

**Klayman v obama pdf**

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The USA FREEDOM Act was signed by President Obama on... Document | November 16, 2015 Document | November 10, 2015 Document | November 10, 2015 Document | November 9, 2015 Document | November 9, 2015 Deeplinks Blog by Cindy Cohn | August 28, 2015 The U.S. Court of Appeals for the D.C. Circuit's opinion today in *Klayman v. Obama* is highly disappointing and, worse, based on a mistaken concern about the underlying facts. The court said that since the plaintiffs' phone service was provided by one subsidiary of Verizon—Verizon Wireless—rather... Page 2 Deeplinks Blog by Kelsey Harclerode | June 23, 2015 Digital liberties groups across the country have both celebrated and criticized the recent passage of the USA Freedom Act. Here at EFF, we did a little bit of both. While USA Freedom will undoubtedly impact the court cases challenging the NSA's mass surveillance, the full scope... Deeplinks Blog by Richard Esquerre | June 5, 2015 Deeplinks Blog by Dia Kayyali | May 22, 2015 Senate Majority Leader Mitch McConnell has made it clear this week that, while the Senate is rapidly approaching recess, the Senate "will stay in [session] until a deal is struck to extend" the Patriot Act. McConnell has also introduced legislation for both long-term and short-term reauthorization of the Patriot... Deeplinks Blog by David Greene | May 11, 2015 The U.S. Court of Appeals for the Second Circuit in *ACLU v. Clapper* has determined that the NSA's telephone records program went far beyond what Congress authorized when it passed Section 215 of the Patriot Act in 2001. The... Deeplinks Blog by Andrew Crocker | May 9, 2015 We now have the first decision from a court of appeals on the NSA's mass surveillance program involving bulk collection of telephone records under Section 215 of the Patriot Act, and it's a doozy. The U.S. Court of Appeals for the Second Circuit issued an opinion in... Deeplinks Blog by Dia Kayyali | January 29, 2015 You may have heard that the Patriot Act is set to expire soon. That's not quite the case. The Patriot Act was a large bill, as were the reauthorizations that followed in 2005 and 2006. Not all of it sunsets. But three provisions do expire on June 1st: Section 215... Deeplinks Blog by Dia Kayyali | January 5, 2015 EFF was suing the NSA before it was cool. We filed our first lawsuit against the NSA for mass spying in 2008, after the NSA butted into our lawsuit against AT&T for helping the NSA do mass spying. We've also been doing Freedom of Information lawsuits trying to ensure... Press Release | December 4, 2014 Seattle - An appeals court will hear oral arguments in *Smith v. Obama*, a case filed by an Idaho nurse against a controversial National Security Agency (NSA) telephone data collection program, in Seattle on Monday, Dec. 8. Anna Smith, a neonatal nurse from Coeur d'Alene, filed her lawsuit... Page 3 Document | November 17, 2014 Document | November 14, 2014 Document | November 7, 2014 Deeplinks Blog by Dia Kayyali | November 3, 2014 How can the US government possibly claim that its collection of the phone records of millions of innocent Americans is legal? It relies mainly on two arguments: first, that no one can have a reasonable expectation of privacy in their metadata and second, that the outcome is controlled by the... Press Release | October 31, 2014 Washington, D.C. - The Electronic Frontier Foundation (EFF) will appear before a federal appeals court next week to argue the National Security Agency (NSA) should be barred from its mass collection of telephone records of million of Americans. The hearing in *Klayman v. Obama* is set for 9:30 am on... Today EFF filed our latest brief in *Jewel v. NSA*, our longstanding case on behalf of AT&T customers aimed at ending the NSA's dragnet surveillance of millions of ordinary Americans' communications. The brief specifically argues that the Fourth Amendment is violated when the government taps into the Internet... Deeplinks Blog by Dia Kayyali | October 20, 2014 We've filed our reply brief in the appeal of *Smith v. Obama*, our case challenging the NSA's mass telephone records collection on behalf of Idaho nurse Anna Smith. The case will be argued before the Ninth Circuit Court of Appeal on December 8, 2014 in Seattle, and then... Document | October 3, 2014 Document | September 19, 2014 Document | September 19, 2014 Page 4 Plaintiffs filed suit contending that the government's "bulk data program" collection constitutes an unlawful search under the Fourth Amendment. The program operates pursuant to the USA PATRIOT Act, Pub. L. No. 107-56, 115 Stat. 272, where section 215 of the Act empowered the FBI to request, and the Foreign Intelligence Surveillance Court (FISC) to enter, orders "requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation . . . to protect against international terrorism." The district court issued a preliminary injunction barring the government from collecting plaintiffs' call records, but stayed its order pending appeal. After the court determined that the case was not moot, Judge Brown and Judge Williams wrote separate opinions stating the reasons for reversal. Judge Brown wrote separately to emphasize that, while plaintiffs have demonstrated it is only possible - not substantially likely - that their own call records were collected as part of the bulk-telephony metadata program, plaintiffs have nonetheless met the bare requirements of standing. Having barely fulfilled the requirements for standing at this threshold stage, plaintiffs fall short of meeting the higher burden of proof required for a preliminary injunction. Judge Williams wrote that plaintiffs have failed to demonstrate a "substantial likelihood" that the government is collecting from Verizon Wireless or that they are otherwise suffering any cognizable injury. They thus cannot meet their burden to show a "likelihood of success on the merits" and are not entitled to a preliminary injunction. Hon. Richard J. Leon ruled that the NSA's program that systematically keeps records of all Americans' phone calls most likely violates the Constitution. Read More American federal court case *Klayman v. Obama*CourtUnited States District Court for the District of ColumbiaDecidedDecember 16, 2013DefendantKlayman I. Verizon Communications, President Barack Obama, NSA director (General Keith B. Alexander), Attorney General Eric Holder, Jr., US District Judge Roger Vinson; Klayman II: Facebook, Yahoo!, Google, Microsoft, YouTube, AOL, PalTalk, Skype, Sprint, AT&T, Apple and the same government defendants as in *Klayman I* Court membershipJudge(s) sittingRichard J. Leon Klayman v. Obama was an American federal court case concerning the legality of the bulk collection of both phone and Internet metadata by the United States. Background Main article: Global surveillance disclosures (2013-present) Ongoing news reports in the international media have revealed operational details about the United States' National Security Agency (NSA) and its international partners' global surveillance[1] of foreign nationals and American citizens. The reports emanate from a cache of top secret documents leaked by the former NSA contractor Edward Snowden. On June 6, 2013, the first of Snowden's documents were published simultaneously by The Washington Post and The Guardian, attracting considerable public attention.[2] Shortly after the disclosure, plaintiffs Larry Klayman, founder of Freedom Watch, Charles Strange and Mary Strange, parents of Michael Strange, a cryptologist technician for the NSA and support personnel for Navy Seal Team VI who was killed in Afghanistan, filed lawsuit challenging the constitutionality of the bulk metadata collection of phone records (Klayman I). Filing in *Klayman I*, subscribers of Verizon Wireless brought suit against the NSA, the Department of Justice, Verizon Communications, President Barack Obama, Eric Holder, the United States Attorney General, and General Keith B. Alexander, the Director of the National Security Agency.[3] The plaintiffs alleged that the government was conducting a "secret and illegal government scheme to intercept vast quantities of domestic telephonic communications", which violated the First, Fourth and Fifth Amendment and also exceeded statutory authority granted by Section 215.[3] They also alleged that the collected metadata contained highly personal and sensitive data.[4] In *Klayman II*, the plaintiffs sued the same government defendants as well as Facebook, Yahoo!, Google, Microsoft, YouTube, AOL, PalTalk, Skype, Sprint, AT&T, Apple, and again alleged the bulk metadata collection violated the First, Fourth and Fifth Amendments, as well as well as Section 2702 of Stored Communications Act.[5] Ruling On December 16, 2013, U.S. Federal Judge Richard J. Leon ruled that bulk collection of American telephone metadata likely violates the Fourth Amendment. The judge wrote, "I cannot imagine a more 'discriminate' and 'arbitrary' invasion than this systematic and high-tech collection and retention of personal data on virtually every single citizen for purposes of querying and analyzing it without prior judicial approval. . . . Surely, such a program infringes on 'that degree of privacy' that the founders enshrined in the Fourth Amendment.[6] Leon, the first judge to examine an NSA program outside of the secret FISA court on behalf of a non-criminal defendant, described the technology used as "almost Orwellian", referring to the George Orwell novel *Nineteen Eighty-Four*, in which the world has come under omnipresent government surveillance. In the 68-page ruling, Leon said that he had "serious doubts about the efficacy" of the program.[7] The U.S. government was unable to cite "a single instance in which analysis of the NSA's bulk metadata collection actually stopped an imminent attack, or otherwise aided the government in achieving any objective that was time-sensitive." The judge ruled that a 1979 case, *Smith v. Maryland*, which established that phone metadata is not subject to the Fourth Amendment, did not apply to the NSA program as the U.S. Justice Department had argued. He termed the use of telephony metadata in *Smith v. Maryland* as short-term forward looking capture and that of NSA as long-term historical retrospective analysis. Citing the NSA's vast scope and "the evolving role of phones and technology", Judge Leon's opinion pointed out that the Fourth Amendment needs to adapt to the digital age.[8] Judge Leon stayed the ruling, giving the U.S. government six months to appeal.[9] Rationale In its analysis, the court found that the plaintiffs did have standing to challenge the bulk telephony metadata program since their fear of being surveilled was not merely speculative. The elements the courts considered when ruling for the preliminary injunction were, "whether (1) the plaintiff has a substantial likelihood of success on the merits; (2) the plaintiff would suffer irreparable injury were an injunction not granted; (3) an injunction would substantially injure other interested parties; and (4) the grant of an injunction would further the public interest." [10]With consideration of those elements, the court ruled that the plaintiffs do have a substantial likelihood of success on their Fourth Amendment arguments.[10] Being customers of Verizon[11][12] their data was being collected by NSA as evidenced by the leaked FISC order that orders Verizon to provide on an ongoing daily basis, its business records to NSA.[13] Although the court did not find any evidence that plaintiff's data was being analyzed or any evidence of their allegation that government is behind the inexplicable phone calls and text messages sent to and received from their phone numbers.[11][12] Judge Leon declared that he had reason to believe that everyone's metadata is being analyzed, because of the way the querying process works. He argued that for a foreign phone number for which NSA possibly hasn't collected any metadata, there is no way to query what numbers it has contacted other than to match it against every phone number in the database.[7] He wrote, Because the Government can use daily metadata collection to engage in repetitive, surreptitious surveillance of a citizen's private goings on, the NSA database implicates the Fourth Amendment each time a government official monitors it.[7] Plaintiffs did not establish standing to challenge the PRISM program which primarily targets Internet communications of non-US citizens believed to be located outside of US. The plaintiffs did not provide any evidence that as US citizens their Internet communications were being surveilled, nor did they allege that they communicate with anyone outside of US.[7][14] Moreover, the government had discontinued the Internet metadata collection since 2011, so the court didn't consider the legality of the program further.[7] Reactions On the ruling, The Washington Post printed: "NSA officials . . . now stand accused of presiding over a program whose capabilities were deemed by the judge to be 'Orwellian' and likely illegal." [15][16] Edward Snowden issued a statement in response to the ruling, saying in part: I acted on my belief that the NSA's mass surveillance programs would not withstand a constitutional challenge, and that the American public deserved a chance to see these issues determined by open courts. Today, a secret program authorized by a secret court was, when exposed to the light of day, found to violate Americans' rights. It is the first of many.[17] Case developments In 2015, the D.C. Circuit Court of Appeals vacated the injunction and held that the plaintiffs failed to meet the heightened burden of proof regarding standing required for preliminary injunctions.[18] The Court of Appeals disagreed with the lower court's interpretation of "search" within the context of the Fourth Amendment. The courts further stated that the plaintiffs failed to prove that there was "no reasonable articulable suspicion" in the NSA's justification.[19] The case was remanded back to the district court. In 2015, the district court issued an injunction against the NSA from collecting data about Klayman's client, a California lawyer who had recently been added to the lawsuit. This was decision was later stayed by the D.C. Circuit court on appeal.[20] In 2017, Judge Richard Leon dismissed the suit against the government because Klayman and his client failed to establish that they had standing.[21] In 2019, the D.C. Circuit affirmed the dismissal. See also Litigation over global surveillance ACLU v. Clapper References ^ Barton Gellman (24 December 2013). "Edward Snowden, after months of NSA revelations, says his mission's accomplished". The Washington Post. Retrieved 25 December 2013. Taken together, the revelations have brought to light a global surveillance system ... ^ Greenwald, Glenn. "NSA collecting phone records of millions of Verizon customers daily". The Guardian. Retrieved August 16, 2013. Exclusive: Top secret court order requiring Verizon to hand over all call data shows scale of domestic surveillance under Obama ^ a b Leon, Richard (December 16, 2013). "Federal judge rules NSA program is likely unconstitutional a.k.a. *Klayman et al. v. Obama et al.* Memorandum and Opinion from December 16, 2013 in Civil Action 13-0851 in United Case District Court for the District of Columbia". The Washington Post. Retrieved December 17, 2013. ^ "Klayman v. Obama". Electronic Frontier Foundation. 2014-09-19. Retrieved 2022-03-08. ^ Klayman, Larry (11 June 2013). "Prism Complaint aka *Klayman et al v. Obama et al*" (PDF). Freedom Watch. Retrieved 25 February 2014. ^ Bill Mears and Evan Perez (December 17, 2013). "Judge: NSA domestic phone data-mining unconstitutional". CNN. ^ a b c d e Savage, Charlie (16 December 2013). "Federal Judge's Ruling on N.S.A. Lawsuit". The New York Times. Retrieved 25 February 2014. ^ "The NSA on Trial by David Cole | NYRblog". The New York Review of Books. December 18, 2013. ^ Savage, Charlie (16 December 2013). "Judge Questions Legality of N.S.A. Phone Records". The New York Times. Retrieved 25 February 2014. ^ a b "Klayman v. Obama | Case Brief for Law School | LexisNexis". Community. Retrieved 2022-03-08. ^ a b Klayman, Larry (October 28, 2013). "Affidavit of Larry Klayman". Retrieved March 4, 2014. ^ a b Strange, Charles (October 28, 2013). "Affidavit of Charles Strange". 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