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NSA Judge: 'I feel like I'm in Alice in Wonderland'

By Kevin Poulsen  August 15, 2007 | 6:33:00 PM Categories: [NSA](#)

Ryan Singel and David Kravets are blogging the U.S. 9th Circuit hearing on the NSA's spying, and AT&T's alleged complicity, reporting live from the San Francisco courthouse. Hit 'refresh' in your browser and scroll to the bottom for updates.

Spectators lined up outside the 9th Circuit Court of Appeals in San Francisco starting at noon to guarantee a seat at a much-anticipated legal showdown over the government's secret wiretapping program.

The hearing involves two cases: one aimed at AT&T for allegedly helping the government with a widespread datamining program allegedly involving domestic and international phone calls and internet use; the other a direct challenge to the government's admitted warrantless wiretapping of overseas phone calls.

Jon Eisenberg, (right) an Oakland-based attorney, is arguing on behalf of a now-defunct Islamic charity Al-Haramain and its lawyers, who claim to have been accidentally given a Top Secret log of their own phone conversations, which they say proves the government illegally eavesdropped on them without warrants.

Assistant U.S. Attorney General Thomas Bondy will argue for the government in the Al-Haramain challenge, while Deputy Solicitor General Gregory Garre will handle the government's side in the AT&T case.

The Electronic Frontier Foundation, which filed the challenge to AT&T, is being represented by Robert Fram, a San Francisco-based attorney.



2:10pm PDT

The courtroom filled quickly with more than 20 attorneys in the courtroom well, and 80 spectators seated and standing. Another 40 filed into an overflow courtroom, including Mark Klein, the former AT&T engineer who provided internal company documents to the EFF. Those documents allegedly show that AT&T built a secret spying room for the NSA in its San Francisco internet switching center.

Garre, the Bush administration attorney, just opened oral arguments by telling the three-judge panel that it should dismiss outright the lawsuit against AT&T, and those challenging the constitutionality of the president's warrantless and domestic eavesdropping program developed.

"Litigating this action could result in exceptionally gave harm to national security in the United States," says Deputy Solicitor General Gregory Garr.

2:20pm PDT



Judge Harry Pregerson (left, in file photo) suggests the government is asking the courts to "rubber stamp" the government's claim that state secrets are at risk "Who decides whether something is a state secret or not? ... We have to take the word of the members of the executive branch that something is a state secret?"

Garre counters that the courts should give "utmost deference" to the Bush administration.

Judge Pregerson: "What does utmost deference mean? Bow to it?"

2:30pm PDT

All three judges are giving Garre skeptical questions about the power of the state secrets privilege. They're also getting stonewalled a bit.

"Was a warrant obtained in this case?" Judge Pregerson asks.

"That gets into matters that were protected by state secrets," Garre replies.

2:45pm PDT

Judge McKeown asks whether the government stands by President Bush's statements that purely-domestic communications, where both parties are in the United States, are not being monitored without warrants.

"Does the government stand behind that statement," McKeown asks.

Garre: "Yes, your honor."

But Garre says the government would not be willing to sign a sworn affidavit to that effect for the court record.

Pregerson, by his record, is the most liberal judge on the panel, and he clearly thinks the government is just looking for a blank check for their secret program. But the other two judges aren't thrilled either. They seem perplexed that the government can't swear under oath that the Bush Administration isn't

warrantlessly spying on domestic phone calls.

3:00pm PDT

Government attorney Garre doesn't think much of the secret documents provided to EFF by whistle blower Mark Klein -- which outline a room that is capable of widespread investigation of internet packets from multiple ISPs and backbone providers.

Garre described the documents as showing the secret room "has a leaky air conditioner and some loose cables in the room."

Expect EFF's attorney to rebut that characterization in his upcoming arguments.

3:10pm PDT

AT&T attorney Michael Kellogg (right, entering the courthouse) has taken the podium, and, not surprisingly, insists the case has to be dismissed. He says AT&T customers have no actual proof or direct knowledge that their communications were forwarded to the government without warrants.

"The government has said that whatever AT&T is doing with the government is a state secret," Kellogg says. He adds, "As a consequence, no evidence can come in whether the individuals' communications were ever accepted or whether we played any role in it." (Back at Wired, THREAT LEVEL's head just exploded - -klp)



3:20pm PDT

Robert Fram is up for EFF. He's outlining the allegations based on the Klein documents.

"There is a splitter cabinet on the 7th floor on 611 Folsom Street. He (Klein) knows, because it was his job to oversee the room. He installed the circuits." Fram adds that "the splitter cabinet sends the light signal on the seventh floor where the SG-3 study room is located."

Fram argues that the Foreign Intelligence Surveillance Act (FISA) allows people to challenge even the most secret electronic spying, by permitting courts to hear the government's evidence in chambers

He's also carefully trying to say that EFF doesn't want any more information on sources and methods of the NSA, arguing that the mere existence of the secret room is good enough under the law to prove the existence of surveillance, regardless of what the government does once it has the internet packets.

"We have completed the privacy violation on the handover of the internet traffic at the splitter into the secret room, which room has limited access to NSA-cleared employees," Fram says. "What is not part of our claim is what happens inside that room."



3:30pm PDT

Fram says Klein's allegations demonstrate there is an AT&T and NSA relationship.

"We have not only alleged it; we have proved it," Fram argues.

Judge M. Margaret McKeown isn't convinced.

"You haven't proved what the relation is between AT&T and the government," McKeown (left, file photo) counters.

"Maybe Klein is wrong and AT&T and the government can come in and say that room is available to all technicians. But they haven't done that," says Fram.

3:50pm PDT

The EFF's Fram's attempt to argue that the existence of the secret AT&T room is enough to prove dragnet internet surveillance doesn't seem totally convincing to Judge McKeown.

"There's a Las Vegas quality to your argument," McKeown tells Fram, alluding to the "What Happens in Vegas, Stays in Vegas" commercials.

Fram argues that Congress broadly defined surveillance in the 1978 FISA law, which was spurred by revelations in the 1970s of widespread government surveillance of American citizens.

"What Congress did is it established a protective perimeter for our privacy," Fram says. "Congress wanted to have some set of rights that could be clearly enforced."

Those rules, Fram argues, means that you were part of a mass dragnet surveillance if one of your e-mail went into the room on Folsom Street, even if the government wasn't targeting you specifically.

On rebuttal, government attorney Gregory Garre derides the EFF's case.

"Plaintiffs acknowledge that the room is central to their case and that they don't know what is going on in that room," says Garre. "Something else could be going on in that room. Just to pick one, it could be FISA court surveillance in that room."

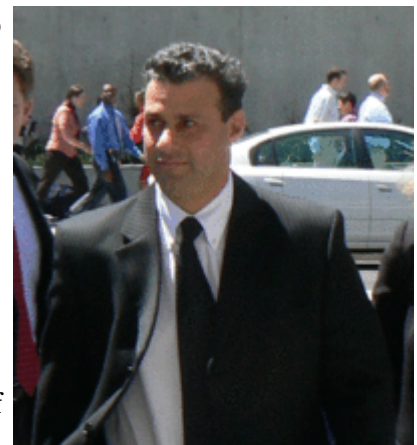
Not that he's saying that there is FISA court surveillance conducted in the secret room. Just that there could be. Who knows? Presumably, Garre does. But he's not saying.

On the whole, the judges seem to be leaning towards allowing this case to continue in the district court -- which would be a victory for EFF and the Al-Haramain lawyers.

4:00pm PDT

In the Al-Haramain Islamic Foundation case, Assistant U.S. Attorney General Thomas Bondy (right, entering the courthouse) also says the case should be tossed. "The state secrets privilege requires dismissal of this case."

Whether the foundation's lawyers were spied upon, which is the subject of



the case, "Is itself a state secret," Bondy argues.

4:10pm PDT

Expanding on that theme, the government argues that the Al-Haramain case needs to be thrown out because the secret document that the government accidentally gave the foundation is so secret that it is outside of the case.

Bondy claims the plaintiff's memories of the document can't be allowed into the case because the only way to test them is against the "totally classified" document.

"Once the document is out of the case, which it has to be since it is privileged, the only way to test the veracity of their recollections is to compare it to the document," Bondy says.



The lower court allowed the case to go forward based on the Al-Haramain Foundation lawyers' memories of the document, but ruled that the document itself was not allowed into the case.

Judge Hawkins (left, file photo) wonders if the document is really that secret?

"Every ampersand, every comma is Top Secret?," Hawkins asks.

"This document is totally non-redactable and non-segregable and cannot even be meaningfully described," Bondy answers.

The government says the purported log of calls between one of the Islamic charity directors and two American lawyers is classified Top Secret and has the SCI level, meaning that it is "secure compartmented information." That designation usually applies to surveillance information.

4:25pm PDT

Judge McKeown: "I feel like I'm in *Alice and Wonderland*."

Eisenberg: "I feel like I'm in *Alice in Wonderland*, too."

4:30pm PDT

Al-Haramain lawyer Eisenberg argues that the government's rationale for dismissing the cases on state secrets grounds doesn't apply to his clients, since they already know they were surveilled from seeing the secret document.

McKeown asks whether the foundation's attorneys would have a case if the government hadn't inadvertently disclosed the call log.

"We wouldn't have known we were surveilled," Eisenberg



replies. "Had they not made a mistake and revealed it to the victims... who would be out here to sue?"

4:40pm PDT

Oral arguments are adjourned, and people are filing out of the courtroom. But not before Bondy, for the government, gets the last word and neatly sums up the case for the three judges. Al-Haramain Foundation attorneys, he points out, "think or believe or claim they were surveilled.

"It's entirely possible that everything they think they know is entirely false," he says.

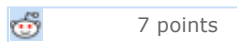
David Kravets' [Analysis of the political meaning of today's NSA Hearing](#)

Ryan Singel's Analysis: [Some Secret Documents Are Too Secret Even for Critical Judges](#)

Audio of the NSA [Appeals Court Hearing](#)

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(Courthouse photos: Ryan Singel)



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the cheat is that with the secret room in sf used to push data outside the border and back in they technically dont need a warrant, just ATTs permission to tap.

why do liars have such a hard time with writing out their lies?

Posted by: internetjoe | Aug 15, 2007 2:58:21 PM

Can someone please 'moderate' ie remove that last rambling post by Rhys Hovey. This is meant to be for Comments - not... whatever the hell that is...

Posted by: Michael | Aug 15, 2007 3:12:06 PM

Hey Rhys: nice attempt to smear anyone writing, reading, responding to this process in tin-hatter paint.

The trouble with long, generic cut-and-paste smears is that they're inevitably off-topic, and indict only the paster.

Posted by: TJ | Aug 15, 2007 3:13:34 PM

I really enjoyed Rhys' rant! Preach on brother!

Posted by: Tad | Aug 15, 2007 3:16:53 PM

whoa you are straight out of "a scanner darkly". i bet you have one of these devices at home on your coffee table.

Posted by: Elisius | Aug 15, 2007 3:22:29 PM

i'm interested to see the Al-Haramain evidence (if it can be admitted; i recall it was sealed as "state secret" also) discussed. this is really the only smoking gun in the entire case.

the "secret room" full of Narus and taps could indeed be used for just about anything, and unfortunately the state secrets trump card may mean that without additional evidence there is no legal basis to assume it is involved in warrantless domestic spying (even though we all know it is more than capable and the lack of a signed affidavit regarding foreign comms gives strength to the assumption).

I'm hoping the judges reject the 'Whether the foundation's lawyers were spied upon, which is the subject of the case, "Is itself a state secret," argument out of hand, otherwise this may go badly.

Posted by: anonymouse | Aug 15, 2007 4:10:56 PM

"'This document is totally non-redactable and non-segregable and cannot even be meaningfully described," Bondy answers.'

those dirty motherfuckers....

Posted by: anonymouse | Aug 15, 2007 4:18:07 PM

Well, when they start editing the posts in the comments section they have become as bad as AT&T.

Posted by: GWB | Aug 15, 2007 4:28:14 PM

this case is screwed. goddamnit.

Posted by: anonymouse | Aug 15, 2007 4:46:47 PM

I should think (hopefully) part of adjudication is putting inference on the scales.

Strike 1: Government states that activity was not involving US citizens (in a telephone switching center that services US citizens), yet will not sign a document certifying their assertion. Inference: they are lying.

Strike 2: Government will not lean on FISA (produce the warrants) which would immediately end both cases. Inference: the activity is illegal and not brought under FISA.

Extraordinary powers (of the government) demand extraordinary scrutiny and strong controls. We are not getting either scrutiny or controls from the legislative branch, so it's now up to the court to see to it that the law is followed.

Hopefully this court will put the shackles on the government - and pronto.

Posted by: Mark Richards | Aug 15, 2007 5:11:38 PM

This is no longer the U.S.A. we all knew. We should be willing to fight to take it back. These stories get little national mainstream media coverage. I encourage everyone to print this material and post it everywhere possible. STOP THE LIES OR WELCOME THE SECRET POLICE.

Posted by: concerned U.S. Citizen | Aug 15, 2007 5:13:10 PM

Why didn't we all take up arms and rebel when he stole the election the first time? Before it turned into this?

Posted by: billybob | Aug 15, 2007 5:19:53 PM

o.k., so, allegedly:

all internet traffic entering a hub in s.f. is split into a separate room where it is then filtered using specialized software to root out "terrorist activity". ALL internet traffic, as in, law abiding and criminal and terrorist.

interesting. because as i've been told by folks who know, there's this saying in american law:

"you are presumed innocent until proven guilty."

but why would my e-mails be subject to the same filtering and suspicion as a terrorist if i am presumed innocent until i'm proven guilty? why am i under suspicion if i've done nothing wrong?

let's just cut to the chase. with this kind of blanket filtering, the u.s. government is clearly stating that it does not believe in the presumption of innocence, or probable cause. it is essentially saying that there is no 4th amendment.

it is simply not possible, mathematically, theoretically, physically, logically, to filter the wheat from the chaff without running the entire kernel through the machine. it is simply not possible, mathematically, theoretically, physically, logically, to create subsets of data from a set of data without filtering the entire set of data. it is simply not possible, mathematically, theoretically, physically, or logically to filter out terrorist e-mails from law abiding e-mails without filtering all e-mails. it is simply not possible, mathematically, theoretically, physically, or logically to filter out terrorist citizens from law abiding citizens without holding ALL citizens under suspicion.

my point is, in order to get around this mathematical, theoretical, physical and logical hurdle, the u.s. government, my government, our government, is destroying the 4th amendment of the constitution. i cannot accept this, and i will resist the destruction of my rights.

furthermore, and let's be absolutely clear here, to argue against my position is not to argue against the terrorists, or argue for sensible security, it is to argue against the 4th amendment of the constitution. who here is prepared to argue against the 4th amendment of the u.s. constitution? may you come forward to be

clearly seen. show yourself.

Posted by: this thing here | Aug 15, 2007 5:23:54 PM

These theatrical affairs of the state are awesome for the internet. Television and print can't provide this level of service. They claim that the time delay benefits analysis, but who needs some hackneyed CFR approved analysis anyway. By getting the play-by-play you really get a sense of how brazen the government can choose to be.

It also greatly frames the relationship between AT&T and government. In the media relationships between parties can be spun any sort of way but in a court room the divisions crystalize. I only hope that people understand the broader problems here and try not to focus on the legal minutia because we're dealing with a system that really doesn't have any level of accountability. Even if the executive was cited as acting completely unconstitutionally the environment doesn't exist for any level of enforcement. How many "aha, we gotcha" moments will roll by until we realize that only the executive itself can reign in its own powers in a Jeffersonian manner. And only the executive can take on the intelligence apparatus. Instead we elect an over-ambitious executive and a ever-compromising legislature. We can't count on personalities like Judge Pregerson to save us. It needs to be systemic reform from within incesantly prodded by the voting taxpayer. As long as we allow powerful entities to monitor themselves you'll get bogus defense contracts, killer chinese consumer goods, and falling bridges. Instead of allowing fearful ideologues like Cheney to invent new classification of sercrecy within our government we need to allow the disinfecting rays of sunlight to cleanse government of these radical notions on regulation, defense and personal information. We should come to terms with the idea that when our government says that something threatens national security what they are not saying is that the information in question may lead to strategic defeats at the hands of clever terrorists. What they do seem to impart is the sense that the main threat to national security is Americans knowing how powerful agents of the state collude with the most powerful corporations to triangulate all citizens.

Thanks for the play-by-play.

Posted by: Christopher | Aug 15, 2007 5:33:54 PM

here's the rub "this thing here". when it goes into that secret room, it is possible (however unlikely) that the Narus equipment is configured to only deeply inspect packets to/from target addresses that are approved via FISA warrants or such.

In such a situation, feeding the whole internet through it is not a violation because "pen register" type data is used to identify the "relevant" data for deeper inspection that does require (and the USGOV is trying to imply is provided by) a warrant.

so, absent proof that the Narus is configured to mine through all communications deeply, there is no case. and since everything is classified and locked up, only an ambiguous (though highly likely illegal drag net) architecture for surveillance is given.

my hopes for these cases are greatly dimished after today. this is a great catch 22 and i'm sure the USGOV defense team are laughing their asses off.

time for a little black bag job of our own to nab the filters fed to the Narus for proof, once and for all! (just kidding. plz don't harass me \$TLA's)

Posted by: anonymouse | Aug 15, 2007 5:38:19 PM

let's continue:

at&t and the u.s. government are working together. after all, it is at&t's hardware, and the u.s. government's filtering software. the point is, how can anyone possibly say there isn't?

and therefore, the activites of both at&t and the u.s. government regarding this surveillance are, in the eyes of the bush administration, cloaked for all time under the state secret priviledge.

are we prepared then, as citizens, to grant a private entity, a corporation which goes by the name at&t, the same legal priviledge that was always the exculsive domain of the u.s. government? to grant at&t state secret priviledges is to create corporatism, is it not? and what is another name for corporatism...

if all private entities like at&t were granted state secret privileges, all business activities could therefore be cloaked. essentially, then, there would be no recourse for negligence. and what is law without recourse?

let's call things for what they are. let's just be honest. what is law without recourse? what is that called? what if i can't sue a company for making a product which blinds me, or causes my kidneys to fail, or ends up in my being wrongfully terminated, because it's activities are protected under the state secrets privilege? let's call things for what they are. what is law without recourse?

tyranny.

Posted by: this thing here | Aug 15, 2007 5:45:53 PM

yes, "anonymouse", if there is a FISA warrant behind a packet inspection, there is no case. i don't have a problem with that methodology. it follows (i have to puke) the law - probable cause, warrant, search.

but here's the rub "anonymouse". why then the splitters going to another room?

the whole point of the splitters and the separate room is to create a SEPARATE ZONE in which all state secret privileges would apply, whereas if they left the hub untouched the u.s. government could not go about its unlawful activity. so, in a sense, in one room the 4th. amendment applies, but in the other room it does not.

why go through all that trouble if the whole probable cause, warrant, search method is being followed?

Posted by: this thing here | Aug 15, 2007 6:00:55 PM

Given this display of secrecy and state secrets, it makes me wonder what else have they or will they get away with?

The Federal Government can invoke state secrets then all the evidence and memory of the evidence disappears. What a huge potential for committing crimes and avoiding punishment.

Posted by: postmodern | Aug 15, 2007 6:20:39 PM

I have yet to see anyone bring up something I find shocking. Somebody installed the equipment in the room for somebody's purpose.

If it wasn't the government, then AT&T was recording our data or allowing someone else to. Given that we have no control over the routing of our internet traffic (alright limited control), wouldn't AT&T not be able to use the "we can't say anything" defense? They deny illegally spying for the government/spying for the government...ten who were they spying for/on?

I think skype should sue them for industrial espionage.

Posted by: ibored | Aug 15, 2007 8:59:59 PM

""It's entirely possible that everything they think they know is entirely false," he says"

Welcome to the matrix. Everything you say, type, and think can and will be recorded and used against you in a kangaroo court of law or military law and if deemed necessary, you can and will be removed from the matrix and into the maximum security facilities at Guantanamo Bay. Enjoy your stay.

Is it just me or is that one of the scariest thing for a lawyer to say in a court of law?

Posted by: Scott | Aug 15, 2007 9:22:06 PM

Now we know. Bush wasn't reading biographies of Churchill and Truman. He was reading biographies of

Stalin.

Posted by: skyreader7 | Aug 15, 2007 10:15:38 PM

I thought that this sort of surveillance was authorized by the national security act of 1947. The facility in sf has always had a feed to the intelligence community. I can't prove that, but reading from history - James Bamford's PUZZLE PALACE, would indicate to me that all of the telcom industry is penetrated with national security letter situations. I fear that this is a smokescreen to cover the total infiltration of the us communication infrastructure. The systems being sent to Mexico to surveil the populace include voice recognition technology. Your first word keys the system as to who you are. Like a friendly big brother, listening in, ensuring that if you mention a word on the watchlist, further analysis will occur.

Hope we are all feeling safer now. I'd still like to do Mr. Franklin's old lady.

Posted by: JayB | Aug 16, 2007 12:48:18 AM

At first read, I was energized with hope, but after reviewing the log of the event, I realize that, like the plaintiffs in these lawsuits, I'm just a spectator.

Is it just me, or is pretty much everything out of our hands now? I'm not the customer at "my" supermarket--the corporations who pay placement fees are. I'm not the customer when I watch TV--that would be the advertisers. In these cases, my comments are mostly ignored.

Now it would appear that I'm not the true constituent of "my" government--but my protests aren't ignored, they're logged for use against me, in case the laws are changed to make my present activities illegal at some point in the future. How can I obey laws which are not static?

There's a very simple way to take care of these fascists. It's very risky and human beings are going to get hurt. Some will very likely give their lives for such a cause. Recall that simple is not the same as easy.

It's one thing to fight for someone else's freedom, and quite another to fight for our own.

Posted by: Brad Eleven | Aug 16, 2007 3:48:38 AM

The entities which are protected are -
the executive
at&t
The entities which are not protected
the rest of us
I think I've got it now .

Posted by: whoopteadew | Aug 16, 2007 4:59:49 AM

Just reading some of this makes me want to scream in frustration. Can't those people see how this could be abused?

Posted by: Ferin | Aug 16, 2007 5:39:03 AM

What better reason could we want to revolt and get rid of this nonsensical overly litigious aspect of society that purports to protect us? The power has always been with the people, now is the time to rise up and demand justice, freedom and privacy. Only a cowardly government would spy on its citizens then deny it. As a freedom loving American, I can see the time has come for the second American revolution, and this time we won't let the lawyers return to power.

Posted by: aix | Aug 16, 2007 5:49:23 AM

skyreader7, I don't know who you insulted more, Bush or Stalin

Posted by: WDRussell | Aug 16, 2007 7:02:00 AM

The government knows the Ninth Circuit well, and will never provide anything of value to support a ruling against them. If this was being played out in the Fourth Circuit, the feds would have coughed up some information, knowing the result would be in their favor.

These circular arguments have been perfected over decades by federal prosecutors, the difference being the only ones complaining were the defendants and their families.

The feds hate sunlight; don't open the blinds, tear them down.

Posted by: Thinktank | Aug 16, 2007 7:07:24 AM

I just tried calling my senator. What a laugh. Unless you are a corporation, you can forget having any access to government. Seems like they would want to know that people are talking revolution and bloodshed, but I guess they feel that they have everyone under control with the media machine.

Posted by: even more pissed.. | Aug 16, 2007 8:00:57 AM

emp: True. The first thing an intern wants to know when they answer the phone for Sen. _____, is who you are with, what organization. Tell them you are a constituent or concerned citizen, and you can hear their attitude change. Direct to voicemail.

DailyKos has a link to the audio of one of the cases in the updated section of this diary:
<http://www.dailykos.com/story/2007/8/15/183931/749>

Posted by: Thinktank | Aug 16, 2007 8:29:47 AM

The audio is also available direct from the 9th Circuit. This is a relatively new service that's only available from the 9th Circuit (AFAIK) - a good move for transparency in government. If you like having this information available, you might send a quick thank you to the clerk or to the Chief Judge of the 9th Cir.

<http://www.ca9.uscourts.gov/>

(click "audio files" and search 06-17132 (the AT&T docket number).

Posted by: smatheson | Aug 16, 2007 8:52:53 AM

Brad Eleven - great post, you nailed it.

Is is there a site where we can organize a revolt? I'm in. It's time.

Posted by: wtf | Aug 16, 2007 10:44:02 AM

moveon.org has a few gripes against the government that you may want to check out. They have a few running petitions for getting out of Iraq and are organizing meetings nationwide to get media exposure. I would suggest that everyone stops by their website and contacts them about the issues here so that more meetings and more petitions can go out to let the Bush administration know that we will not submit to will.

Posted by: shhh they're listening | Aug 16, 2007 11:44:06 AM

But the law changed with the FISA fix, and this case is now seemingly moot in the sense that federal courts no longer have jurisdiction in such cases:

Though getting almost no attention in the U.S. press coverage, the immunity paragraph reads: "Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with a directive under this section."

In other words, U.S. citizens, who believe that warrantless surveillance has violated their Fourth Amendment rights against unreasonable search and seizure, will have no legal recourse against the service provider that collaborated with the government.

This immunity provision is important, too, because the only meaningful safeguard against abuse of the new spying power was that service providers could challenge a wiretap directive through a secret court proceeding.

[Emphasis mine.]

See <http://www.consortiumnews.com/2007/081307.html>

Posted by: wigwam | Aug 16, 2007 12:26:01 PM

The polls stipulate that 29% of americans still have their noses up GWB's bloody shorts and find the aroma refreshing.

The good thing about forums such as this is that we collectively push their noses a little further up the ravine - just to make sure they get a good whiff of their comfort zone.

Posted by: Bubba | Aug 16, 2007 2:18:52 PM

Follow the people who hate me and try to censor me online, find the organized criminals who torture innocent Canadians, and others in the name of National Security. Whoever they are.

Posted by: Rhys Hovey | Aug 16, 2007 3:45:35 PM

The Government is spying on Americans. You know it, I know it, everyone knows it. This regime has decided that it is answerable to nobody, not Congress, not the Supreme Court, not the people that it is beholden to. This Regime doesn't care that government is supposed to SERVE the people. They believe that the people SERVE government interests.

It is time to get rid of this regime. It is time to rid the World of Bush and his war-mongering neo-con cronies before they unveil another false flag operation and declare martial law and suspend elections, in which case I am certain there will appear the Second American revolution.

The country is in shambles and is getting worse each day.....Impeach now and Elect Ron Paul in 2008

Posted by: Ex-hacker | Aug 16, 2007 4:03:26 PM

Posted by: | Aug 16, 2007 9:43:18 PM

My Cell Phone provider was Cingular. a couple weeks ago, AT&T took them over. I have a computer monitor that has a pair of speakers that I do not use, but they have power to them anytime the monitor is on. This creates an open input amplifier and it just happens that my cell phone, when near the speaker

amplifier, will make it beep and buzz just before I get a phone call and during the phone call. Since AT&T took over, my speakers beep and buzz just about continually when my phone is nearby, but my phone is not ringing, nor am I talking on it. I also noticed that my battery which normally lasted about 4-5 days, lasts less than a day now. My wife has the same type of phone with AT&T and it is doing exactly the same thing now too. My mothers phone battery does not last as long now either. (AT&T). I was saying to my mother just today that I did not trust a huge conglomerate like AT&T to not be involved in snooping for the Gov't under the Patriot act. and lo and behold, here is this artical about this very thing!

I suspect my, and Diana's and my mothers phones are continually being remotely activated by AT&T, for whatever purpose, and is running the battery down by doing so. Just strange that all three phones started doing this at the same time, (When AT&T took over). Is anyone else having this type of problem with AT&T now? Just curious.

Posted by: Morgothius | Aug 16, 2007 9:45:43 PM

Let's forgeth the legality of this for a moment and just think about the facts: the NSA is data-mining all AT&T internet traffic. That's fucking scary. I don't care whether it's legal or not--I don't want it. I don't want the government to be privy to my conversation, whether they're dangerous or not. I don't want the government to be privy to anyone's communications, except those that they choose to share. Is the only form of communication that's safe anymore spoken word?

Most of all, I DON'T WANT TO LIVE IN FEAR! Fear that if I search "Impeach Cheney", or sign online petitions against the Iraq war, or blog about BushCo's corruption, or have a political discussion on my verizon phone I will be picked up by some government filter and put on a list of potential threats and they will search for links between me and known terrorists. That's too much for me. And it's too much for this country. If we're ever going to have a frank, open, honest, and productive debate we can't do it with the government breathing down our necks. Didn't people freak out when Nixon made a list of political enemies? And now BushCo is making a much more expansive list with 21st century technology and it's no big deal? How can anyone who loves this country, who loves the law, who loves freedom, not freak out and scream "NO" when they hear about this?

Maybe the EFF lawyers could go after this from a free speech perspective. People's speech is limited because they don't know what criterea the fed. is using to place them on watch lists. With no definition of "non-dangerous" how can we protect ourselves from being labeled as "dangerous".

God I hope that the decision the judges make is to stick it to AT&T and BushCo.

Posted by: Caleb | Aug 17, 2007 1:21:43 AM

Conservatives are WUSSIES

If you want to be safe, build your own fucking prison and stay inside, leave the taxpayer's money out of your greedy buddies hands

Posted by: T | Aug 18, 2007 6:42:01 AM

Remember that Sprint, Verizon, Cingular(now AT&T), etc. have all been compelled to allow the Bush-Cheney Gang to listen, even if there is no case in court against the others.

Posted by: thetimeisnow | Aug 18, 2007 11:05:45 AM

Daniel Webster:

There is no nation on earth powerful enough to accomplish our over throw.Our destruction,should it come,will be from another quarter.From the inattention of the people to the concerns of their own government.From their carelessness and negligence.I must confess I do apprehend some Danger.I fear that they may place too implicit a confidence in their public Servants.And fail properly to scrutinize their conduct,that in this way they may be made the dupes of designing men and become the instruments of their own undoing.

Kind of sums it all up doesn't it?

Posted by: cuda | Aug 18, 2007 6:39:19 PM

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Posted by: cuda | Aug 18, 2007 6:41:01 PM

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Kind of sums it all up doesn't it?

Posted by: cuda | Aug 18, 2007 6:41:12 PM

? how did that post 3 times?

Posted by: cuda | Aug 18, 2007 6:42:12 PM

THE REPUBLIC IS ALREADY DEAD.

Time to Get down and lap some boots smart-asses.

Posted by: patrick miller | Aug 18, 2007 8:37:38 PM

I suggest you all look up scientists from the department of computational neurolinguistics at Maryland (close to the NSA) and at MIT, and discover for yourself, how even public information it is to these scientists about being able to read text from neurons, I'm sorry but the wiretaps are irrelevant compared to the biological invasion that is going on, not to mention the harassment and torture of the innocent based on recordings and keyword scans of this text. God have mercy on the souls of such demons keeping this a secret from the public, the US is killing so many little children around the world, you are starting to deserve nuclear action against you, and it will not come in the form of your progandas iran or iraq, this is going to come in the form of the UN, or the EU or something, people more worthy of the soil you live on. Take your heads out of the sand and stand up to your organized crime for a government, or the rest of the world is going to have to take you out.

Posted by: Rhys Hovey | Sep 8, 2007 12:50:00 PM

Existing telco infrastructures could have been used to conduct all forms of legal wiretaps. With that in mind, why would the NSA create a secret second redundant room that would accomplish the same thing? Is

there a judge dumb enough to buy that argument? The secret room's construction alone could have no other purpose than to provide ENHANCED data collection that could be obtained in SECRECY, without telco or judicial oversight. The splitter itself does not have the ability to regulate or deny any traffic. ALL of it passes to the Narus which was created to extract the total information flow provided to it (dragnet surveillance). A government tapping capability which has no possibility for scrutiny or challenge and makes itself beyond the reach of judicial review, should not be allowed to exist or continue, and completely circumvents the framers protections which were designed to protect against this exact type of government intrusion. Without these protections, the new telco giant "Bush Telephone" will continue to emerge.

Posted by: DigitalCommando | Sep 8, 2007 8:57:46 PM

You guys have to understand, this didn't start with Bush, this has been going on for decades. Sure maybe you don't like Bush but before he made it public, wire tapping was going on all around the country in secret. Now that he has basically made it public everyone is upset, if you are mad now, why weren't you mad before? Do I like the government being able to get a hold of any communication I make? Hell no! Do I completely agree with President Bush? No. However this has been going on forever, it's not new. So yes be upset, but realize that even when Bush is gone the next president will be doing the exact same thing. Without being as forthcoming as Bush. As far as the trial the government should have said "these are known terrorist supporters, that's why we froze their assets." The End, that's it.

Posted by: The Titan | Sep 13, 2007 7:44:11 AM

You guys have to understand, this didn't start with Bush, this has been going on for decades. Sure maybe you don't like Bush but before he made it public, wire tapping was going on all around the country in secret. Now that he has basically made it public everyone is upset, if you are mad now, why weren't you mad before? Do I like the government being able to get a hold of any communication I make? Hell no! Do I completely agree with President Bush? No. However this has been going on forever, it's not new. So yes be upset, but realize that even when Bush is gone the next president will be doing the exact same thing. Without being as forthcoming as Bush. As far as the trial the government should have said "these are known terrorist supporters, that's why we froze their assets." The End, that's it.

Posted by: The Titan | Sep 13, 2007 7:44:25 AM

Caleb wrote: "Is the only form of communication that's safe anymore spoken word?"
--> Yes.

Others talk about the coming of the second revolution. I like to see that people are waking up, and yes, the second revolution is coming. Ex-Hacker fears, though, that we must do this before the current regime (ahem, "administration") institutes martial law. This is a remote possibility for this regime, but very probable in the near future. Remember, "Democrats" and "Republicans" aren't too different from each other. So don't think a Democratic 2008 victory gets us out of the woods--you don't see many arguments with teeth from them on our behalf, do you?

The regime in power wants mayhem. That's the easiest time for them to clamp down and force feed. (Isn't there even several famous literary works about this? Something about Roman emperors comes to mind.)

So how will the Second Revolution succeed? Willful, meticulous, general strike [plus a few other steps]. (Oh, and a friend once told me it's "illegal" to suggest this...so you didn't hear a suggestion of this from me--I'm just providing free intellectual consultative services. LOL)

Posted by: Logic & Philosophy Not Lawyers | Sep 19, 2007 1:12:23 AM

Umm. Everything they think they know could be totally false because the top secret document they were accidentally given (by the government) is SO top secret that it can't even be "meaningfully described" in court. Uhh. Yeah.

Posted by: Bob | Oct 12, 2007 10:29:09 AM

what concerns me is that people fail to see the connection between this case and GWB's insistence that the new RESTORE bill currently being moved through Congress will NOT be signed unless it provides RETROACTIVE immunity to TELCOs that have participated in what has already been agreed to be illegal and warrantless wiretapping. furthermore, it's also surprising to me that the administration can still escape IMPEACHMENT for engaging in ILLEGAL AND WARRENTLESS wiretapping even after it has tacitly admitted to the same. the wheels have clearly fallen off the cart. I pray for the continued safety of this world in the face of such flagrant abuse of democracy, and the constitution of the US, which is truly the most blessed gift your country has.

Posted by: innocent bystander | Oct 12, 2007 6:45:43 PM

Here's a bunch of widely scattered pdfs I converted to web pages with links a while back, all relating to this issue.

The collection is here:

<http://thewall.civiblog.org/rsf/nsa.html>

The downloadable collection is here:

http://thewall.civiblog.org/rsf/012006_HouseDemJudBriefing.zip

EFF v. ATT Complaint (initial filing):

<http://thewall.civiblog.org/rsf/att-complaint.html>

ACLU v. NSA :

<http://thewall.civiblog.org/rsf/aclu-nsa-complaint.html>

- dcm

Posted by: Dave Manchester | Nov 16, 2007 12:37:24 PM

Hi Rhys Hovey here again. I would like to inform whomever is reading this, that I now have recordings of the ultrasound weapon that is being used on myself, 2 of my friends and many other people around the US and Canada. This is being done simply as mafia like, high tech torture and murder, and no doubt will be blamed on "national security", and hidden behind "mind control" propaganda, and Hollywood like lies, online, and on TV. These recordings can be found at www.youtube.com/rhyspaulhovey ,.. really,.. I am a video games engineer,. I'm NO threat to national security,. just like your little sons and daughters, a toy maker. Please be aware that these crimes are getting VERY out of hand,. and have nothing to do with your safety,. but only to restrict your freedoms and kill for money,. we can show this,. In December of 2007,. this same EM/ultrasound computer system (yes it's a really big expensive, computerized, satalite weapons/surveillance system lockheed martin style) was used on a WestJest airplane, that I was one, going from Vancouver-Toronto. This put the lives of 50-60 people at risk. Why? Do you really think that the FBI/CIA who are simply covering up these murders really care about you? asking your sons and daughters to die for them. I'm a video games programmer for crying out loud. Please help stop the mafia from pretending to be the NSA or whatever and caring about you,. the real victims can easily show you that they do not.

Posted by: Rhys Hovey | Dec 30, 2007 7:41:57 PM

Hi Rhys Hovey here again. I would like to inform whomever is reading this, that I now have recordings of the ultrasound weapon that is being used on myself, 2 of my friends and many other people around the US and Canada. This is being done simply as mafia like, high tech torture and murder, and no doubt will be blamed on "national security", and hidden behind "mind control" propaganda, and Hollywood like lies, online, and on TV. These recordings can be found at www.youtube.com/rhyspaulhovey,.. really,.. I am a video games engineer,.. I'm NO threat to national security,.. just like your little sons and daughters, a toy maker. Please be aware that these crimes are getting VERY out of hand,.. and have nothing to do with your safety,.. but only to restrict your freedoms and kill for money,.. we can show this,.. In December of 2007,.. this same EM/ultrasound computer system (yes it's a really big expensive, computerized, satalite weapons/surveillance system lockheed martin style) was used on a WestJest airplane, that I was one, going from Vancouver-Toronto. This put the lives of 50-60 people at risk. Why? Do you really think that the FBI/CIA who are simply covering up these murders really care about you? asking your sons and daughters to die for them. I'm a video games programmer for crying out loud. Please help stop the mafia from pretending to be the NSA or whatever and caring about you,.. the real victims can easily show you that they do not.

Posted by: **Rhys Hovey** | Dec 30, 2007 7:43:28 PM

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