

**The Honorable Harry Reid**  
**Senate Majority Leader**  
**United States Senate**  
**528 Hart Senate Office Building**  
**Washington, DC 20510**

**Thursday, October 25, 2007**

Dear Senator Reid,

Senator Chris Dodd recently announced his intention to place a 'hold' on any bill coming before the Senate that includes provisions for so-called 'amnesty' for large companies involved in illegally spying on Americans, and to filibuster any such bill if necessary. We are writing to ask you use your position as Majority Leader to honor this hold and join Sen. Dodd's leadership efforts to stop legislation that would allow these companies to escape liability.

For decades, it has been against the law in the United States for companies to give data about their customers, or access to their customers' conversations, to the Government without a warrant. But it now appears that for the last five years-at least-AT&T, Verizon, and numerous other politically connected corporations have repeatedly broken the law, turning over to the Bush administration unfettered access to the telephone calls, Internet activities, and calling records of millions and millions of Americans.

As a result of this lawbreaking, their customers, along with privacy groups, have sued them in federal court, and they are making progress. One federal judge, an appointee of the first President Bush, emphatically rejected the excuse put forward by the corporate lawyers that the companies mistakenly thought that what they were doing was legal. U.S. District Judge Vaughn Walker wrote:

*AT&T's alleged actions here violate the constitutional rights clearly established [by the U.S. Supreme Court]. . . . AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.*

These companies have now asked Congress to pass a special law asking for 'amnesty.' The law would prohibit courts from ruling on whether these companies broke the law and force the dismissal of all court proceedings against them. We know of at least one company, Qwest, that refused these illegal government requests, a factor that adds weight when considering whether these companies were 'just doing' what the government requested. The companies seeking immunity clearly chose to break the law.

Providing amnesty to lawbreaking corporations is a complete assault on the rule of law and on the basic fairness of our political system. When ordinary American citizens are accused of breaking the law, they are forced to go to court and, if the accusations are proven, they suffer the consequences. If the telecoms really did nothing wrong, they should prove that in court, like all Americans must do.

Congress has faced up to this before. In 1965, some of our nation's largest banks were found by courts to have broken our anti-trust laws and also wanted amnesty from Congress for what they did. Senator Robert F. Kennedy spoke out forcefully against this. As The New York Times reported:

*He objected to the basic philosophy of retroactive immunization which, he said, might logically be applied to 'murder or any other crime.'*

The rule of law is the basic guarantee in our society that all Americans are treated equally. Amnesty for big business is an assault on that principle. To grant retroactive amnesty would be to announce that our wealthiest corporations are free to break the laws we pass, and amnesty would be yet another huge step in eroding our core political principles.

Sincerely,

American Civil Liberties Union  
ColorOfChange.org  
Electronic Frontier Foundation  
Moveon.org Political Action  
Working Assets Wireless  
Duncan Black, Atrios  
Markos Moulitsas Zuniga, Dailykos  
Glenn Greenwald, Salon

Jane Hamsher, Firedoglake  
Christie Hardin Smith, Firedoglake  
Matt Stoller, OpenLeft  
John Aravosis, Americablog  
Chris Bowers, OpenLeft  
Taylor Marsh, TaylorMarsh.com  
John Amato, Crooks and Liars  
Howie Klein, DownWithTyranny

Cc: Senator Hillary Clinton, Senator Dick Durbin, Members of the Senate Judiciary Committee