

Subject: Reply from Senator Rand Paul
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August 7, 2013

Dear Mr. Danilow,

Thank you for contacting me about the National Security Agency (NSA). I appreciate hearing your thoughts on this agency and its practices.

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, indicates that the NSA has been operating on a much larger scale than has previously been made public, indiscriminately sweeping up the electronic communications data 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. Moreover, it is not at all clear whether the Foreign Intelligence Surveillance Court that issued the order did so lawfully, as much of the communications data being collected is entirely domestic in nature.

The Administration has responded to the public uproar by simply claiming that it is allowed to have unlimited access to all Americans' private information. 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 null and void. Worse, 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.

I certainly understand your frustrations, and like you I am profoundly disappointed in this Administration's record on civil liberties. 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 led the fight against the reauthorization of the warrantless wiretapping and search provisions

contained in the USA PATRIOT Act and the Foreign Intelligence Surveillance Act. Indeed, even prior to these recent revelations, I had proposed legislation in each of the last two sessions of Congress to try and rein in the ability of the federal government to monitor its citizens. Most recently, on June 7, 2013, I reintroduced S. 1121, the Fourth Amendment Restoration Act of 2013, a bill which would have prevented the data-mining we're now seeing.

I am actively exploring all of the options available to me with regard to spearheading a broad-based effort to remedy some of the excesses that have recently come to light. Rest assured that I will continue to demand answers and accountability, and I will continue to fight for a more principled, limited government that respects the Constitution and the rights of each and every citizen of this great country.

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