

The National Lawyers Guild Condemns Senate Grant of Immunity to Lawbreaking Telecommunications Companies

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Responding to fear-mongering by the Bush administration, the Senate voted on February 12 to give retroactive immunity to the telecommunications companies that have turned over our telephone and Internet communications to the government. These companies have violated several laws, including the Foreign Intelligence Surveillance Act (FISA), Title III, the Communications Act, and the Stored Communications Act, as well as the First and Fourth Amendments to the Constitution.

The Bush administration has been illegally engaging in warrantless surveillance since early 2001, through its "Terrorist Surveillance Program." Over 40 lawsuits against the telecommunications companies challenging the legality of the program are pending.

On the eve of Congress's Labor Day recess last year, the Bush administration had rammed that the "Protect America Act" through a Congress still fearful of appearing soft on terror. It was a 6-month fix to the 1978 FISA, which didn't anticipate that foreign intelligence communications would one day run through Internet providers in the United States. But the temporary law went further than simply fixing that glitch in FISA; it granted immunity to telecommunications companies that provided consumer telephone and computer data to the government.

The day before the Senate took up this issue, Vice President Dick Cheney invoked the memory of September 11, 2001 twelve times in his address to the Heritage Foundation, and urged Congress to make the Act permanent. In the face of lawsuits against the telecom companies, Attorney General Michael Mukasey described the need for the companies to defend against litigation as "an enormous burden." Indeed, defending these lawsuits has likely cut in to their enormous profits.

Although President George W. Bush claims that making the Act permanent was critical to

keeping us safe, he threatens to veto the bill unless it includes the immunity provision. Apparently protecting corporate profits trumps national security.

The House of Representatives passed a bill without immunity for the telecoms. The two bills will have to be harmonized. The National Lawyers Guild urges Congress to adopt the House version that omits immunity. Litigation against the telecommunications companies is the only remaining avenue of accountability for the administration's lawbreaking.

Founded in 1937 as an alternative to the American Bar Association, which did not admit people of color, the National Lawyers Guild is the oldest and largest public interest/human rights bar organization in the United States. Its headquarters are in New York and it has chapters in every state.

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