



Written by [Paul Dragu](#) on June 12, 2026

FISA 702 Defeated — For Now

Congress has refused to reauthorize Section 702 of the Foreign Intelligence Surveillance Act (FISA), which allows the government to spy on Americans without a warrant. The Democrats overwhelmingly voted against it, but the nays wouldn't have prevailed had it not been for 19 Republicans.

The vote to extend FISA 702 failed 198-218 in the House of Representatives on Thursday. Afterward, House Speaker Mike Johnson (R-La.) stepped in front of media cameras to warn that Americans are now under great threat. "It is shameful, it is very, very dangerous," he said. "I pray that we do not have a serious calamity on our shores over the next few weeks."



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Johnson's Turnaround

Johnson, a constitutional lawyer by trade, was once a critic of FISA 702. After becoming speaker, however, he did a complete 180 on the matter. Then-Rep. Matt Gaetz, who had instigated a mutiny against the previous speaker, was stunned. "These were views that the Speaker deeply held, like, 20 minutes ago," Gaetz [observed](#) back in 2024.

President Donald Trump, who was once a victim of FISA 702 abuse, has also flipped on the issue. He now fully supports it as well.

Johnson attributed his turnaround to learning more about the program. (More on how the intel cartel convinces lawmakers later.)

Senate Majority Leader John Thune (R-S.D.) also warned that bad things can happen if this law expires. "This critical tool is set to go dark on Friday, and what the consequences of that will be, we cannot predict," said Thune.

Johnson blamed the failed vote on Democrats playing political games. "The Democrats are using [FISA 702 extension] as a political hostage," he said. Meanwhile, House Republicans are doing everything they possibly can to govern, according to Johnson.

X users issued a community note pointing out that 19 Republicans joined the Democrats.

FISA Section 702 is the single most important intelligence tool in the fight against adversarial foreign influence. Congress just allowed it to expire!

There are millions of UNVETTED illegals inside our country. There were 640 attempted terrorist plots stopped in 2025.... pic.twitter.com/Tq3x5eX9wv

— Stormi Hogan (@StormiHogan) [June 11, 2026](#)



Politics, Not Principle

Nevertheless, Johnson is right, at least partially. The reason for Democratic opposition, not surprisingly, was not principle but politics. Democrats have never been a bunch to let the Constitution get in the way of a yes vote. In this case, they wanted Trump to withdraw his choice of Bill Pulte for acting director of national intelligence (DNI). "Democrats said they would not support the renewal of Section 702 of the Foreign Intelligence Surveillance Act ... unless the Republican president withdrew Pulte's appointment and nominated a permanent replacement as director of national intelligence," *The Washington Post* [reported](#). After the vote, Trump did budge, saying he was tapping Jay Clayton as permanent DNI. "But the president's move did not seem able to break the standoff over Pulte before the deadline," the *Post* added.

The Republicans, on the other hand, oppose FISA 702 for the right reasons. Rep. Tim Burchett (R-Tenn.), one of the nays, [explained](#) after the vote:

The Fourth Amendment is there for a reason. ... Remember those illegal search and seizures done during the Biden administration, literally thousands of them? Some of these guys were FBI agents trying to hook up with some lady or something. It's just pathetic abuse.

A couple of years ago, former Congressman Ron Paul explained how the intel cartel turned FISA 702 into something advocates of the law said would never happen. Paul [noted](#) in 2024:

When the FISA Act was passed, surveillance state boosters promised that 702 warrantless surveillances would never be used against American citizens. However, intelligence agencies have used a loophole in 702, allowing them to subject to warrantless surveillance any American who communicated with a non-US citizen who was a 702 target. Intelligence agencies could then also conduct warrantless surveillance on any Americans who communicated with the new American target. This Section 702 loophole has been used so often to subject Americans to warrantless wiretapping that it has been referred to as the surveillance state's crown jewel.

Massie's Objections

Rep. Thomas Massie (R-Ky.), among the 19 Republicans to vote against the measure, posted on his X account a list of the other 18. You can see that [here](#).

Massie has for years railed against Section 702, a measure he, like Burchett, also believes violates the Fourth Amendment. In August 2024, he explained to Charlie Kirk, who has since been assassinated, how the intel agencies convince lawmakers that this unconstitutional measure is necessary. The conversation centered around Johnson and his turnaround, which was big news at the time. Johnson said that he became convinced of 702's value after receiving classified briefings in the Sensitive Compartmented Information Facility (SCIF). But Massie wasn't buying it, especially since he heard exactly what Johnson did. Massie [told](#) Kirk:

I spent three and a half hours in the SCIF with Mike Johnson. Remember, I'm on the Judiciary Committee. I got the same briefing he got from CIA, NSA, DoD, FBI, DNI, FISA judge. They were all in that SCIF. It was actually a four-hour meeting. After three and a half



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hours, I said, “This is enough, this is a waste of time. You haven’t given us one example of where spying on Americans without a warrant was able to help you avert terrorism.” They gave us hypotheticals, and then they gave us examples of how spying on foreigners overseas without a warrant was helpful. But they never gave us an example. ... It was like a brainwashing session.

Massie added that when going into the SCIF, lawmakers are not allowed to bring their smartphones or any members of their staff. He surmised the point was to prevent lawmakers from fact-checking:

So if you are deprived of those two things, and any connection to anybody for three or four hours, you kind of start believing what they’re saying. And you think, “Well maybe they’ll let me out of this SCIF if I just nod my head and succumb to the pressure.”

This will likely be a short-lived victory. While 19 Republicans opposed it, that leaves 190 who support warrantless spying, despite the GOP being a party whose platform claims to value individual freedoms. And as soon as the Democrats get the concessions from Trump that’ll make them happy, they’ll overwhelmingly fall in line, as they have in the past, and the measure will pass. Again, their opposition had nothing to do with the unconstitutional nature of the measure.

This is the nature of American politics. The differences between the two parties aren’t ideological, they’re theatrical. Theatre is a major feature of the Uniparty.



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