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