

# Federal judge tosses warrantless wiretap cases

June 3 2009, By PAUL ELIAS , Associated Press Writer

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(AP) -- A federal judge on Wednesday tossed out more than three dozen lawsuits filed against the nation's telecommunications companies for allegedly taking part in the government's e-mail and telephone eavesdropping program that was done without court approval.

In addition, he ordered officials in Maine, New Jersey, Connecticut, Vermont and Missouri to halt their investigations of the telecommunication companies for their alleged participation in the once-secret surveillance programs.

The judge's actions were widely expected after Congress in July agreed on new surveillance rules that included protection from legal liability for [telecommunications companies](#) that allegedly helped the U.S. spy on Americans without warrants.

U.S. District Judge Vaughn Walker upheld the constitutionality of the new [surveillance](#) rules.

Walker said congressional actions didn't prohibit telephone and e-mail customers who believe they were targets of warrantless wiretaps from suing federal government officials, who the judge called "the primary actors in the alleged wiretapping activities."

The judge noted that several lawsuits that directly accuse the government, rather than the companies, of wrongdoing are still pending.

Later Wednesday, the judge is to hear arguments in one of those cases. He has threatened to punish the federal government for its continued refusal to turn over a top-secret document that the U.S.-based arm of an Islamic charity says shows it was the subject of warrantless wiretaps.

The Obama administration insists in court filings that release of the document will create "intolerable risks" to national security, the same stance taken by the Bush administration.

The now defunct Ashland, Ore. chapter of the Al-Haramain Islamic Foundation sued the government after the Treasury Department accidentally turned over in 2004 a document civil rights lawyers say was a call log showing telephone conversations were monitored. The Treasury Department shut down the Ashland branch in 2004 and designated it a supporter of terrorism.

Al-Haramain's lawyers returned the document when officials discovered the error and a federal judge in Oregon initially barred the charity from using the document to support its [lawsuit](#).

The case was transferred to Walker in San Francisco and he ruled that that Al-Haramain's lawyers can now access the document since they have provided enough public government disclosures to support their eavesdropping claims.

The Al-Haramain case has been a focal point for civil liberties groups questioning the legality of the warrantless wiretapping program, and has become one of several instances where the current administration has taken its cue from the Bush administration in citing national security as justification for keeping secrets.

Attorney General Eric Holder has ordered a review of all state secrets used by the Bush administration to protect anti-terrorism programs from

lawsuits. But the Obama administration is also fighting the court-ordered release of prisoner-abuse photos and is reviving, in a revised form, military tribunals where suspected terrorists have limited access to information.

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