

HON. RON PAUL OF TEXAS BEFORE THE US HOUSE OF REPRESENTATIVES November 16, 2005 Congress Erodes Privacy

The privacy issue has been around for a long time. The brutal abuse of privacy and property of early Americans played a big role in our revolt against the King. The 1st, 4th, and 5th amendments represented attempts to protect private property and privacy from an overzealous federal government. Today those attempts appear to have failed.

There have been serious legal debates in recent decades about whether “privacy” is protected by the Constitution. Some argue that since the word does not appear in the text of that document, it is not protected. Others argue that privacy protection grants the federal government power to dictate to all states limits or leniency in enforcing certain laws. But the essence of liberty is privacy.

In recent years—especially since 9-11—Congress has been totally negligent in its duty to protect U.S. citizens from federal government encroachment on the rights of privacy. Even prior to 9-11, the Echelon worldwide surveillance system was well entrenched, monitoring telephones, faxes, and emails.

From the 1970s forward, national security letters were used sparingly in circumventing the legal process and search warrant requirements. Since 9-11 and the subsequent passage of the Patriot Act, however, use of these instruments has skyrocketed, from 300 annually to over 30,000. There is essentially no oversight nor understanding by the U.S. Congress of the significance of this pervasive government surveillance. It’s all shrugged off as necessary to make us safe from terrorism. Sacrificing personal liberty and privacy, the majority feels, is not a big deal.

We soon will vote on the conference report reauthorizing the Patriot Act. Though one could argue there’s been a large grass-roots effort to discredit the Patriot Act, Congress has ignored the message. Amazingly, over 391 communities and 7 states have passed resolutions highly

critical of the Patriot Act.

The debate in Congress—if that’s what one wants to call it—boils down to whether the most egregious parts of the Act will be sunsetted after 4 years or 7. The conference report will adjust the numbers, and members will vote willingly for the “compromise” and feel good about their effort to protect individual privacy.

But if we’re honest with ourselves we would admit that the 4th amendment is essentially a dead letter. There has been no effort to curb the abuse of national security letters nor to comprehend the significance of Echelon. Hard-fought liberties are rapidly slipping away from us.

Congress is not much better when it comes to protecting against the erosion of the centuries-old habeas corpus doctrine. By declaring anyone an “enemy combatant”—a totally arbitrary designation by the President—the government can deny an individual his right to petition a judge or even speak with an attorney. Though there has been a good debate on the insanity of our policy of torturing prisoners, holding foreigners and Americans without charges seems acceptable to many. Did it never occur to those who condemn torture that unlimited detention of individuals without a writ of habeas corpus is itself torture—especially for those who are totally innocent? Add this to the controversial worldwide network of secret CIA prisons now known of for 2 years, and we should be asking ourselves what we have become as a people. Recent evidence that we’re using white phosphorus chemical weapons in Iraq does nothing to improve our image.

Our prestige in the world is slipping. The war is going badly. Our financial system is grossly overburdened. And we spend hundreds of hours behind the scenes crafting a mere \$5 billion spending cut while pretending no one knows we can spend tens of billions in off-budget supplemental bills- sometimes under unanimous consent!

It’s time we reconsider the real purpose of government in a society that professes to be free—protection of liberty, peaceful commerce, and keeping itself out of our lives, our economy, our pocketbooks, and certainly out of the affairs of foreign nations.