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## AT&T Whistleblower: Spy Bill Creates 'Infrastructure for a Police State'

By Ryan Singel June 27, 2008 | 1:14:59 PM Categories: NSA

Mark Klein, the retired AT&T engineer who stepped forward with the technical documents at the heart of the anti-wiretapping case against AT&T, is furious at the Senate's vote on Wednesday night to hold a vote on a bill intended to put an end to that lawsuit and more than 30 others.

[Wednesday]'s vote by Congress effectively gives retroactive immunity to the telecom companies and endorses an all-powerful president. It's a Congressional coup against the Constitution.

The Democratic leadership is touting the deal as a "compromise," but in fact they have endorsed the infamous Nuremberg defense: "Just following orders." The judge can only check their paperwork. This cynical deal is a Democratic exercise in deceit and cowardice.



Klein saw a network monitoring room being built in AT&T's internet switching center that only NSA-approved techs had access to. He squirreled away documents and then presented them to the press and the Electronic Frontier Foundation after news of the government's warrantless wiretapping program broke.

Wired.com independently acquired a copy of the [documents](#) (.pdf) -- which were under court seal -- and [published the wiring documents](#) in May 2006 so that they could be evaluated.

The lawsuit that resulted from his documents is now waiting on the 9th U.S. Appeals Court to rule on whether it can proceed despite the government saying the whole matter is a state secret. A lower court judge ruled that it could, because the government admitted the program existed and that the courts could handle evidence safely and in secret.

But the appeals court ruling will likely never see the light of day, since the Senate is set to vote on July 8 on the [FISA Amendments Act of 2008](#), which also largely legalizes Bush's warrantless wiretapping program by expanding how the government can wiretap from inside the United States without getting individualized court orders.

Klein continues:

Congress has made the FISA law a dead letter--such a law is useless if the president can break it with impunity. Thus the Democrats have surreptitiously repudiated the main reform of the post-Watergate era and adopted Nixon's line: "When the president does it that means that it is not illegal." This is the judicial logic of a dictatorship.

The surveillance system now approved by Congress provides the physical apparatus for the government to collect and store a huge database on virtually the entire population, available for data mining whenever the government wants to target its political opponents at any given moment—all in the hands of an unrestrained executive power. It is the infrastructure for a police state.

Neither the House nor the Senate has had Klein testify, nor have telecom executives testified in open session about their participation.

The bill forces the district court judge handling the consolidated cases against telecoms to dismiss the suits if the Attorney General certifies that a government official sent a written request to a phone or internet provider, saying that the President approved the program and his lawyers deemed it legal. Judge Vaughn Walker of the California Northern District can ask to see the paperwork, but would not be given leeway to decide if the program was legal.

Photo: Mark Klein in the offices of his lawyers in San Francisco. Credit: Ryan Singel/Wired.com

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