

## Judge Trying to Revive NSA Phone Snooping Case

September 4, 2015 – Last week, we told our readers that the US Court of Appeals in Washington, DC had overturned a lower court ruling which had forbidden the NSA from collecting phone meta data on a specific person; Larry Klayman, the plaintiff in the case. The panel of judges had determined that Klayman had not been able to prove that the NSA had gained access to his records and that because the program was classified, that he probably wouldn't be able to provide such proof. Even so, rather than throwing the case out, the appeals court sent the case back to the original court to determine if Klayman had other grounds on which the case could proceed. This week, the judge presiding over the case made it clear that he would like to move forward and he provided the attorneys in the case with a virtual road map to make that happen.

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Federal District Judge Richard J. Leon told Klayman that the way to keep the case alive was to find a new plaintiff who used Verizon Business for mobile phone service. Verizon is the only company which the NSA has had to admit targeting because of documents that were released by Edward Snowden.

Judge Leon made it pretty clear that he would like to issue a ruling in the case to stop, or stall, the NSA program. He said, "There are millions of millions of Americans whose constitutional rights have been, and are being, violated."

He urged Klayman to act quickly. The current program expires on November 29th so the court would like to issue a ruling prior to that. He also made clear that he wouldn't tolerate any government attempts to slow the pace of the case. He said, "I am not going to sit by and allow the government to run the clock out."

If Klayman is successful, his case could pave the way for others to sue and have their records excluded from NSA snooping in the future.

by Jim Malmberg

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