

Court OKs immunity for telecoms in wiretap case

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A federal appeals court has ruled as constitutional a law giving telecommunications companies legal immunity for helping the government with its email and telephone eavesdropping program.

Thursday's unanimous ruling by a three-judge panel of the 9th U.S. Circuit [Court of Appeals](#) affirmed a lower [court decision](#) regarding the 2008 law.

The appeal concerned a case that consolidated 33 different lawsuits filed against various telecom companies, including AT&T, Sprint Nextel, Verizon Communications Inc. and BellSouth Corp. on behalf of these companies' customers.

The [court](#) noted comments made by the Senate Select Committee on Intelligence regarding the legal immunity's role in helping the government gather intelligence.

"It emphasized that electronic intelligence gathering depends in great part on cooperation from private companies ... and that if litigation were allowed to proceed against persons allegedly assisting in such activities, 'the private sector might be unwilling to cooperate with lawful government requests in the future,'" Judge M. Margaret McKeown said.

The plaintiffs, represented by lawyers including the San Francisco-based Electronic Frontier Foundation and the American Civil Liberties Union, accuse the companies of violating the law and the privacy of its

customers through collaboration with National Security Agency on intelligence gathering.

The case stemmed from new surveillance rules passed by Congress in 2008 that included protection from legal liability for [telecommunications companies](#) that allegedly helped the U.S. spy on Americans without warrants.

"I'm very disappointed. I think the court reaches to try to put lipstick on a pig here," said Cindy Cohn, legal director of the Electronic Frontier Foundation, who argued the case before the panel. "I think what Congress did was an abdication of its duty to protect people from illegal surveillance."

Thursday did not bring all bad news for plaintiffs challenging the government's surveillance efforts.

In a separate opinion on Thursday, a three-judge panel of the court revived two other lawsuits that seek redress for telecom customers whose information may have been compromised by the warrantless surveillance program.

Two groups of telecom customers sued the NSA for violating their privacy by collecting Internet data from AT&T and other major [telecom companies](#) in the surveillance program authorized by President George W. Bush.

Government lawyers have moved to stop such cases, arguing that defending the program in court would jeopardize national security and expose state secrets.

The suits will be sent back to U.S. District Court in San Francisco.

Emails seeking comment from AT&T and the U.S. Department of Justice weren't immediately returned.

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