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Thaw America Files Motion for Reconsideration

LYNNFIELD, MA - August 2, 2017 - Thaw America has filed a Motion for Reconsideration in FISCR 16-01 with the FISA Court of Review. At issue is whether or not pen registers can be used to capture metadata embedded in the body of a call. In FISCR 16-01, the court allowed the use of pen registers to record the entirety of a call in order to extract metadata at a later time. The federal circuit courts have previously found collecting embedded metadata is illegal and would capture the call's content, which is protected by the Fourth Amendment right to privacy.

Thaw America's Motion for Reconsideration focuses on the government's assertion that separating embedded metadata from certain types of call content is impossible without human intervention. Steven Presser, a Thaw America technologist, developed software demonstrating better-than-realtime separation of embedded metadata without recording any part of the call contents.

"Filing a Motion for Reconsideration gives the Court an opportunity to examine new information and determine if it effects the decision. Given the factual inaccuracies that inspired us to file in this case, it is very important that the Court be given this opportunity" said Michael Walsh, lead counsel for Thaw America.

If the court agrees this new information is relevant, it may request additional briefs, rehear argument in the case or even issue a new opinion.

Thaw America's filing also includes a Petition to be Appointed Amicus.

Walsh said, "Being appointed Amicus, whether a general appointment or a limited one for this case, will allow us to better assist the Court by allowing the court to directly contact us with questions or a request to appear before the court".

Copies of all filings are enclosed and can be found online at Thaw America's website, <https://thawamerica.org/press/>.

Thaw America is an unincorporated organization dedicated to overturning FISCR 16-01. It was founded by Messrs. John & Michael Walsh and Steven Presser.

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