

12 September 2012

Mr. Speaker: I rise in strong opposition to the reauthorization of the 2008 FISA Amendments Act, as it violates the Fourth Amendment of our Constitution. Supporters of this reauthorization claim that the United States will be more vulnerable if the government is not allowed to monitor citizens without a warrant. I would argue that we are more vulnerable if we do allow the government to monitor Americans without a warrant. Nothing makes us more vulnerable than allowing the Constitution to be violated.

Passage of this reauthorization will allow the government to listen in to our phone calls, read our personal correspondence, and monitor our activities without obtaining a warrant. Permission for surveillance obtained by a secret FISA court can cover broad categories of targets rather than specific individuals, as the Fourth Amendment requires. Americans who communicate with someone who is suspected of being affiliated with a target group can be monitored without a warrant. The only restriction is that Americans on US soil are not to be the primary targets of the surveillance. That is hardly reassuring. US intelligence agencies are not to target Americans on US soil, but as we all know telephone conversations usually take place between two people. If on the other end of the international conversation is an American, his conversation is monitored, recorded, transcribed, and kept for future use.

According to press reports earlier this summer, the Director of National Intelligence admitted to the Senate that "on at least one occasion" US intelligence collection agencies violated the Constitutional prohibitions on unlawful search and seizure. Without possibility for oversight of the process and with the absence of transparency, we will never know just how many Americans have been wiretapped without warrants.

Creating a big brother surveillance state here is no solution to threats that may exist from abroad. I urge my colleagues to reject these FISA amendments and return to the Constitution.