

Giveaway of Fourth Amendment Rights: House Approves Unconstitutional Surveillance Legislation

By [American Civil Liberties Union](#)

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Fourth Amendment: guards against searches, arrests, and seizures of property without a specific warrant or a "probable cause" to believe a crime has been committed. Some rights to privacy have been inferred from this amendment and others by the Supreme Court.

Washington DC – Following a vote in the House of Representatives sanctioning warrantless wiretapping and handing immunity to telecommunications companies for their role in domestic spying, the American Civil Liberties Union expressed outrage at representatives who voted for the unconstitutional legislation. The bill, H.R. 6304, or The FISA Amendments Act of 2008, passed the chamber by a vote of 293 (yes) -129 (no), and is expected to be voted on in the Senate next week.

Caroline Fredrickson, director of the ACLU's Washington Legislative Office said: "It's Christmas morning at the White House thanks to this vote. The House just wrapped up some expensive gifts for the administration and their buddies at the phone companies.

Watching the House fall to scare tactics and political maneuvering is especially infuriating given the way it stood up to pressure from the president on this same issue just months ago. In March we thought the House leadership had finally grown a backbone by rejecting the Senate's FISA bill. Now we know they will not stand up for the Constitution.

"No matter how often the opposition calls this bill a 'compromise,' it is not a meaningful compromise, except of our constitutional rights. The bill allows for mass, untargeted and unwarranted surveillance of all communications coming in to and out of the United States.

The courts' role is superficial at best, as the government can continue spying on our communications even after the FISA court has objected. Democratic leaders turned what should have been an easy FISA fix into the wholesale giveaway of our Fourth Amendment rights.

"More than two years after the president's domestic spying was revealed in the pages of the New York Times, Congress' fury and shock has dissipated to an obedient whimper. After scrambling for years to cover their tracks, the phone companies and the administration are almost there. This immunity provision will effectively destroy Americans' chance to have their deserved day in court and will kill any possibility of learning the extent of the administration's lawless actions.

The House should be ashamed of itself. The fate of the Fourth Amendment is now in the Senate's hands. We can only hope senators will show more courage than their colleagues in

the House.”

<http://www.aclu.org/safefree/general/35740prs20080620.html>

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