



Twitter Sues for Surveillance Disclosure

Internet giant Twitter [filed](#) a lawsuit October 7 against the FBI in order to be allowed to publicly disclose details about what information it must submit to federal officials without judicial warrants under the USA PATRIOT Act. Twitter is seeking a wider disclosure of information about the FBI's warrantless "National Security Letters," information about which is suppressed by the PATRIOT Act under severe criminal penalties.



In its lawsuit filing, Twitter argues that the FBI is deceiving the public about the extent and nature of the warrantless surveillance of Americans and violating the free speech rights of Internet service providers protected by the First Amendment to the U.S. Constitution:

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The U.S. government engages in extensive but incomplete speech about the scope of its national security surveillance activities as they pertain to U.S. communications providers, while at the same time prohibiting service providers such as Twitter from providing their own informed perspective as potential recipients of various national security-related requests.

Many Internet service providers — such as Google, Facebook, and Yahoo — settled their lawsuits against the FBI in January, and the federal government allowed some very basic information to be published about demands on their information. Twitter is [seeking](#) a more detailed release, asking to "lawfully publish information contained in a draft Transparency Report submitted to the Defendants on or about April 1, 2014." The lawsuit continues,

After five months, Defendants informed Twitter on September 9, 2014 that "information contained in the [transparency] report is classified and cannot be publicly released" because it does not comply with their framework for reporting data about government requests under the Foreign Intelligence Surveillance Act ("FISA") and the National Security Letter statutes.

The lawsuit argues that the government "forces Twitter either to engage in speech that has been preapproved by government officials or else to refrain from speaking altogether. Defendants provided no authority for their ability to establish the preapproved disclosure formats or to impose those speech restrictions on other service providers that were not party to the lawsuit or settlement."

The First Amendment to the U.S. Constitution categorically prohibits all government censorship of the flow of information by private individuals, stipulating that "Congress shall make no law ... abridging the freedom of speech, or of the press."



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