



Against NSA Spying and Patriot Act

Friday, May 22, 2015

National Journal reports: "Paul took to the Senate floor shortly after 1 p.m. Wednesday in opposition to the National Security Agency's collection of bulk data and ended his speech just before midnight. Section 215 of the Patriot Act, which is used to authorize that collection, will sunset June 1, sending the Senate into a tailspin as it tries to find a resolution before it leaves for a one-week recess. Fellow Kentuckian and Majority Leader Mitch McConnell has urged the Senate to pass a clean reauthorization of the program, but Paul and others have vowed to stand in the way.

"Democratic Sen. Ron Wyden, who has threatened to filibuster any extension of the Patriot Act, was the first and not all-that-unexpected Democrat to come and speak in support of Paul's position Wednesday. But he was far from the last. Seven Democrats spoke with Paul, compared with just three Republicans."

J. Kirk Wiebe is a retired National Security Agency whistleblower who worked at the agency for 36 years. He said yesterday: "Almost a month ago, intelligence expert and former senior policy advisor to Congressman Rush Holt (D-NJ) Patrick Eddington of the Cato Institute wrote "The Minimalist Surveillance Reforms of USA Freedom." Eddington's piece about the so-called USA Freedom Action, a version of which passed the House recently, states:

Consider what this bill is not addressing:

- The "back door" searches conducted under Sec. 702 of the FISA Amendments Act.
- The expansive collection of U.S. Person data under Executive Order 12333.
- The targeting of anyone using internet anonymization technology such as Tor.
- NSA's subversion of encryption standards, supply chain interdiction operations, and espionage and spy recruitment efforts against international standards bodies.

Said Wiebe: "In short, the USA Freedom Act does fundamentally very little in terms of significantly constraining the ability of the National Security Agency to perform bulk collection of data about anyone, U.S. citizen or otherwise.

"The tragedy of the matter lies in the fact that the government -- including the legislative and executive branches of government, aided and abetted by an unchallenged FISA Court, is working in collusion to mislead the American public about the ability of the legislation to truly do what most Americans want -- a Constitutional process that a) actually catches bad guys, and b) respects and enforces privacy rights under the Fourth Amendment. Both are 'do-able' and there is no balance -- we can have both.

"The truth is, that as long as NSA enjoys collection authorities to do bulk collection under Executive Order 12333, together with no constraints on Section 702 of the FISA Amendments Act, the USA Freedom Act results in few net changes in the government's ability to invade privacy as it deems necessary, bulk or otherwise.

"There is one more important aspect of the discussion -- USA Freedom does absolutely nothing to enhance legislative or judicial oversight over the executive branch's use of NSA's vast intelligence production apparatus. Lots of 'trust,' but no 'verify,' which is what created the current Constitutional crisis beginning with the events of Sept. 11, 2001."