

Statement on HR 6304, the Foreign Intelligence Surveillance Act (FISA) Amendments

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Rep. Ron Paul, M.D.

Madam Speaker, I regret that due to the unexpected last-minute appearance of this measure on the legislative calendar this week, a prior commitment has prevented me from voting on the FISA amendments. I have strongly opposed every previous FISA overhaul attempt and I certainly would have voted against this one as well.

The main reason I oppose this latest version is that it still clearly violates the Fourth Amendment of the Constitution by allowing the federal government to engage in the bulk collection of American citizens' communications without a search warrant. That US citizens can have their private communication intercepted by the government without a search warrant is anti-American, deeply disturbing, and completely unacceptable.

In addition to gutting the fourth amendment, this measure will deprive Americans who have had their rights violated by telecommunication companies involved in the Administration's illegal wiretapping program the right to seek redress in the courts for the wrongs committed against them. Worse, this measure provides for retroactive immunity, whereby individuals or organizations that broke the law as it existed are granted immunity for prior illegal actions once the law has been changed. Ex post facto laws have long been considered anathema in free societies under rule of law. Our Founding Fathers recognized this, including in Article I section 9 of the Constitution that "No bill of attainder or ex post facto Law shall be passed." How is this FISA bill not a variation of ex post facto? That alone should give pause to supporters of this measure.

Mr. Speaker, we should understand that decimating the protections that our Constitution provides us against the government is far more dangerous to the future of this country than whatever external threats may exist. We can protect this country without violating the Constitution and I urge my colleagues to reconsider their support for this measure.