



FOR IMMEDIATE RELEASE: July 8, 2013

Contact: Alan Butler, EPIC Appellate Advocacy Counsel, (202) 483-1140 x103, butler@epic.org

EPIC PETITIONS U.S. SUPREME COURT TO HALT NSA TELEPHONE SURVEILLANCE

WASHINGTON, D.C. (July 8, 2013) — The Electronic Privacy Information Center ("EPIC") has filed an emergency petition with the United States Supreme Court in order to stop the NSA's surveillance of domestic telephone communication records. EPIC said that the "ongoing collection of the domestic telephone records of millions of Americans" had created "exceptional circumstances" that necessitate relief that only the US Supreme Court could provide.

On April 25, 2013, the Foreign Intelligence Surveillance Court ("FISC") ordered Verizon Business Network Services to turn over all telephone records for calls made "wholly within the United States, including local telephone calls" to the National Security Agency ("NSA"). EPIC is a Verizon customer subject to the order.

On Monday, July 8, 2013, EPIC filed a petition for a writ of mandamus with the United States Supreme Court. A writ of mandamus is an order by a superior court to a lower court, often used when the lower court has exceeded its authority.

In the petition, EPIC argued that "the FISC exceeded its statutory jurisdiction when it ordered production of millions of domestic telephone records that cannot plausibly be relevant to an authorized investigation." Due to restrictions in the Foreign Intelligence Surveillance Act, EPIC cannot seek relief from the FISC or its Court of Review. Because no other federal or state court has the authority to review FISC orders, EPIC has filed its petition with the US Supreme Court.

"Telephone records, even without the content of the calls, can reveal an immense amount of sensitive, private information. There are no reasonable grounds for the NSA to have access to every call record of every Verizon customer," said Marc Rotenberg, president of EPIC. "The FISC has applied the FISA in a way that is contrary to both the text and purpose of the statute."

EPIC's petition was filed as members of the United States Senate have asked the Director of National Intelligence James Clapper to answer several questions about the legality of the NSA domestic surveillance program. Congressman James Sensenbrenner, an original cosponsor of the USA PATRIOT Act, has also stated that the Foreign Intelligence Surveillance Court lacks the authority to issue such a sweeping order.

EPIC is a non-profit public interest research center in Washington, D.C. EPIC was established in 1994 to focus public attention on emerging civil liberties issues and to protect privacy, the First Amendment, and constitutional values. EPIC has filed more than 50 briefs on emerging privacy and civil liberties issues in federal and state courts, including six briefs to the US Supreme Court in the 2012 term.

Resources

Full text of the petition: <http://epic.org/EPIC-FISC-Mandamus-Petition.pdf>

Background information related to the petition: <http://epic.org/privacy/nsa/in-re-epic/default.html>