverse) his position on the proposal.

“With that being said, I have personally directed the fix to the unmasking process since taking office and today’s vote is about foreign surveillance of foreign bad guys on foreign land. We need it! Get smart!” President Trump tweeted at 9:14 a.m.

Less than half an hour later, Paul tossed his two cents into the twitterverse.

“No American should have their right to privacy taken away! #FILIBUSTER,” Paul tweeted.

And it’s the president designation of the surveillance targets as “bad guys” that reveals yet another anathema to liberty in the bill.

Whether one is a “bad guy” used to be the outcome of a procedure known as due process. It seems that today, though, suspicion is as good as guilt and a warrant, though once considered sine qua non of the continuance of constitutionally protected liberty, is today reduced to a relic.

The New American will report on Paul’s promised filibuster of the Senate vote on the FISA Section 702 reauthorization, as well as the Senate’s vote on that measure.

Photo of Sen. Rand Paul: Gage Skidmore



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