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Biden White House: FISA Good, Warrants Bad

Patrick Eddington
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Former president Donald Trump has repeatedly attacked what he generically refers to as the Washington, DC “deep state”—usually an inference about the [FBI’s misuse](#) of the Foreign Intelligence Surveillance Act (FISA) to target his 2016 presidential campaign. On Valentine’s Day, National Security Adviser Jake Sullivan made it clear that it’s not some nebulous, governmental Illuminati-style cabal seeking to retain the power to spy at scale on Americans. It’s the Biden administration itself.

Just after 6:30 p.m. on the 14th—and after House Speaker Mike Johnson (R-LA) once again canceled a vote on an extremely [controversial FISA reauthorization bill](#)—*The Intercept*’s Ken Klippenstein posted a clip from the [White House press conference](#) where Sullivan was asked whether Biden would veto any FISA reform bill that requires a warrant to access data collected on Americans. Since the Office of Management and Budget has not issued an official state of administration policy on any FISA bill as yet, Sullivan declined to directly answer the question. Instead, he claimed that any warrant requirement to access FISA data on Americans would not be “in the national interest” of the United States.

The national security adviser to the president of the United States, a man who absolutely has President Biden’s ear and undoubtedly knows his thinking on this issue, is claiming that requiring the FBI, NSA, and CIA to abide by the Fourth Amendment vis-à-vis access to FISA Section 702 data is “not in the national interest.”

That’s a story that should’ve been, but was not, front page news today in every American media outlet.

It should also tell FISA reformers in the House and Senate something else. They will need a bipartisan veto-override majority to pass any reform bill over what now seems like an inevitable Biden veto if the final reform bill does mandate warrants to access FISA Section 702 data on Americans.

Patrick G. Eddington is a senior fellow in homeland security and civil liberties at the Cato Institute. From 2004 to 2014, he served as communications director and later as senior policy adviser to Rep. Rush Holt (D-NJ).