

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Larry Klayman, et. al.

Appellees-Cross-Appellants,

v.

Barack Hussein Obama, et al.,

Appellants-Cross-Appellees.

Nos. 14-5004, 14-5016
14-5005, 14-5017

MOTION FOR LEAVE TO TELEVISION ORAL ARGUMENT

Appellees/Cross-Appellants Larry Klayman, Charles Strange, Mary Ann Strange, Matt Garrison, and Michael Ferrari hereby respectfully move this Court to televise the oral argument of this case currently scheduled for November 4, 2014 and as grounds therefore would show:

This case is about the U.S. Government's illegal spying on hundreds of millions of Americans' internet and telephone metadata in violation of the First, Fourth, and Fifth Amendments to the U.S. Constitution. The constitutional issues that have been raised in these cases, as the District Court has stated, are "at the **pinnacle of public national interest**." *See* Transcript of Status Conference, dated Oct. 31, 2013, at 7 (emphasis added). Indeed, this is no ordinary case.

The Supreme Court has also recognized the importance of addressing these constitutional issues. Justice John Roberts stated in *Riley* that “the Fourth Amendment was the founding generation’s response to the reviled ‘general warrants’ and ‘writs of assistance’ of the colonial era, which allowed British officers to rummage through homes in an unrestrained search for evidence of criminal activity. **Opposition to such searches was in fact one of the driving forces behind the Revolution itself.**” *Riley*, 2014 WL 2864483, at *27 (emphasis added).

The Judicial Conference of the United States, the principal policy making body concerned with the administration of the U.S. Courts, allowed U.S. Courts of Appeals in 1996 wide discretion to decide for themselves whether to allow cameras in their courtrooms. Other federal courts of appeal have already opened up their courtrooms for video recording.

For example, in a related case also involving the government spying on hundreds of millions of Americans, the U.S. Court of Appeals for the Second Circuit, in *ACLU v. Clapper* (No. 14-42), allowed for the entirety of the oral argument, which was held just a week ago, to be televised and recorded by video camera. This video is now available on the internet at C-SPAN’s website.¹

¹ See <http://www.c-span.org/video/?321163-1/aclu-v-clapper-oral-argument-phone-record-surveillance>

Other U.S. Courts of Appeals, including the Court of Appeals for the Ninth Circuit, are now live streaming video and audio of their oral arguments and making them available on the court's website.

The oral argument of this case is currently scheduled for November 4, 2014. Given the national importance of this case, the televising of the oral argument would allow the entire nation to be involved in this matter. The American people must be aware of the facts and legal arguments of this lawsuit in order to ensure that they know what actions their government is taking and what justifications they allegedly have for illegally monitoring everyone's telephone and internet metadata. The prestige of this Court is second only to that of the U.S. Supreme Court. The decision of this Court bears great influence on this country and will affect the lives of hundreds of millions of people. In fact, this case is one of the most important -- if not the most important -- case to come before this Court.

Further, since this case involves the constitutional rights of hundreds of millions of Americans, it is likely that the demand to attend the oral argument will be very high. Nevertheless, the appellate courtroom is not large enough to accommodate all those wanting to attend the proceeding. Televising the proceeding would allow all those who wish to appear in person but cannot to witness the entirety of the oral argument.

Appellees-Cross-Appellants have sought consent for this motion from Appellants-Cross-Appellees. Appellants-Cross-Appellees have not responded to Appellees-Cross-Appellants' request for consent as of the time of this filing.

Dated: September 10, 2014

Respectfully Submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

D.C. Bar No. 334581

2020 Pennsylvania Ave. NW #345

Washington, DC 20006

Tel: (310) 595-0800

Email: leklayman@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2014, I electronically filed the foregoing Motion for Leave to Televisе Oral Argument with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

Respectfully Submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

D.C. Bar No. 334581

2020 Pennsylvania Ave. NW #345

Washington, DC 20006

Tel: (310) 595-0800

Email: leklayman@gmail.com