

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## TCP: Obama's Surveillance Speech a 'Wasted Opportunity'

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comments regarding President Obama's speech earlier today about government surveillance programs:

"We are disappointed that President Obama chose not to end the NSA's bulk collection of Americans' phone call records, nor to provide any specifics on how he would significantly alter it, even though his own hand-picked panel of intelligence experts urged him to substantially reform the program. The government's collection and analysis of phone call metadata as currently constituted not only violates individuals' privacy rights, but has been shown to be ineffective in keeping us safe. So while the president's new directive and his consideration of alternative approaches is a positive first step, we hope to see Congress act decisively to end all bulk collection of our private records under Section 215 of the Patriot Act.

"Certainly, the president has proposed some important changes, such as greater oversight of National Security Letters, backing the creation of a panel of public advocates at the secret intelligence court and reducing the number of 'hops' the NSA can take in querying the database from three to two. And we are pleased that he rejected the solution of outsourcing the collection function to a single third-party contractor. But as long as the NSA continues to hold this sensitive data, or to map and sift through it without tighter restrictions, the phone call collection program poses an unacceptable threat to our fundamental freedoms.

"Today, the president could have taken important steps to protect people's privacy against out-of-control government surveillance. Unfortunately, he largely let that opportunity go to waste."

In December, the President's Review Group on Intelligence and Communications Technologies, a panel of experts appointed by the White House earlier in the year, [urged the president](#) to significantly rein in the way the National Security Agency collects, stores and accesses phone call records. Importantly, the group concluded that collection of the phone data "was not essential to preventing attacks." An analysis of NSA's surveillance programs by the New America Foundation reached the [same conclusion](#) about the ineffectiveness of the bulk collection programs.

Also in December, U.S. District Court Judge Richard Leon [found](#) that the bulk collection program almost certainly violates the Fourth Amendment ban on unreasonable searches and seizures. He too noted that the federal government had failed to show that collecting the information had helped to head off terrorist attacks.

In his remarks delivered at the Department of Justice this morning, Obama shifted many of the toughest questions about surveillance to Congress. TCP has [endorsed](#) a bipartisan reform bill introduced by Sen. Patrick Leahy (D-Vt.), Chair of the Senate Judiciary Committee, and Rep. Jim

Sensenbrenner (R-Wis.), one of the original authors of the Patriot Act. Called the USA Freedom Act, the legislation would end bulk collection and increase transparency and accountability of intelligence agencies.

TCP's Liberty and Security Committee has previously called for the [reform of Section 215](#) of the Patriot Act and for [stronger review standards](#) in orders issued by the FISC.

Earlier today, the independent Privacy and Civil Liberties Oversight Board announced it would release its recommendations on these programs next week.

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### [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.*