

February 12, 2014, 4:07 PM ET

Rand Paul Files Class Action Lawsuit Over NSA Surveillance

By Rebecca Ballhaus



Sen. **Rand Paul** (R., Ky.) holds up cell phones in front of the U.S. District Court in Washington, D.C., to announce the filing of a class action lawsuit against **Obama** administration concerning NSA surveillance. (Win McNamee/Getty Images)

Getty Images

Sen. **Rand Paul** (R., Ky.) announced that he filed a class-action lawsuit against the Obama administration over the National Security Agency's surveillance practices.

Accompanied by **Ken Cuccinelli**—Virginia's former attorney general, who will serve as lead counsel for the case—and **Matt Kibbe**, president of the conservative group FreedomWorks, Mr. Paul called the lawsuit an "important first step" in combatting the NSA's practices. Mr. Paul telegraphed his intention to file a suit during an interview last month with Fox News's **Eric Bolling**, saying he hoped to "protect the Fourth Amendment."

More In NSA

[Rand Paul Files Class Action Lawsuit Over NSA Surveillance](#)

[Spy Chief Returns to His Senate Hot Seat](#)

[Senior Lawmakers Skeptical of Obama Phone-Data Proposal](#)

[Few Olive Branches for Tech in Obama NSA Speech](#)

7 Takeaways From Obama's Surveillance Speech

A handful of civil liberties groups and activists are already pursuing similar lawsuits in court, and it's not clear that Mr. Paul's case will stand out among them. Coincidentally, shortly after the suit was filed, Mr. Paul had a private lunch with Attorney General [Eric Holder](#) at the Justice Department, in which the two talked about their shared desire for sentencing reform, according to officials.

Mr. Paul's lawsuit is likely an effort to boost his visibility – and bulk up his campaign's email list – ahead of 2016, when he is up for re-election in the Senate and is considering running for president. He put a petition up on his campaign website several months ago and began collecting signatures.

The emails of those who sign petitions on Mr. Paul's campaign website and on RandPAC.com are automatically added to the Paul campaign's email list, a campaign official confirmed. The campaign also has access to the emails of visitors who sign up on Defendthe4th.com, referring to the Fourth Amendment.

A pop-up ad on Mr. Paul's campaign website declares, "I'm OUTRAGED – and I'm going to do everything I can to END this madness," offering a sign-up to join the lawsuit. After visitors sign up, they are prompted to contribute, though the site does not note whether the contributions go to the Paul campaign or to the lawsuit. A Paul campaign official did not respond to questions about the destination of those contributions.

The lawsuit names President **Barack Obama**, Director of National Intelligence **James Clapper**, NSA Director **Keith Alexander**, and FBI Director **James Comey**.

By the time he filed the lawsuit, Mr. Paul had collected more than 386,000 signatures, and he said the suit could "conceivably represent hundreds of millions of people."

"I'm not against the NSA, I'm not against spying, I'm not against looking at phone records," he said at a press conference outside the U.S. District Court for the District of Columbia Wednesday morning. "I just want you to go to a judge, have a person's name and individualize the warrant."

Officials told the Journal last weekend that the [NSA gathers information from about 20% or less](#) of all calls in the U.S.—far less than previously thought. Justice Department officials have previously said the program is constitutional.

Mr. Cuccinelli, who ran unsuccessfully for Virginia governor last fall, said this lawsuit will differ from suits that have already been filed because it is a class-action suit focusing strictly on the Fourth Amendment, which protects against unreasonable searches and seizures. "The other cases thus far are on behalf of individual plaintiffs," he said. "That does not provide relief for every American who's using a telephone. This case will."

In an interview, Mr. Cuccinelli said he's optimistic about the lawsuit's chances. "When the Supreme Court is done addressing this, they're going to stake out more protection for Americans'

Fourth Amendment rights,” he said.

The complaint says the NSA’s data collection program is unconstitutional and should be stopped, and that the information should be eliminated from databases, [according to a copy](#) of the suit posted on FreedomWorks’ website.

Asked about the lawsuit at a press briefing Wednesday, White House spokesman [Jay Carney](#) maintained that the NSA’s metadata collection program is legal, adding that the administration is “not alone” in that belief. Referring to intelligence officials, Mr. Carney said, “They are not abusing authorities in order to listen to your phone calls or read your emails.”

Follow [@wsjwashington](#) on Twitter

Copyright 2014 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our [Subscriber Agreement](#) and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit [www.djreprints.com](#)