

January 22, 2008

The Honorable Senator Harry Reid
Senate Majority Leader
Washington, DC 20515

Re: Consumer rights and government accountability organizations unite to condemn immunity for the telecommunications industry

Dear Majority Leader Reid,

On behalf of consumer-rights groups and government accountability organizations, we urge you not to let telecommunications companies off the hook; the telecommunications companies were complicit in spying on innocent Americans in the years after September 11, and perhaps even earlier. We understand that you will be revisiting wiretapping legislation in January and respectfully request that the bill you bring to the floor not include a statutory grant of retroactive immunity for these acts that violate customers' privacy.

We now know that communication service providers turned over our private calls, emails and records to the government in the absence of a court order or other lawful requirement to do so. This violates both criminal and civil laws. Currently, citizens and consumers are trying to advance their rights in court, some seeking damages, and some seeking a simple declaration that the activity was illegal and a court order stopping it from happening in the future.

Killing all the pending cases will have two effects. First, it deprives consumers the opportunity to assert their own privacy rights before a neutral arbiter, which had been statutorily guaranteed since 1978. The Foreign Intelligence Surveillance Act provides a civil cause of actions so that Americans can enforce their rights when the communications companies and the government infringe on them. Robbing them of this opportunity through legislation not only frustrates the pending cases, but undercuts the accountability structure in the statute, which will only encourage law breaking in the future.

Second, it serves to bury government misconduct. Granting retroactive immunity shields not only the telecommunications industry, but the government actors that induced them to break the law in the first place. Despite numerous subpoenas, Congress has been completely frustrated in its attempts to discover what the Administration has done with our private information. These cases may be the last chance for citizens to actually determine who ordered the interception of their phone calls and how those intercepted communications have been used against them.

The only way to restore the trust of American customers – and American citizens – is to hold the telecommunication companies accountable when they collude with the government to spy on ordinary Americans. If we do not hold the phone companies and

the government accountable now, there will never be an incentive for them to act within the law, and the concerns of customers and citizens will go unanswered.

Sincerely,

Consumers Union
Common Cause
Citizens Outreach Project
Citizens for Responsibility and Ethics in Washington
Doctors for Open Government
Government Accountability Project
Public Interest Research Groups