



Section 215 of the PATRIOT Act:

The Illegal and Unconstitutional Use

The National Security Agency (NSA) is currently using Section 215 of the PATRIOT Act (50 USC 1861) to collect the calling information of **every American**. Under the government's theory, Section 215 can be used to collect "tangible things" relevant to a specific type of national security investigation. The list of possible "tangible things" the government seeks is seemingly limitless. And the NSA's use violates both the law and the Constitution.

What We Know:

- NSA collects **every call made in the US, the time of the call, the duration of the call, and the number called**. The information is stored in a database called MAINWAY.
- NSA used to collect Internet records including the to, from, bcc, and cc of emails sent, the associated IP addresses, the path of the email, status of the email, date, time, timezone, and other "metadata" with Section 215 in a database called MARINA.
- Much is unknown. The government could also be using Section 215 to collect gun records, credit card records, or driver's license records.

Why Metadata Matters:

- Metadata is often **more revealing** than the actual conversations
- Calls to services like suicide prevention hotlines or HIV testing centers will **reveal the substance** of the call.
- Calling patterns can **reveal all about your life**: when you sleep, when you work, your friends and family, and your civic and political participation and affiliations.

The Section 215 "Business Records" Program Is Illegal...

Section 215 was never intended for mass collection of records. It limits orders to "relevant" information that could be obtained with an ordinary criminal subpoena. The White House argues *every single American's call records* are relevant. If all data were relevant, then the word "relevant" loses all meaning. One of the original authors, Rep. Jim Sensenbrenner agrees, noting the administration's use is "a gross invasion of privacy and a violation of Section 215."

... And Unconstitutional

The Fourth Amendment was created to protect against "general warrants"—broad, vague, warrants issued by the British and used against American colonists. The Section 215 orders are similarly broad and give the NSA the ability to shift through data about the lives of millions of ordinary Americans.

Mass collection of communications records also violate the First Amendment right of association, which prevents the government from interfering with the rights of people to work together for speech, assembly and petitioning the government. As the Supreme Court recognized in *NAACP v. Alabama*, collecting such records "may induce members to withdraw from the association and dissuade others from joining it because of fear of exposure of their beliefs shown through their associations."

Mass Spying Must Stop:

As part of the StopWatching.Us campaign, over 100 organizations and half-a-million people demand Congress fix Section 215 to stop mass spying on innocent communications and conduct a full Congressional investigation into the spying by a new investigative committee.