

Monday, March 10, 2008

## **New Telecom Whistleblower Describes Possible Gateway for Massive Surveillance of Cell Phone Calls and Customer Information**

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Trio of Commerce Chairmen Call for Further Investigation Based on Latest Spying Allegations

Washington, D.C. - infoZine - Three powerful House Commerce Committee Chairmen strongly urged their colleagues Thursday to defer acting on requests for retroactive immunity and to demand more information from the White House and the telecommunications companies in the wake of disclosures by another whistleblower that the government apparently has been granted an open gateway to customer information and calls by a major telecommunications company.

Babak Pasdar, a computer security consultant, has gone public about his discovery of a mysterious "Quantico Circuit" while working for an unnamed major wireless carrier. Pasdar believes that this circuit gives the U.S. government direct, unfettered access to customers voice calls and data packets. These claims echo the disclosures from retired AT&T technician Mark Klein, who has described a "secret room" in an AT&T facility.

The White House is putting heavy pressure on lawmakers to grant the telecoms immunity from lawsuits over the spying as part of Foreign Intelligence Surveillance Act (FISA) legislation pending in Congress. But in today's letter -- written by John Dingell, Chairman of the House Committee on Energy and Commerce; Ed Markey, Chairman of the House Subcommittee on Telecommunications and the Internet; and Bart Stupak, Chairman of the Subcommittee on Oversight and Investigations -- the congressmen argue lawmakers must not "vote in the dark" on the immunity issue when "profound privacy and security risks" are involved.

"When you put Mr. Pasdar's information together with that of AT&T whistleblower Mark Klein, there is troubling evidence of telecom misconduct in massive domestic surveillance of ordinary Americans," said Cindy Cohn, Legal Director of the Electronic Frontier Foundation (EFF). "Congress needs to have hearings and get some answers about whether American telecommunications companies are helping the government to illegally spy on millions of us. Retroactive immunity for telecom companies now ought to be off the table in the ongoing FISA debate."

EFF represents the plaintiffs in *Hepting v. AT&T*, a class-action lawsuit brought by AT&T customers accusing the telecommunications company of violating their rights by illegally assisting the National Security Agency in widespread domestic surveillance. The *Hepting* case is just one of many suits aimed at holding telecoms responsible for knowingly violating federal privacy laws with warrantless wiretapping and the illegal transfer of vast amounts of personal data to the government.

### **Related Links**

The full letter: ( PDF )

Telecoms' role in warrantless spying: [www.eff.org/issues/nsa-spying](http://www.eff.org/issues/nsa-spying)

Article link: <http://www.infozine.com/news/stories/op/storiesView/sid/27362/>

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**NEW WHISTLEBLOWER ALLEGATIONS WARRANT FURTHER  
INVESTIGATION OF RETROACTIVE IMMUNITY**

Dear Colleague:

New evidence has surfaced that underlines the importance of evaluating all the facts concerning the Administration's request to shield telecommunications carriers from retroactive liability for violating their customers' privacy rights.

Yesterday, another whistleblower stepped forward with troubling charges that at least one major wireless telecommunications giant may have given a Governmental entity access to every communication coming through that company's infrastructure, including every e-mail, Internet use, document transmission, video, and text message, as well as the ability to listen in on any phone call.

Babak Pasdar, the chief executive officer of a computer security firm whose clients have ranged from multi-national corporations to small organizations, asserts that a major wireless carrier allowed a third party, known only as the "Quantico Circuit," access to all data communications in its network.

Mr. Pasdar was brought in by the carrier to upgrade its security system. In the course of his work, he discovered that an unidentified third party had been given unfettered and unsecured access to all of the data transmissions it carried. When Mr. Pasdar identified this security breach and made suggestions about how to correct the situation, representatives of the carrier reportedly refused to secure the network. Moreover, they refused to implement tracking programs to identify what data were accessed. Implicit in this charge is that, by refusing to take measures to secure the communications, access to vital data could be available to those seeking to harm American interests. Although he now comes forward at professional and personal risk, Mr. Pasdar, whose parents fled Iran when he was a child, felt compelled to go public because of the profound privacy and security risks he witnessed.

Mr. Pasdar's allegations are not new to the Committee on Energy and Commerce, but our attempts to verify and investigate them further have been blocked at every turn by this Administration. Moreover, this whistleblower's allegations echo those in an affidavit filed by Mark Klein, a retired AT&T technician, in the Electronic Frontier Foundation's lawsuit against AT&T. The merits of these claims have yet to be assessed by the Federal judge assigned to that case. Indeed, the court may not be able to assess them for quite some time, until the appellate courts finish sorting through threshold questions relating to the so-called "state secrets" doctrine. Should these defenses prevail, the court will dismiss the lawsuits out of hand before reaching any question of whether or how much money damages to impose. Even if the court permits the suits to go forward—long before any monetary award is evaluated—the court will have to determine whether the carriers did what the plaintiffs say they did.

In the meantime, the carriers who did—and did not—participate in wiretapping without court orders or warrants, are prohibited from talking to Congress. The President will not let them. However, he continues to ask that Members of this body, other than the limited number to whom he has given grudging and belated access, to vote in the dark. Because legislators should not vote before they have sufficient facts, we continue to insist that all House Members be given access to the necessary information, including the relevant documents underlying this matter, to make an informed decision on their vote. After reviewing the documentation and these latest allegations, Members should be given adequate time to properly evaluate the separate question of retroactive immunity.

Sincerely,



John D. Dingell  
Chairman



Edward J. Markey  
Chairman  
Subcommittee on Telecommunications  
and the Internet



Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations