



Rand Paul Will Use Filibuster to Stop Patriot Act, if Necessary

During an interview with CNN's Alisyn Camerota on a *New Day* program that aired on May 19, Senator Rand Paul (shown), R-Ky., said he will do "everything humanly possible" to keep the Senate from passing a reauthorization of the Patriot Act. "I will do a formal filibuster. Whether or not that means I can go to the floor, some of that depends on what happens because you're not always allowed," Paul told Camerota.



Paul's mention of a filibuster as a possible part of his strategy to stop extension of the full Patriot Act brought back memories of his 13-hour filibuster on the Senate floor on March 6–7, 2013. His purpose, at that time, was to delay voting on the nomination of John O. Brennan as the director of the CIA. During his speakathon, Paul questioned the Obama administration's use of drones and the government's stated legal justification for their potential use within the United States.

"If [Paul] pulls this off, I think it will be important in reminding the libertarian/civil liberties-leaning people what it was they liked about this guy in the first place," Brian Doherty, senior editor at *Reason* magazine was quoted by McClatchy News service as saying.

Paul made similar remarks in a talk to an audience at the National Constitution Center in Independence Mall in Philadelphia on May 18. "One senator came up to me and said, 'If you defeat the Patriot Act, what will happen? How could we possibly survive?'" Paul related to the crowd gathered near Independence Hall, where the Constitution was adopted. "And I said maybe, just maybe, we could rely on the Constitution for a few hours."

Paul was realistic about his slim chances of stopping the Patriot Act, and outlined his strategy and what he hoped to accomplish: "We do not have the votes to ultimately defeat the Patriot Act. I can delay it so the public at large can know what they're doing. What I will demand is we have time on the floor to debate this, and I will demand that amendments that we put forward are given a chance on the Senate floor."

Paul also shared his views about the Patriot Act and the National Security Agency (NSA) in an interview on NBC's *Meet the Press with Chuck Todd* on May 10. Todd noted that Senate Majority Leader Mitch McConnell had proposed extending the Patriot Act without changes for just two months, as a means of buying more time before some of its surveillance authorities expire at the end of this month. (The bill is S. 1357.) When Todd asked Paul if he would support even a two-month extension, Paul replied:

Well, the court has ruled that the bulk collection of all of our phone records, all of the time, is illegal. So, really, it oughta stop. If the president's obeying the law, he should stop it immediately and we shouldn't be doing this. I don't want to replace it with another system.

Paul was referring to a ruling by the U.S. Court of Appeals for the Second Circuit in New York, which said on May 7 that the NSA's bulk collection of U.S. call records is illegal, stating that Section 215 of



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the Patriot Act cannot be legitimately interpreted to allow such bulk collection of domestic calling records.

Todd also noted that Paul was very critical of the NSA in his soon-to-be-released book *Taking a Stand: Moving Beyond Partisan Politics to Unite America*, and asked the senator if he would eliminate the spy agency if he were elected president. Paul answered:

No, I would actually keep the N.S.A. In fact, I would have the N.S.A. target their activities, more and more, towards our enemies. I think if you're not spending so much time and money collecting the information of innocent Americans, maybe we could've spent more time knowing that one of the Tsarnaev boys, one of the Boston bombers, had gone back to Chechnya....

Same with the recent jihadist from Phoenix that traveled to Texas, and the shooting in Garland; we knew him. We had investigated him. We had put him in jail. I wanna spend more time on people we have suspicion of, and we have probable cause of, and less time on innocent Americans. It distracts us from the job of getting terrorists.

There are presently three pieces of legislation dealing with some of the surveillance provisions that the NSA has attempted to justify under Section 215 of the Patriot Act that expire at end of this month. They include the USA Freedom Act, (H.R. 2048/S. 1123) which would amend the Patriot Act's Section 215, which has been used to justify bulk data collection, McConnell's five-year clean extension (S. 1035), and McConnell's bill offering a clean extension until July 31 (S. 1357). None of them offers an end to the surveillance state, and all of them would extend it.

The USA Freedom Act has received bipartisan support and even the executive office of the president issued a statement on May 7 (the day before the legislation passed the House), saying: "The Administration supports swift House passage of the USA FREEDOM Act, and urges the Senate to follow suit."

The backing of the Obama administration is enough to make most constitutionalists wonder what is wrong with the USA Freedom Act, and their concern is not without cause. Though some constitutionalists, such as Senator Ted Cruz (R-Texas) have supported the USA Freedom Act (Cruz even cosponsored S. 1123, the Senate version of the bill), they likely have not considered all of its ramifications and fail to recognize that the legislation gives away too much to accomplish too little.

When a version of the USA Freedom Act was passed by the House in the last Congress, it ran into a Republican-led filibuster in the then-Democrat-controlled Senate. When a vote came up to end the filibuster, Cruz voted "Yea" with 52 Democrats and two independents. The required 60 votes were not reached, and the filibuster was maintained and the bill did not come up for a vote. Paul was not among the 52, but opposed the bill for different reasons than most other Republicans who denied it a vote on the floor.

He explained that he was not against the parts of the USA Freedom Act that would have limited NSA surveillance, but against those parts that would have extended parts of the Patriot Act until 2017. This year's USA Freedom Act would extend parts of the Patriot Act even longer, to 2019.

The *Washington Post* cited Paul's statement that he would vote "no" on the USA Freedom Act, which would stop the government from collecting data but allow phone companies to keep it, because he is afraid it could actually expand government power.



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