

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Secret Order for Phone Records "Deeply Disturbing," TCP Says

WASHINGTON, D.C. -- Sharon Bradford Franklin, senior policy counsel at The Constitution Project (TCP), a nonpartisan legal watchdog group, offered the following comment on reports that the Foreign Intelligence Surveillance Court has authorized the National Security Agency to collect telephone call data on tens of millions of Americans, including all domestic calls, as well as calls that originate or terminate abroad:

"This extremely broad order by the Foreign Intelligence Surveillance Court is deeply disturbing. Even with the relaxed standards for Section 215 orders under the Patriot Act, it is difficult to understand how the production of ALL call data for Verizon customers for three months -- including all calls between customers located within the US -- is relevant to an investigation to protect against international terrorism.

"Although the order does not permit the government to listen in on the content of these calls, the scope of information being collected is staggering, and can still be highly revealing. By collecting information on calling patterns, the location from which calls are made and received, and the duration and frequency of calls for all Verizon customers, the government can track the behavior and associations of vast numbers of people, who have not been shown to have engaged in any illegal or even suspicious behavior.

"The phone records of Americans who have nothing to do with terrorists or spies shouldn't be simply swept up under Section 215 of the Patriot Act and, to the extent the law currently allows it, Congress should move immediately to restrict such an extremely broad interpretation of the statute."

The [secret order](#), originally reported by the *Guardian*, is limited to only a single carrier, Verizon, and for a limited 3-month time period, which expires on July 19. It is unknown whether similar orders apply to other carriers.

On May 26, 2011, Congress passed a four-year extension of three Patriot Act provisions, including Section 215, without much debate and without making much-needed changes to the overly broad surveillance bill. Congress also failed to revise the FISA Amendments Act, which it reauthorized for five years at the end of 2012.

TCP's Liberty and Security committee has previously called for [reform of Section 215](#) of the Patriot Act and for [greater transparency](#) in orders issued by the Foreign Intelligence Surveillance Court.

About The Constitution Project

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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