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Lawsuits Challenge Domestic Spying

Two civil liberties groups sought court orders to stop the Bush administration's domestic eavesdropping, calling it unconstitutional.

JONATHAN S. LANDAY
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Two civil liberties groups filed separate lawsuits Tuesday to halt the Bush administration's domestic spying program, charging that the interception of Americans' communications without court warrants is illegal and unconstitutional.

The federal lawsuits brought by the American Civil Liberties Union in Detroit and the Center for Constitutional Rights in New York are the latest and most prominent legal challenges to the spying program, which is run by the National Security Agency.

The groups argued that President Bush exceeded his power, violated the rights of American citizens and broke eavesdropping laws when he authorized the program after the Sept. 11, 2001, terrorist attacks to track members and supporters of al Qaeda in the United States.

The program "seriously compromised the free speech and privacy rights of the plaintiffs and others," argued the ACLU lawsuit.

'VITAL TOOL'

White House spokesman Scott McClellan reiterated the administration's contention that Bush acted legally, asserting that the program was "a vital tool in our efforts to prevent further attacks inside the United States."

"If you're not talking to a known al Qaeda member or a member of an affiliated organization, you don't have to worry about this," said McClellan.

The CCR lawsuit named Bush, the heads of the NSA and other intelligence agencies, FBI Director Robert Mueller and Homeland Security Secretary Michael Chertoff as defendants.

The ACLU lawsuit was filed against the NSA and its director, Lt. Gen. Keith Alexander.

Both lawsuits sought court orders to stop the program. The CCR lawsuit also demanded that the government disclose 'all unlawful surveillance of plaintiffs' communications.'

LOTS OF PLAINTIFFS

The lawsuits were filed on behalf of 18 organizations, lawyers, scholars and journalists who believe their communications with terrorism suspects and their families, witnesses, officials, political activists, human rights observers and others in the Middle East and Asia have been monitored.

"It would be naive for our clients . . . to assume that their calls and e-mails are not being intercepted," said Ann Beeson, the lead attorney in the ACLU's case.

She acknowledged she had no "direct evidence" her clients were monitored.

Several legal scholars said the Justice Department probably would demand the cases be dismissed because the suits are based on suspicions -- not proof -- that the plaintiffs have been targeted.

In order for such cases to have standing in court, judges require plaintiffs to show that their rights were infringed by the government's conduct, something that will be difficult to demonstrate with the NSA program because it is top secret.

CAN'T COMMUNICATE

Beeson contended that lawyers representing detainees in Guantánamo Bay, Cuba, can no longer communicate freely and in confidence with their clients, their families and friends or witnesses and must undertake overseas travel to pursue their cases.

The CCR made a similar assertion in its lawsuit.

"Plaintiffs are suffering irreparable harm," asserted the lawsuit.