



Written by [Warren Mass](#) on August 19, 2015

## Jeb Bush Would Expand NSA Spy Powers at Expense of Civil Liberties

Speaking at an Americans for Peace, Prosperity and Security forum at Winthrop University in Rock Hill, South Carolina, on August 18, former Florida Governor and GOP presidential candidate Jeb Bush (shown) was critical of the very modest restrictions on the National Security Agency's bulk collection of phone records that were enacted into law in June. He advocated reversing those restrictions to increase the NSA's snooping powers.



"There's a place to find common ground between personal civil liberties and NSA doing its job," Bush asserted. "I think the balance has actually gone the wrong way."

Bush maintained that the increased NSA surveillance powers are necessary to combat "evildoers" — presumably terrorists such as those who participated in the 9/11 attacks in 2001. In response to those attacks, Bush's brother, President George W. Bush, signed the PATRIOT Act into law, which authorized a wide range of government surveillance activities.

With the passage of time, however, even the PATRIOT Act's lead sponsor, Representative Jim Sensenbrenner (R-Wis.), who introduced the act in the House on October 23, 2001, developed severe reservations about how that legislation has been applied.

"As the author of the Patriot Act, I am extremely troubled by the FBI's interpretation of this legislation," Sensenbrenner wrote to Attorney General Eric Holder on June 6, 2013. He continued: "The [FBI's] broad application for phone records was made under the so-called business records provision of the Act. I do not believe the broadly drafted FISA [Foreign Intelligence Surveillance Court] order is consistent with the requirements of the Patriot Act. Seizing phone records of millions of innocent people is excessive and un-American."

Because of these reservations, Sensenbrenner introduced a bill called the USA Freedom Act on April 28, and posted a message about the act on his website, claiming that it would end the bulk collection of Americans' communications records under Section 215 of the Patriot Act, and eliminate other abuses, as well.

The USA Freedom Act was passed by the House on May 13, the Senate on June 2, and signed into law that same day by President Obama. Obama's haste in signing the bill was prompted by the fact that it extended key provisions of the PATRIOT Act that expired on June 1, until 2017. Senator Rand Paul (R-Ky.) opposed the act because he believed that trading a four-year extension of the PATRIOT Act's intrusive powers for a very modest limitation of those powers was a poor exchange. (It still allows for the collection of bulk metadata, but by the phone companies instead of the government.)

As former Representative Ron Paul (R-Texas) noted in an [article posted by \*The New American\* on May 5](#):



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A look at the USA FREEDOM Act's details, as opposed to the press releases of its supporters, shows that the act leaves the government's mass surveillance powers virtually untouched.

The USA FREEDOM Act has about as much to do with freedom as the PATRIOT Act had to do with patriotism. If Congress truly wanted to protect our liberties it would pass the Surveillance State Repeal Act, which repeals the PATRIOT Act. Congress should also reverse the interventionist foreign policy that increases the risk of terrorism by fostering resentment and hatred of Americans.

However, even the very minor tweaking of the PATRIOT Act accomplished by the USA Freedom Act was apparently more than Jeb Bush can bear. He believes that the balance between personal civil liberties and the "NSA doing its job" — a very slick euphemism for allowing the NSA to ignore the Fourth Amendment's prohibition on unreasonable and warrantless searches — has "gone the wrong way."

During the South Carolina forum, Bush asserted that there is "no evidence" that the NSA's data collection has violated civil liberties. "I've found not one" case, he said.

Bush also criticized private technology firms for using encryption to make it more difficult for the government or anyone else to collect data on their customer. "It makes it harder for the American government to do its job while protecting civil liberties to make sure evildoers aren't in our midst," Bush maintained.

The man who would be our next president also said that companies such as Google are getting pressure from customers to protect their privacy — as well they should.

Bush was critical of these companies' responses to their customers' concerns, however, and said "market share ... should not be the be-all-end-all," and he called for "a new arrangement with Silicon Valley in this regard."

While Bush claimed that by engaging in bulk collection of U.S. call records, the NSA was "doing its job," at least one federal court has disagreed. The U.S. Court of Appeals for the Second Circuit in New York ruled on May 7 that such activities by the NSA are illegal, stating that Section 215 of the PATRIOT Act cannot be legitimately interpreted to allow such bulk collection of domestic calling records.

The case listed the national and New York branches of the American Civil Liberties Union (ACLU) and their associated foundations as plaintiffs and Director of National Intelligence James R. Clapper, NSA Director Michael S. Rogers, Defense Secretary Ashton B. Carter, Attorney General Loretta Lynch, and FBI Director James B. Comey as defendants.

The ruling noted:

Americans first learned about the telephone metadata program that appellants now challenge on June 5, 2013, when the British newspaper *The Guardian* published a FISC order leaked by former government contractor Edward Snowden. The order directed Verizon Business Network Services, Inc. ("Verizon"), a telephone company, to produce to the NSA "on an ongoing daily basis ... all call detail records or 'telephony metadata' created by Verizon for communications (i) between the United States and abroad; or (ii) wholly within the United States, including local telephone calls."

After a lengthy summary of the arguments presented by both the plaintiffs (the ACLU) and the defendant (the government), the court concluded "that the district court erred in ruling that § 215 authorizes the telephone metadata collection program," and instead it held "that the telephone metadata program exceeds the scope of what Congress has authorized and therefore violates § 215."

The court therefore rendered the program — which Bush says amounts to the NSA just "doing its job"



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— illegal.

*Photo: AP Images*

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