

## ■ NSA SURVEILLANCE

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## ■ TIMELINE

WASHINGTON (AP) — Telecommunications giant Qwest refused to provide the government with access to telephone records of its 15 million customers after deciding the request violated privacy law, a lawyer for a former company executive said Friday.

For a second day, the former National Security Agency director defended the spy agency's activities.

In a written statement, the attorney for former Qwest CEO Joseph Nacchio said the government approached the company in the fall of 2001 seeking access to the phone records of Qwest customers, with neither a warrant nor approval from a special court established to handle surveillance matters.

"Mr. Nacchio concluded that these requests violated the privacy requirements of the Telecommunications Act," attorney Herbert Stern said from his Newark, N.J., office.

The Bush administration is facing new questions about civil liberties after the disclosure that the NSA collected information on millions of Americans' everyday telephone calls.

On Friday, CIA director nominee Michael Hayden defended as lawful the secret surveillance programs he oversaw as NSA head from 1999 to 2005, but he declined to comment on the phone-calls database or specific operations.

"It's been briefed to the appropriate members of Congress," Hayden told reporters outside a Senate office. "The only purpose of the agency's activities is to preserve the security and the liberty of the American people. And I think we've done that."

Nacchio told Qwest officials to refuse the NSA requests, which kept coming until Nacchio left the company in June 2002, his lawyer said.

In contrast, AT&T Corp., Verizon Communications Inc. and BellSouth Corp. complied with the request to turn over phone records shortly after Sept. 11, 2001, USA Today first reported on Thursday.

Qwest, the No. 4 U.S. local phone company, serves customers in 14 Western states. Based in Denver, Qwest Communications International Inc. has come under fire over criminal and ethical allegations. Nacchio himself is under federal indictment on insider-trading charges.

In a statement, Verizon said press coverage has contained

errors about how the company handles customer information. "Verizon will provide customer information to a government agency only where authorized by law for appropriately defined and focused purposes," the company said.

Two New Jersey public interest lawyers sued Verizon on Friday for \$5 billion, claiming the phone carrier violated privacy laws by turning over customers' records. The lawsuit asks the court to stop Verizon from supplying the information without a warrant or the subscriber's consent.

Lawmakers have been pressing the Bush administration for information about the NSA's database of telephone records in advance of hearings reviewing Hayden's nomination to be CIA director, scheduled for next Thursday.

The White House on Friday reiterated its support for Hayden and the NSA's operations.

"We're 100% behind Michael Hayden," said press secretary Tony Snow. "There's no question about that, and confident that he is going to comport himself well and answer all the questions and concerns that members of the United States Senate may have in the process of confirmation."

Snow added that questions on classified material may have to be handled in closed sessions with select senators who are cleared for access to that information.

Some senators were trying to separate the issue of Hayden's confirmation from questions about White House decisions and the surveillance programs.

Senate Minority Leader Harry Reid, D-Nev., said he didn't yet know if collection of the phone records was illegal.

Yet Reid said he has no "specific problems" with Hayden going into the hearing process and said the Air Force general "has always proven to be a person of intellect and a person of independence."

Republicans, including Senate Armed Services Committee Chairman John Warner of Virginia, have said Hayden was relying on the advice of top government lawyers when the operations were initiated.

But Sen. Ron Wyden, D-Ore., an Intelligence Committee member, said he now questions Hayden's credibility, adding, "The American people have got to know that when the person who heads the CIA makes a statement that they are getting the

full picture."

The NSA was using the data to analyze calling patterns to detect and track suspected terrorist activity, according to information the White House gave to Sen. Wayne Allard, R-Colo. "Telephone customers' names, addresses and other personal information have not been handed over to NSA as part of this program," Allard said.

Sen. Kit Bond, R-Mo., said on PBS' *NewsHour With Jim Lehrer* that "the president's program uses information collected from phone companies" — the telephone number called and the caller's number. Bond is a member of the select panel allowed access to all information on another controversial Bush program, the warrantless surveillance operations.

After meeting with Hayden on Friday, Sen. Chuck Hagel, R-Neb., said he had "absolute confidence" in the general and that his Senate confirmation hearings should provide the facts on the monitoring programs.

"He's going to have to explain what his role was. To start with, did he put that program forward, whose idea was it, why was it started?" Hagel said.

Sen. Susan Collins, R-Maine, praised Hayden as an excellent nominee. But the chairwoman of the Homeland Security and Governmental Affairs Committee said it was disconcerting "to have information come out by drips and drabs, rather than the administration making the case for programs I personally believe are needed for our national security."

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