



Judge Issues "Preliminary Injunction" Against NSA Program

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Federal Judge Richard Leon, writing from the U.S. District Court in the District of Columbia, handed down the first blow to the Obama-NSA police-state eavesdropping program on Monday, December 16th, in the form of a preliminary injunction against the NSA for violations of the Fourth Amendment's prohibitions on unlawful search and seizure. Leon then immediately "stayed" the implementation of his injunction, allowing for the government to appeal his ruling.

Leon's rulings—in two cases brought by Larry Klaymen, founder and former president of Judicial Watch—are the first of a number of cases pending before various courts concerning programs revealed by patriotic NSA contractor (and now fugitive) Edward Snowden, and could likely set the tone for future rulings. Indicating the extreme sensitivity of the case, the court only offered a very cautionary "narrow" ruling (on this specific case only), prohibiting the NSA and Verizon Communications from engaging in further activity against Judicial Watch. Leon also refused to rule on the constitutionality of the secret FISA courts, claiming it "lacks jurisdiction."

Leon, a George Bush appointee, nonetheless condemned "the almost-Orwellian technology that enables the Government to store and analyze the phone metadata of every telephone user in the United States," adding that it, "is unlike anything that could have been conceived in 1979," when the Supreme Court first allowed the government to collect such data. "The notion that the Government could collect similar data on hundreds of millions of people and retain that data for a five-year period, updating it with new data every day in perpetuity, was at best, in 1979, the stuff of science fiction."

For his part, Edward Snowden praised the decision, saying, in a statement issued through Glenn Greenwald, "I acted on my belief that the NSA's mass surveillance programs would not withstand a constitutional challenge, and that the American public deserved a chance to see these issues determined by open courts. Today, a secret program authorized by a secret court was, when exposed to the light of day, found to violate Americans' rights. It is the first of many."

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