

September 28, 2006

The Honorable Ed Whitfield  
Chairman  
Energy and Commerce Committee  
Subcommittee on Oversight and Investigation  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bart Stupak  
Ranking Member  
Energy and Commerce Committee  
Subcommittee on Oversight and Investigation  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Whitfield, Ranking Member Stupak, and members of the House Committee on Energy and Commerce:

We are writing to you regarding the upcoming hearing of the House Energy and Commerce Committee concerning the pretexting fiasco at Hewlett-Packard and the privacy of telephone records. We appreciate the Subcommittee's interest in this matter, and we urge you to expand this investigation to address an equally if not greater threat to communications privacy.

We urge the Subcommittee to undertake an investigation to include various reports that detailed call record information was improperly disclosed to the National Security Agency by US telecommunication companies. We appreciate that there are circumstances under which the government may properly obtain customer information from the telephone companies. But it is vital that such disclosures are undertaken pursuant to legal authority. The history of covert government surveillance of citizens has included unjustified spying on civil rights, civil liberty, and peace organizations engaged in First Amendment protected activity. If telecommunications carriers disclosed customer information to the NSA in the manner described in press reports, then violations of section 222 of the Communications Act have occurred.

We also urge you to press FCC Chairman Kevin Martin to focus on this enormous threat to the privacy and security of American consumers and this unparalleled assault on the Telecommunication Act of 1934 as amended and the Federal Privacy Act.

The House Subcommittee on Oversight and Investigation has the unique responsibility to investigate matters concerning telecommunications and consumer protection. This includes the ability to issue subpoenas to the telecommunications companies to require them to testify about their involvement in the NSA spying.

The actions of Hewlett Packard executives, although egregious, pale in comparison to the violation of the privacy rights of tens of millions of American consumers that should be safeguarded by federal law within the jurisdiction of the Committee. We ask that you show the same level of interest in the NSA spying as you have show in the investigation of the Hewlett-Packard matter.

Signatories (as of 9/26/06)

American Civil Liberties Union  
American Library Association  
Arab American Institute  
Asian American Legal Defense and Education Fund  
Association of Research Libraries  
Bill of Rights Defense Committee  
Center for Democracy and Technology  
Center for Digital Democracy  
Center for Financial Privacy and Human Rights  
Computer Professionals for Social Responsibility  
Concerned Foreign Service Officers  
Consumer Action  
Consumer Project on Technology  
Electronic Frontier Foundation  
Electronic Privacy Information Center  
Fairfax County Privacy Council  
Friends Committee on National Legislation  
Fund for Constitutional Government  
Government Accountability Project  
Greenpeace  
Liberty Coalition  
National Consumers League  
National Lawyers Guild - National Office  
Peace Action  
People for the American Way  
Privacy Journal  
Privacy Rights Clearinghouse  
Privacy Rights Now Coalition  
Privacy Times  
Republican Liberty Caucus  
Rutherford Institute  
Unitarian Universalist Association of Congregations  
US Bill of Rights Foundation  
World Privacy Forum