



## **ACLU of Massachusetts Joins Nationwide Action Against NSA Spying on Americans' Phone Calls**

*Mayors of Chicopee, Newton, and Northampton Join Request for a Public Hearing on Phone Company's Cooperation with Spy Agency*

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BOSTON – Responding to reports that phone companies are enabling illegal government spying by turning over private details about Americans' telephone calls to the National Security Agency, the American Civil Liberties Union of Massachusetts today filed a complaint with the Massachusetts Department of Telecommunications and Energy (DTE) on behalf of its 22,000 members and four Massachusetts city mayors.

At the same time, ACLU affiliates in 19 other states today filed complaints with state regulatory agencies or sent letters to state Attorneys General and other officials demanding investigations into whether local telecommunications companies allowed the NSA to spy on their customers.

"It's time to shed light on this illegal invasion of privacy," said Carol Rose, Executive Director of the ACLU of Massachusetts. "We do not seek to obstruct legitimate law enforcement activities, but we are determined to stand up for the fundamental right of privacy of people whose telephone records have been divulged without a warrant, notice or consent."

Massachusetts law requires the DTE to hold a public hearing if a written complaint is filed on behalf of any Massachusetts mayor. The ACLU of Massachusetts filed its complaint and request for a hearing on behalf of Mayors David B. Cohen of Newton, Mayor Mary Clare Higgins of Northampton, and Mayor Michael D. Bissonnette of Chicopee.

In addition, the ACLU filed a separate request on behalf of its 22,000 Massachusetts members that the DTE adopt regulations that would require the phone companies to respect the privacy of telephone records and would prohibit the disclosure of such records in the absence of specific legal authority and without notice to consumers.

### **Massachusetts Mayors Call for a Public Hearing**

“Privacy is the civil rights issue of our generation,” said Mayor Bissonnette. “I am requesting a hearing in order to uncover a matter of crucial importance to the privacy rights of my constituents and the functioning of our democracy.”

Said Mayor Cohen: “Whether the government is monitoring or intercepting the domestic and international calls of millions of Americans without warrants goes to the heart of our system of checks and balances. We need a public investigation.”

Mayor Higgins, of Northampton, said, “This action by the ACLU on behalf of Massachusetts residents is necessary to protect basic rights to privacy that most people assume they have just by living in America. Since it appears that Congress will not have hearings on this, we have to use the evidence we have locally to do so. The sunlight of a public hearing is the best antidote to a government that acts in secret.”

In addition to the ACLU of Massachusetts, actions were filed today ACLU affiliates in Arizona, Colorado, Connecticut, Delaware, Florida, Iowa, Kansas, Massachusetts, Missouri, Nevada, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia and Washington. Other ACLU affiliates are expected to file additional letters and complaints in the coming weeks.

Recent media reports suggest that a database including billions of phone records from over 200 million customers is now being held by the NSA. *USA Today* on May 11 called the database the “largest...ever assembled in the world.” According to the *New York Times* of May 12 and 13, the database includes dozens of fields of information, including numbers called, the time, date and direction of calls, as well as other details. It would be very easy for the NSA to determine the names and addresses associated with these calls by cross referencing them with other, readily-available databases. And the CIA, FBI and DEA all have access to the NSA database.

Also today, the national ACLU sent a letter to the Federal Communications Commission demanding an investigation.

“We cannot sit by while the government and the phone companies collude in this massive, illegal and fundamentally un-American invasion of our privacy,” said ACLU Executive Director Anthony D. Romero. “And unfortunately, we cannot wait for Congress to act. The ACLU is mobilizing its members and supporters nationwide to demand investigations into this shocking breach of trust. And we are asking the FCC to use its authority to uncover the facts about how far the president's illegal spying has gone. The American people want answers.”

As part of its nationwide campaign, the ACLU today is running full-page advertisements in *The New York Times* and half a dozen major daily newspapers, with the headline: **“If You’ve Used a Telephone in the Last Five Years, Read This.”** The advertisement provides a link to [www.aclu.org/dontspy](http://www.aclu.org/dontspy), where individuals can add their names to the public record in the ACLU’s

complaints with Public Utility Commissions and send e-mails to the FCC urging that it investigate the matter.

When the NSA spying program was initially uncovered last December, the ACLU was one of the first organizations to bring a legal challenge, acting on behalf of a prominent and politically diverse group of journalists, scholars and lawyers. That challenge will be heard before Judge Anna Diggs Taylor in Detroit on Monday, June 12; it will be the first ever hearing on the legality of NSA spying since the program was disclosed.

**A teleconference to announce this response will be held on Wednesday, May 24, 2006 at 10:30 a.m. (Dial-in: 800-762-4717)**

More information on the national ACLU case against the NSA is online at

[www.aclu.org/nsaspying](http://www.aclu.org/nsaspying)

The ACLU's FCC letter, the affiliate letters, today's full-page advertisement and other background is online at [www.aclu.org/dontspy](http://www.aclu.org/dontspy)

More information the ACLU of Massachusetts complaint is online at

[www.aclum.org/telephone\\_privacy](http://www.aclum.org/telephone_privacy).