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Friday, August 4, 2006

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U.S. threatens suit if Maine probes Verizon ties to NSA

By KEVIN WACK, Portland Press Herald Writer

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The Bush administration is threatening to sue if Maine regulators decide to investigate whether Verizon Communications illegally turned over customer information to the National Security Agency.

Verizon customers in Maine have asked the state's Public Utilities Commission to investigate whether the telecom giant violated privacy laws by cooperating with a domestic surveillance program. The PUC is expected to decide Monday whether to open such a probe.

In a July 28 letter to the PUC, the U.S. Department of Justice cites national security as a key reason for its opposition to a state investigation. The seven-page letter suggests a lawsuit is likely if Maine regulators decide to investigate.

"We sincerely hope that, in light of governing law and the national security concerns implicated by the requests for information, you will decline to open an investigation and close these proceedings, thereby avoiding litigation over the matter," the letter reads.

The Justice Department and Verizon both declined to comment on the letter Thursday.

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The Justice Department's stance drew criticism from Maine groups that favor an investigation. They believe that if state secrets are at risk, precautions can be taken to ensure they aren't revealed.

"The federal Department of Justice is trying to kill the proceeding even before it begins, and I don't think that's proper," said Wayne Jortner, senior counsel in the Maine Public Advocate's Office, which represents citizens in cases involving public utilities.

"Verizon may have broken the law, and the Department of Justice is overstepping its bounds in trying to intimidate the state PUC from investigating the potential violation," said Shenna Bellows, executive director of the Maine Civil Liberties Union. "And I do think it sets an extraordinarily dangerous precedent for the federal government to threaten to sue the state, (which is) merely doing its job."

The Maine complaint, filed in May by 22 Verizon customers, is one of several similar cases around the country. The cases were sparked by news reports alleging that phone companies have cooperated with government surveillance efforts by providing the domestic phone call records of millions of Americans.

In Vermont, where state officials are considering whether to open an investigation of Verizon and AT&T, the Justice Department has come down against the idea. The department has filed lawsuits to prevent the disclosure of information in New Jersey and Missouri.

In Maine, the PUC meets Monday in Augusta to decide whether to investigate Verizon. The phone company has asked that the customer complaint be dismissed, saying that it can't confirm or deny any involvement in the NSA's domestic surveillance program.

The Bush administration is making a similar argument. It hopes to convince the commission that a probe would be fruitless because investigators could not get the information they would need from Verizon.

"Any document request," Assistant Attorney General Peter Keisler wrote in the letter, ". . . would place Verizon in a position of having to confirm or deny the existence of information that cannot be confirmed or denied without harming national security."

But privacy advocates in Maine dispute that conclusion.

"I just hope that they give us a chance to make our case with unclassified data," said James Cowie of Portland, the complaint's lead plaintiff.

Others questioned the Justice Department's assertion that even a denial of involvement would compromise national security, especially when the NSA program's existence has already been publicly acknowledged.

"It's not hard to imagine that there are ways to prosecute the case without disclosing information," Jortner said.

Phil Lindley, spokesman for the PUC, declined to comment on the arguments raised by the Justice Department because they involve a pending case.

The three-member PUC currently has a vacancy, so Monday's deliberations will be limited to Chairman Kurt Adams and Commissioner Sharon Reishus.

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Reader comments

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anon of portland, me

Aug 4, 2006 10:47 PM

Well, all I can say is, all the power to you all...I knew this one would have tons of great viewpoints from either side and found this very interesting, to say the least.

bill of sacramento, ca

Aug 4, 2006 5:57 PM

Wow! What is wrong with you people that believe that unlawful surveillance is no big deal? One poster even said, "I am a law abiding citizen...monitor me all you want". Do you not have the same expectations (law abiding) of your government as you do of yourself? I'm very happy that you are a law abiding citizen, but can we not expect the same from our government and the companies that wish to do business in this country? We must ALL abide by the laws, and when any of us do not, we must be investigated and held accountable. The laws of this country are not only for the citizens. In fact, a government body that violates the law is far more damaging and terrifying than a single citizen that violates the law. OPEN YOUR EYES, PEOPLE!!!

Stan of South Portland, ME

Aug 4, 2006 5:56 PM

The terrorists we need protection from, the terrorists who blew up the World Trade Center, are the terrorists who have hijacked our country and have been running their show from the shadows in Washington and elsewhere. The Revolution starts now.

Frank of Saco, ME

Aug 4, 2006 4:30 PM

The fact that the Bush administration could sue our state is in itself disturbing. Just because of the fact that we respect our fundamental right to privacy, and simply want to comprehend whether such a right has ever been infringed upon (and concerning the intense level of criticism this administration has received), that doesn't seem to be reason enough to threaten to sue. I guess this move should really come as no surprise to those of us who have been carefully observing the Bush administration since it was appointed into the executive branch so many devastating years ago.

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