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ACLU Launches Nationwide Action Against NSA Snooping on Americans' Phone Calls

The ACLU of Colorado Is One of Twenty State Affiliates Urging Local Officials to Investigate Phone Companies' Cooperation with Spy Agency; FCC Action Also Sought

FOR IMMEDIATE RELEASE

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NEW YORK/DENVER -- Responding to reports that phone companies are enabling illegal government spying by turning over private details about Americans' telephone calls to the National Security Agency, the American Civil Liberties Union today sent a letter to the Federal Communications Commission demanding an investigation.

In addition, the ACLU of Colorado and affiliates in nineteen other states today filed complaints with Public Utility Commissions or sent letters to state Attorneys General and other officials demanding investigations into whether local telecommunications companies allowed the NSA to spy on their customers.

"It's time for this illegal invasion of privacy, that could affect everyone in this country, to be unveiled," said Cathy Hazouri, Executive Director of the ACLU of Colorado, which today called upon the Colorado Public Utilities Commission and the Colorado Attorney General to immediately begin an investigation into these activities. "We do not seek to obstruct legitimate law enforcement activities, but we are determined to stand up for the fundamental privacy and due process rights of people whose telephone records have been divulged without a warrant, notice or consent."

The ACLU today also sent a letter to the Federal Communications Commission urging the agency to reconsider its refusal to investigate reports that at least three major telecommunications companies -- AT&T, BellSouth and Verizon -- cooperated with the NSA in an effort to collect calling information and call patterns on every American.

In its letter, the ACLU refuted the agency's assertion -- made public late yesterday -- that the classified nature of NSA activities render it "unable" to investigate potential wrongdoing. The ACLU noted that the government is publicly defending the program, so there is no way that all the details about it are

“state secrets” or involve classified information. The letter also pointed out that the government has a recent history of overclassifying information and conveniently claiming that any evidence of embarrassing or illegal actions are “state secrets.”

In complaints sent to state utilities commissions and other officials around the country, the ACLU is calling for investigations into the unlawful sharing of billions of consumers’ call records with the NSA. If the sharing is found to be in violation of state law, the ACLU is urging that officials issue “cease-and-desist” orders to the telecommunications companies in their states.

The Colorado Public Utilities Commission has jurisdiction over hundreds of telecommunications companies operating in Colorado and has the duty to enforce applicable state laws and regulations meant to protect the privacy rights and the private phone records of Colorado telephone subscribers. The Colorado Attorney General may initiate investigations and legal proceedings at the request of the Colorado Public Utilities Commission, and also enforces the Colorado Consumer Protection laws, which may have been violated when the telephone companies disclosed Coloradans’ phone records in contravention of their own privacy policies and agreements with consumers.

“These recent reports suggest that the federal government’s gathering of Americans’ private information may be much broader and more intrusive than originally disclosed,” stated ACLU of Colorado attorney Taylor Pendergrass. “An immediate investigation by the public entities that Coloradans have entrusted with protecting their privacy rights is necessary in order to get clear answers about the extent of this activity, and to halt and prosecute any violations of Colorado law.”

In addition to the ACLU of Colorado, actions were filed today by ACLU affiliates in Arizona, Connecticut, Delaware, Florida, Iowa, Kansas, Massachusetts, Missouri, Nevada, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia and Washington. Other ACLU affiliates are expected to file additional letters and complaints in the coming weeks.

“We cannot sit by while the government and the phone companies collude in this massive, illegal and fundamentally un-American invasion of our privacy,” said ACLU Executive Director Anthony D. Romero. “And unfortunately, we cannot wait for Congress to act. The ACLU is mobilizing its members and supporters nationwide to demand investigations into this shocking breach of trust. And we are asking the FCC to use its authority to uncover the facts about how far the president’s illegal spying has gone. The American people want answers.”

As part of its nationwide campaign, the ACLU today is running full-page advertisements in *The New York Times* and half a dozen major daily newspapers, with the headline “*If You’ve Used a Telephone in the Last Five*

Years, Read This.” The advertisement provides a link to www.aclu.org/dontspy, where individuals can add their names to the public record in the ACLU’s complaints with Public Utility Commissions and send e-mails to the FCC urging that it investigate the matter.

“We are seeking to create the perfect storm to end illegal NSA spying,” said Barry Steinhardt, director of the ACLU’s Technology and Liberty Program.

When the NSA spying program was initially uncovered last December, the ACLU was one of the first organizations to bring a legal challenge, acting on behalf of a prominent and politically diverse group of journalists, scholars and lawyers. That challenge will be heard before Judge Anna Diggs Taylor in Detroit on Monday, June 12; it will be the first-ever hearing on the legality of NSA spying since the program was initially disclosed. More information on the case is online at www.aclu.org/nsaspying.

The ACLU’s FCC letter, the affiliate letters, today’s full-page advertisement and other background is online at www.aclu.org/dontspy.

The ACLU of Colorado’s letters to the Colorado Public Utilities Commission and Colorado Attorney general are also online at www.aclu-co.org.