



Written by [Joe Wolverton, II, J.D.](#) on July 25, 2013

## Vote on Amash Amendment Reveals Ruse of Two-Party System

For all those who still believe that Republican=Constitutionalist and Democrat=Liberty-hating liberal, something happened on Capitol Hill that might change your mind.

[As was reported by The New American](#), the House of Representatives narrowly defeated an amendment to the defense appropriations sponsored by Republican Congressman Justin Amash (shown) of Michigan and Democratic Congressman John Conyers, also of Michigan.



The [Amash Amendment](#) would have revoked authority “for the blanket collection of records under the Patriot Act. It would also bar the NSA and other agencies from using Section 215 of the Patriot Act to collect records, including telephone call records, that pertain to persons who are not subject to an investigation under Section 215” of the Patriot Act.

Despite the threat to the Establishment (or perhaps because of it), Amash’s measure failed by a vote of 205-217.

It’s [the identity of the “ayes” and “nays”](#) that tells the rest of the story.

An analysis of the roll call reveals that a majority of Democrats voted in favor of restricting the Obama administration’s wholesale surveillance of Americans, while a majority of the GOP voted to uphold the NSA’s unconstitutional surveillance of all electronic communications.

Though the final tally was close, the fix was in. In a rare demonstration of meddling in the making of the legislative sausage, the White House issued a statement warning, in not-so-elegant language, that a vote for the Amash amendment was a vote for terrorism.

In [a statement published on the White House website](#), press secretary Jay Carney said, referring to the Amash amendment, “In light of the recent unauthorized disclosures, the President has said that he welcomes a debate about how best to simultaneously safeguard both our national security and the privacy of our citizens.”

Does the president really “welcome a debate?” By their fruits ye shall know them.

Ever since the documents leaked by former NSA contractor Edward Snowden shined the light of disclosure into the shadowy activities of the surveillance apparatus that has categorized every citizen as a suspect, the White House has ferociously and rabidly attacked Snowden. Perhaps nicotine wipes the short-term memory and the president has forgotten calling Snowden a “traitor” and calling for him to be held accountable for the harm he caused national security.

In the spirit of bipartisanship, however, it’s not as if Republicans fell over each other standing up for the Constitution and the oaths they swore to uphold it.



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The list of Republicans joining of the chorus of voices calling a vote for the Amash amendment a vote for radical Islam is impressive and instructive.

Representative Mike Rogers (R-Mich.) voted against his colleague from the Wolverine State, protecting the power of the NSA to snoop on anyone at anytime for any reason.

And, how about Tea Party darling Representative Michele Bachman (R-Minn.)? She stood up against liberty, warning her fellow Republicans that if the federal government's surveillance power was curtailed, "Islamic jihad" would go unchecked, leaving the homeland vulnerable to the attacks of al-Qaeda and its associates.

Amash rightly regards the threat from the extremists on the Potomac to be greater than that posed by those on the Tigris and Euphrates. Besides, Amash tweeted, the government doesn't fear Muslim terrorists, "they fear you."

Democrats — again, don't be surprised by this — defended Amash, lining up behind the young constitutionalist.

Representative Conyers, according to Glen Greenwald, "stood to denounce the NSA program as illegal, unconstitutional and extremist." This statement echoes an earlier one issued last month by the 24-term Democrat. [On June 24, Conyers said:](#)

It is unfortunate that so much of Congress and the media's focus is on the whereabouts of Edward Snowden. We should focus our time and attention on ensuring that law-abiding Americans are not unnecessarily subject to intrusive surveillance; making sure our media organizations are not targeted merely for informing the public; closing Guantanamo and releasing those individuals who pose us no harm; and demanding that legal safeguards are in place with respect to our government's shortsighted use of drones. These are the overriding, critical issues facing the Congress, not the whereabouts or motives of Edward Snowden.

That's a much more constitutionally sound statement than those issued by most self-described "conservatives."

Speaker of the House John Boehner (R-Ohio) was the poster child of bipartisan support for the surveillance state. His vote virtually ensured that those in his party jockeying for future leadership nods would follow suit, even at the expense of the Fourth Amendment and the liberties it protects.

"I voted last night because these NSA programs have helped keep Americans safe," Boehner said, after the vote.

"There are, in my view, ample safeguards to protect the privacy of the American people," he said. "And I know how these programs have worked. I know how they've worked to protect the American people and I felt very strongly about it," he added.

Boehner's Democratic counterpart, Representative Nancy Pelosi (D-Calif.) was a little less enthusiastic about her support for the spreading of the surveillance dragnet.

"I don't want anybody to misunderstand a vote against the Amash resolution yesterday," [Pelosi said](#).

Nobody misunderstands, Ms. Pelosi. A vote against the Amash amendment was a vote in favor of the unwarranted, unconscionable, unconstitutional monitoring of every electronic communication of every American in direct violation of the Fourth Amendment. [The Fourth Amendment guarantees:](#)

The right of the people to be secure in their persons, houses, papers, and effects, against



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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.

The battle is not over, however. By steadfastly and fearlessly opposing the Establishment (remember: This surveillance program is neither a Democrat/Republican thing nor is it a creation of the Obama administration), Amash positions himself as the legislative lodestone of liberty. His determination has highlighted the false major-party dialectic that is still the popular view held by so many Americans.

As Justin Raimondo [at antiwar.com wrote](#):

In the aftermath of the Amash Rebellion, there are two new parties in Congress: the authoritarians and the Americans. The vote on Rep. Justin Amash's LIBERT-E Act, which would have gutted the National Security Agency's phone records dragnet, drew a clear line of demarcation that will only widen in the coming months as civil libertarians continue their push to roll back the Surveillance State.

Americans determined to defend the Constitution and the bedrock of individual liberty upon which it was built must remember, however, that there is much work to be done.

The Amash Amendment, as valiant and necessary as it was, did not, for example, do anything to undo the PRISM program.

PRISM, readers will remember, the NSA, and the FBI are "tapping directly into the central servers of nine leading U.S. Internet companies, extracting audio, video, photographs, e-mails, documents, and connection logs that enable analysts to track a person's movements and contacts over time," as reported by the *Washington Post* and the *Guardian* (U.K.).

This particular weapon of mass collection relies on Section 702 of the Foreign Intelligence Surveillance Act (FISA) for justification of the surveillance of Internet activity. Amash's amendment made no mention of Section 702 and thus would have left PRISM completely intact.

Whether a federal lawmaker takes on the task of demolishing the entire surveillance skyscraper remains to be seen. That sort of Quixotic endeavor requires a stiff spine and a political abandon that few denizens of the Potomac possess.

What is certain, however, is that the members of the party of power — whether identified by an R or D after their name — will continue colluding with the executive and judiciary branches to protect the authority amassed in the name of safety.

*Photo of Rep. Justin Amash (R-Mich.): AP Images*

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