



The Top Four Reasons to Reject Reauthorization of Section 215 of the Patriot Act

Lawmakers can show that they care about the Constitution by voting against any reauthorization of Section 215 of the USA PATRIOT Act—no matter how short. Section 215 has been used to invade the privacy of millions of ordinary people. It's time to let Section 215 of the Patriot Act die.

1. Bulk phone records collection is unconstitutional and illegal. In *ACLU v. Clapper*, the U.S. Court of Appeals for the Second Circuit held that the NSA's phone records program went far beyond what Congress authorized when it passed Section 215 of the Patriot Act in 2001. While the court didn't reach the constitutional arguments, it's clear that bulk collection of phone records also violates both the First and Fourth Amendments. The First Amendment protects the freedom to associate and express political views as a group, but the collection and analysis of phone records give the government a broad window into associations. The Fourth Amendment protects against unreasonable search and seizure—and the collection of the records of millions of ordinary people is the very definition of an unreasonable search.

2. The phone records program doesn't make us any safer: NSA defenders say that the call records program has stopped terrorist attacks—but that claim has been repeatedly proven false. The White House itself, along with the President's Review Board has said that the government can accomplish its goals without bulk phone records collection. And the Privacy and Civil Liberties Oversight Board said, "We have not identified a single instance involving a threat to the United States in which [bulk collection under Section 215 of the PATRIOT Act] made a concrete difference in the outcome of a counterterrorism investigation."

3. It's not "just metadata"— call records paint an intimate portrait of the lives of millions of Americans. Research has shown that using only call metadata, the government can determine what your religion is, if you purchased a gun or got an abortion, and other incredibly private details of your life. Former director of the NSA and CIA, Michael Hayden, recently admitted: "We kill people based on metadata." And former NSA General Counsel Stu Baker said: "metadata absolutely tells you everything about somebody's life. If you have enough metadata, you don't really need content."

4. Patriot Act surveillance has been steeped in secrecy. The government interpreted Section 215 of the Patriot Act in complete secrecy to allow the surveillance of everyone without suspicion. And because the Foreign Intelligence Surveillance Court operates in secrecy, without any adversarial process, we didn't find out until Edward Snowden leaked a FISC order to the press. The government has also consistently challenged Freedom of Information Act requests about its surveillance activities, and has excessively redacted Inspector Generals' oversight reports, forcing the American public to rely on whistleblowers to discover government overreach.