

July 9, 2015

Dear Mr. Danilow,

Thank you for contacting me about the bulk collection of millions of phone records by the National Security Agency (NSA). I appreciate hearing your thoughts on this agency and its practices. I believe President Obama's bulk collection of our phone records to be illegal and unconstitutional, and I have consistently supported legislation to end this program.

Throughout the summer of 2013, in a lengthy series of investigative reports, London-based newspaper *The Guardian* published an extensive account of the domestic data-gathering and surveillance efforts under way at the NSA. This documentation, including a secret court order issued in April 2013, indicated that the NSA has been conducting operations on a much larger scale than had previously been made public, indiscriminately sweeping up the communications records of millions of American citizens in a vast digital dragnet, every day, without a warrant and without probable cause.

This is an astounding assault on the Constitution and an extraordinary invasion of privacy. A court order that allows the government to obtain a billion records a day but does not name an individual target is clearly beyond the scope of the Fourth Amendment, which states that warrants are to be issued only upon probable cause and must specify the person and place to be searched or seized.

The Obama administration initially responded by simply denying that it was vacuuming in huge quantities of private information. Under direct questioning from my colleague Senator Ron Wyden (D-Ore.) on March 12, 2013, Director of National Intelligence James Clapper flatly denied that the NSA was collecting "any type of data at all on millions of Americans" – a claim that we now know to be demonstrably false. On May 7, 2015, U.S. Court of Appeals for the Second Circuit declared that the NSA's bulk records collection program was unlawful; however, the Obama administration nonetheless continued collecting this data. This response is a clear indication that the President views our Constitutional "right of the people to be secure in their persons, houses, papers, and effects" as optional.

The Constitution is not a negotiable piece of parchment to be ignored or abused at a President's whim. People are deeply suspicious of a government that can take away their rights and they are even more suspicious when these acts are done in secret.

This blatant overreach of power is also just the latest symptom of a much more fundamental problem that we face as a nation – an arrogant federal government that has simply grown too large, too invasive, too distant from people, and utterly adrift from its Constitutional moorings. When balancing liberty against security, the American tradition has always been to err on the side of liberty. I support allowing our national security agencies to conduct surveillance if they respect due process rights and establish probable cause, such as the suspicion of international terrorist activities. However, invading the privacy of every individual who uses a cell phone or the Internet is unnecessary and illegal. Our government shouldn't have unlimited reign to spy on its citizens.

I have long been a vocal defender of our Fourth Amendment rights, and have consistently led the fight against reauthorizing the warrantless wiretapping and search provisions contained in the USA PATRIOT Act and the Foreign Intelligence Surveillance Act. In late May 2015, prior to the expiration of certain sections of the USA PATRIOT Act on June 1, 2015, I took to the Senate floor to make the case that the federal government should not be allowed to continue the numerous domestic surveillance programs that collect data of millions of Americans without a particularized warrant and without probable

cause. On May 20, 2015, I held the Senate floor for 10 and a half hours to describe in great detail my objections to the government's intrusive surveillance of innocent American citizens and to block attempts to extend the expiring law without sufficient reforms.

I also used that time to demand that my colleagues engage in a robust debate over how best to reform these programs. Several Senators wished to reauthorize the program with no changes, an approach that was roundly rejected; others supported H.R. 2048, the Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (the USA FREEDOM Act). I proposed nine amendments to the USA FREEDOM Act, in order to ensure that the surveillance reforms it contained would ensure that the government would respect the Constitution and the rights of each and every citizen of this great country. Unfortunately, my amendments were not even considered. I opposed the USA FREEDOM Act because it reauthorized the USA PATRIOT Act and because I believe it did not do enough to rein in government surveillance.

Again, thank you for contacting my office. Rest assured that I will continue to vigorously defend the Bill of Rights and to preserve the right to privacy for all Americans. For more information on this and my many other legislative initiatives, please visit my Web site at: www.paul.senate.gov

Sincerely,

A handwritten signature in black ink that reads "Rand Paul". The signature is written in a cursive, slightly slanted style.

Rand Paul, MD
United States Senator