



Rand Paul files lawsuit to halt NSA phone surveillance

James R. Carroll, The (Louisville) Courier-Journal 4:38 p.m. EST February 12, 2014

Kentucky Republican says he's taking legal action 'out of respect for the Constitution.'

WASHINGTON — Sen. Rand Paul, R-Ky., and a libertarian group Wednesday asked a federal court to halt the National Security Agency's collection of telephone data and to purge what already has been stored since 2006.

"On behalf of myself, FreedomWorks and everyone in America that has a phone, we're filing suit against the president of the United States in defense of the Fourth Amendment," Paul told reporters in front of a federal courthouse.

"We think the government has overstepped its bounds," said FreedomWorks President Matt Kibbe.

Paul, who has said he is considering a 2016 Republican presidential bid, said the class-action lawsuit he and FreedomWorks filed could involve 300 million to 400 million Americans.

The question the court must answer is whether a single warrant should empower the government to conduct mass surveillance against phone users, the senator said.

"There's a huge and growing swell of protest in this country of people who are outraged that their records are being taken without suspicion, without a judge's warrant and without individualization," Paul said. "This we believe will be a historic lawsuit."

He and FreedomWorks named as defendants President Obama, Director of National Intelligence James Clapper, NSA Director Keith Alexander and FBI Director James Comey.

Paul said he was not taking legal action "out of disrespect to anyone; we do this out of respect for the Constitution."

However, Paul and his allies will first have to show they have been harmed by the NSA's surveillance program, a key legal hurdle.

"This will be a several years-long process," predicted former Virginia attorney general Ken Cuccinelli, their counsel.

Justice Department spokesman Peter Carr offered a brief response to the suit: "We remain confident that the program is legal, as at least 15 judges have previously found."

Obama's National Security Council did not specifically address the lawsuit, but spokeswoman Caitlin Hayden noted that not only have other courts upheld the legality of phone data collection, "it receives oversight from all three branches of government, including the Congress."

The president last month announced a series of reforms to government surveillance programs.

"We believe that all of these reforms taken together help chart a path forward that should give the American people greater confidence that their rights are being protected, while preserving important tools that keep us safe, and addressing concerns that have been raised overseas," Hayden said.

As Paul outlined his lawsuit, members of the congressionally created Privacy and Civil Liberties Oversight Board appeared before the Senate Judiciary Committee. The board concluded last month that the telephone record collection program was illegal and should be shut down.

The board's "recent report adds to the growing chorus calling for an end to the government's dragnet collection of Americans' telephone records," said Patrick Leahy, D-Vt., chairman of the judiciary committee. "As I have said repeatedly, the administration has not demonstrated that the ... phone records collection program is uniquely valuable enough to justify the massive intrusion on Americans' privacy."

Contributing: Kevin Johnson, USA TODAY

<http://www.usatoday.com/story/news/politics/2014/02/12/rand-paul-nsa-phone-surveillance/5428245/>