

Government: Public has no right to challenge phone record spying

By Matt Sledge, Huffington Post

NEW YORK – After years of secrecy, the National Security Agency's phone records surveillance program had its day in open court on Friday, as civil liberties lawyers asked a federal judge in New York to shut it down, and government lawyers claimed ordinary Americans cannot legally challenge it.

U.S. District Court Judge William H. Pauley III did not immediately rule on issuing an injunction against the NSA program. But he did push the government on whether it respected Americans' rights to privacy and freedom of association, and whether Congress was adequately informed about the program.

"Never before has the government attempted a program of dragnet surveillance on this scale," warned Alexander Abdo, a staff attorney at the American Civil Liberties Union. The group brought its lawsuit against the program in June, just days after NSA leaker Edward Snowden revealed its existence. The ACLU is arguing that the government's surveillance exceeds both its powers under the Patriot Act, and under the First and Fourth amendments.

Department of Justice attorney Stuart Delery said ordinary Americans have no standing to challenge the collection of their call records. Citing a 1979 Supreme Court ruling, he said Americans have no reasonable expectation of privacy for those records, and that only phone companies can challenge their collection.

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