Statement of Presser and Walsh upon filing.

Today, we protect the civil liberties and privacy of all Americans from violation by our intelligence agencies by asking the US Supreme Court to examine a decision from the Foreign Intelligence Court of Review (FICOR). It would allow our nation's intelligence agencies to collect the entirety of phone calls made within the US without a warrant or judicial oversight, in violation of the 4th amendment. Mass surveillance like that allowed by this decision has a chilling effect upon free speech. If allowed to stand, the decision would gut the 1st and 4th amendments, destroying what it seeks to protect.

The decision centers on the collection of telephony metadata (dialed numbers) when embedded in the body of a call. In summary, it allows the collection and storage of entire phone calls so that the intelligence agencies may later examine them. In order to justify this, FICOR used a "foreign intelligence" exception to the 4th amendment that the Supreme Court has previously declined to recognize. FICOR's decision also rests on a determination that there is no "reasonably available" technology to separate content and metadata. To refute this, we have written a simple program which does such separation in real time at 99.4% accuracy. For the intelligence community (with a $52B budget) to claim this is technologically impossible calls into question both their honesty and competence.

We don't believe that anyone in the intelligence agencies is acting with malice. However, we do doubt that any loss of civil rights or breach of the constitution can be justified in the name of national security. Our civil liberties and our constitution are what we stand for as a nation; they are our national values enshrined in law. Our country was founded upon individual freedom and a rejection of the oppression of large governments. We cannot compromise our values in the name of national security. In doing so we would destroy the values we are trying to protect and our very way of life.