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# Judge seals documents in NSA spying suit

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SAN FRANCISCO (AP) — Secret documents that allegedly detail the surveillance of AT&T Inc. phone and e-mail lines under the Bush administration's domestic spying program can be used in a lawsuit against the telephone giant, a federal judge ruled Wednesday, but the records will remain sealed.

U.S. District Judge Vaughn Walker rejected a bid by AT&T to return the records given to the privacy advocate Electronic Frontier Foundation by a former AT&T technician. But Walker said the records would remain under seal until it can be determined whether they reveal trade secrets.

"The best course of action is to preserve the status quo," Walker said.

The hearing is the first in a lawsuit challenging the administration's secretive domestic surveillance program.

The suit, filed by EFF in U.S. District Court here, accuses AT&T of illegally cooperating with the National Security Agency to make communications on the company's networks available to the spy agency without warrants.

"They are asking this court to suppress evidence of AT&T's criminal activity," EFF lawyer Maria Morris said in arguing that the records remain part of the case.

"I thought it was unfortunate counsel chose to use the terms 'criminal activities' and 'crimes,'" AT&T lawyer David Anderson said as he argued that the records should be returned to the company.

The goal of the lawsuit is to dismantle warrantless eavesdropping on Americans in the United States, a practice the Bush administration confirmed in December. EFF's case would have been weakened if the records provided by the whistle-blower were taken from the case.

The case is *Hepting v. AT&T Inc., 06-0672.*

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