



Written by [Joe Wolverton, II, J.D.](#) on June 7, 2013

## Sen. Rand Paul to Introduce Fourth Amendment Restoration Act

His attendance at [Mitt Romney's Rocky Mountain confab](#) hasn't kept Senator Rand Paul (R-Ky.) from working to protect the people of the Commonwealth of Kentucky and the nation from the federal government's constant assault on liberty.

On Thursday, June 6, Paul (shown) announced he would introduce the Fourth Amendment Restoration Act of 2013. The measure aims to guarantee that the constitutional protections of the Fourth Amendment are not violated by any government entity.



"The revelation that the NSA has secretly seized the call records of millions of Americans, without probable cause, represents an outrageous abuse of power and a violation of the Fourth Amendment to the Constitution. I have long argued that Congress must do more to restrict the Executive's expansive law enforcement powers to seize private records of law-abiding Americans that are held by a third-party," Paul said [in a statement published on his website](#).

"When the Senate rushed through a last-minute extension of the FISA Amendments Act late last year, I insisted on a vote on my amendment ([SA 3436](#)) to require stronger protections on business records and prohibiting the kind of data-mining this case has revealed. Just last month, I introduced S.1037, [the Fourth Amendment Preservation and Protection Act](#), which would provide exactly the kind of protections that, if enacted, could have prevented these abuses and stopped these increasingly frequent violations of every American's constitutional rights."

Paul's bill is very timely in light of this week's revelation that Verizon — one of the nation's largest telecommunication companies — has been ordered to turn over customer call information to the National Security Agency.

As [The New American reported yesterday](#), a court order labeled "TOP SECRET," issued by federal judge Roger Vinson, ordered Verizon to turn over the phone records of millions of its U.S. customers to the National Security Agency (NSA).

The order, issued in April by the U.S. Foreign Intelligence Surveillance Court and leaked on the Internet by the *Guardian* (U.K.), compels Verizon on an "ongoing daily basis" to hand over to the domestic spy agency "an electronic copy" of "all call detail records created by Verizon for communications (i) between the United States and abroad; or (ii) wholly within the United States, including local telephone calls."

This information includes the phone numbers involved, the electronic identity of the device, the calling card numbers (if any) used in making the calls, and the time and duration of the call.

The [text of Senator Paul's bill](#) recognizes the clear and present danger such wholesale seizures of



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customer information pose to the preservation of our constitutional Republic. For example, Section 2 of the bill, labeled “Findings,” declares:

Whereas the Bill of Rights says in the Fourth Amendment to the United States Constitution that “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.”

Whereas media reports indicate that the National Security Agency is currently collecting the phone records of American citizens.

Whereas media reports indicate that the National Security Agency has secured a top secret court order in April from a Foreign Intelligence Surveillance Court (FISA) for the telephone records of millions of American citizens.

Whereas media reports indicate that President Barack Obama’s administration has been collecting information about millions of citizens within the borders of the United States and between the United States and other countries; and,

Whereas the collection of citizens’ phone records is a violation of the natural rights of every man and woman in the United States and a clear violation of the explicit language of the highest law of the land.

Speaking particularly of the NSA’s disregard for the Fourth Amendment and probable cause, Senator Paul published [the following statement Thursday, June 6](#):

The National Security Agency’s seizure and surveillance of virtually all of Verizon’s phone customers is an astounding assault on the Constitution. After revelations that the Internal Revenue Service targeted political dissidents and the Department of Justice seized reporters’ phone records, it would appear that this Administration has now sunk to a new low.

When Sen. Mike Lee and I offered an amendment that would attach Fourth Amendment protections to the Foreign Intelligence Surveillance Act last year, it was defeated, and FISA was passed by an overwhelming majority of the Senate. At the time, Senate Majority Leader Harry Reid remarked that FISA was “necessary to protect us from the evil in this world.”

The Bill of Rights was designed to protect us from evil, too, particularly that which always correlates with concentrated government power, and particularly Executive power. If the President and Congress would obey the Fourth Amendment we all swore to uphold, this new shocking revelation that the government is now spying on citizens’ phone data en masse would never have happened.

Senator Paul’s Fourth Amendment Restoration Act will be submitted on Friday, June 7, when the Senate returns to work.

While Paul’s efforts to shore up the Fourth Amendment are certainly laudable, the very act itself raises the question of why such a measure is necessary. The rights protected by the Constitution are, as Paul rightly says, natural rights that are the birthright of all people — American citizens or otherwise — and the protections afforded by the Bill of Rights should be sufficient to restrain the government.

Admittedly, the day has now come when the Constitution is viewed by the federal government as nothing more than a “parchment barrier” to be torn through on its march toward absolutism. The



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answer to systemic disregard for laws protecting our liberty cannot be found, however, in the multiplication of laws purporting to protect our liberty. Designing lawmakers, presidents, and judges are unlikely to heed the provisions of a constitution-supporting bill given that they demonstrate no respect whatsoever for the Constitution itself.

The remedy to this mortal malady seems to be the one described by Thomas Jefferson as the “rightful remedy”: nullification. [In the Kentucky Resolution](#), Jefferson wrote:

In cases of an abuse of the delegated powers, the members of the general government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, (*casus non fœderis*) to nullify of their own authority all assumptions of power by others within their limits: that without this right, they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them.

If the federal government’s quest for unbounded power is to be thwarted, states must unite in their opposition to federal overreach and refuse to participate in or permit the enforcement of any unconstitutional federal act within their sovereign borders.

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