



Massachusetts Mayors and National Security Expert to Send Verizon and AT&T a “WAKE UP” Call

Mayors of Chicopee, Newton, Northampton and Somerville Renew Request for a Public Hearing on Phone Company’s Cooperation with Spy Agency

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BOSTON – Mayors from four Massachusetts communities will join forces with **noted national security expert James Bamford for a Beacon Hill press briefing at 11:15 a.m. in Nurses Hall at the Massachusetts Statehouse today** to urge state officials to hold a public hearing on the role of telephone giants Verizon and AT&T in illegal government spying on Massachusetts residents. Bamford, an award-winning and best-selling author and journalist, is one the world's leading experts on U.S. intelligence and the National Security Agency and is an ACLU client in the case, *ACLU v. NSA*.

The briefing will be followed by a statewide cell-phone call-in to Verizon and AT&T to serve as a “WAKE UP” from Massachusetts citizens who want the phone companies to stop abetting illegal government spying without proper warrants.

“The law says we have a right to a public hearing, so I urge the DTE to grant this public hearing,” said Newton Mayor David B. Cohen, one of four Massachusetts mayors who joined in the suit filed on May 24, 2006. “Transparency and accountability are hallmarks of good government. The time for public airing of these issues is now.”

The American Civil Liberties Union of Massachusetts filed the complaint six months ago with the Massachusetts Department of Telecommunications and Energy (DTE) on behalf of its 22,000 members and four Massachusetts city mayors demanding public hearings into whether local telecommunications companies allowed the NSA to spy on their customers.

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 Mayor Cohen, Mayor Joseph A. Curtatone of Somerville, 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.

The phone companies have argued that they are protected from public scrutiny by “state secrets.”

“Private companies cannot invoke state secrets privilege – only the United States government can assert such a claim,” said Carol Rose, Executive Director of the ACLU of Massachusetts. “The DTE has a legal obligation to hold public hearings into whether the phone companies have violated their own policies, the law, or their customers’ right to privacy. Such a hearing should not involve state secrets. Instead, the hearing should focus on the specific question of how telecommunications companies in Massachusetts respond to government requests for private phone records where there is no warrant or court order.”

“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,” she added.

A Federal Court ruled in August that the Bush Administration’s program to monitor the phone calls and e-mails of Americans without warrants is unconstitutional and must be stopped (<http://www.aclu.org/safefree/nsaspying/index.html>).

“This case is about transparency and telling people the truth about what the phone companies are doing with our records,” said Mayor Higgins of Northampton. “Massachusetts residents have a right to know how the phone companies respond to requests for private phone records when there is no warrant or court order.”

“Privacy is the civil rights issue of our generation,” said Mayor Bissonnette of Chicopee. “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.”

Mayor Curtatone of Somerville, who is unable to attend the press conference, echoed the need for a public hearing. “We took up this cause because a mayoral request is the surest route to a public hearing. The federal government, the Romney Administration and the phone companies have all been stonewalling on this issue – even though this type of warrantless eavesdropping is clearly unconstitutional.”

“If local action can help us determine whether national laws have been broken,” Curtatone added, “then I’m happy to participate.”