Press Release

**June 8, 2006**

# SCHAKOWSKY ASKS NEGROPANTE TO EXPLAIN WAIVER THAT COULD PROTECT CORPORATIONS THAT SHARE CONSUMER PHONE, INTERNET RECORDS WITH GOVT

## Waiver could have implications for Administration's call-tracking programs

**WASHINGTON, DC - U.S. Representative Jan Schakowsky, ranking member on the Subcommittee on Commerce, Trade, and Consumer Protection, today sent a letter to the Director of National Intelligence raising questions about authority he was granted by President Bush that would allow the DNI to exempt corporations from record keeping duties and liability for matters if deemed related to national security. This authority to grant waivers has broad implications for the reported phone record and internet message tracking programs the NSA has engaged in with major telecommunications companies.**

**Schakowsky is the sponsor of the SAFE CALL Act, which would protect the phone records of consumers, and was joined by all Democratic Members of the House Energy and Commerce Committee in pressing Chairman Barton to hold hearings to determine what the telecommunications companies have shared with the Administration, and whether those actions were legal.**

**The letter is below:**

**June 8, 2006**

**John D. Negroponte**
**Director of National Intelligence**
**Office of the Director of National Intelligence**
**Washington, DC 20511**

**Dear Director Negroponte:**

**It has come to my attention that on May 5, 2006, President Bush issued a memo that gives you as the Director of National Intelligence (DNI) broad authority to exempt corporations from record keeping duties and liability for specific actions that may be taken should the DNI declare that such actions are matters of national security (Federal Register: May 12, 2006 [Volume 71, Number 92, Page 27943, Doc 06-4538]). I am concerned about this new authority because under it, the DNI does not need to seek any permission from the President or Congress to issue such directives and there is minimal oversight once the directive is given. In fact, it is my understanding that since the DNI is only required to report on directives "active" on the annual October 1st reporting date, the DNI could in fact cover up all directives by having them expire on September 30th of the reporting year. I believe that such expansive authority coupled with lax oversight could lead to the misuse of the power, the over-issuing of directives, and the hiding of activities that could be unconstitutional and violations of citizens' civil liberties. For instance, I believe that such directives could have been issued to the major telecommunications firms concerning the sharing of phone call records with the National Security Agency without citizens' knowledge or consent.**

**Because of my concerns, I respectfully request that you provide answers to the below questions to clarify how the DNI has used or will use its new authority. While I understand that there may be concerns of revealing classified information, I have been careful to word the questions in such a manner as to try not to force the DNI to reveal anything that could truly jeopardize national security.**

**Did the DNI request this authority or was it issued because of the initiative of another? If another, please specify who?**

**Was there a particular corporate activity that the DNI or another believed warranted such protection from disclosure and liability?**

**How many directives has your office issued since May 5, 2006?**

**Have any directives issued been made retroactive to apply to activities that corporations may have been engaged in prior to May 5, 2006?**

**What other departments or agencies have been consulted in issuing those directives, if any?**

**How are "matters concerning the national security" determined? Who contributes to determining something is a matter of national security?**

**Could directives be issued to telecommunications firms in order to obtain citizens' phone records without their knowledge or consent? If so, how would this be considered an issue of national security that should be covered up?**

**I appreciate your cooperation and would like your response to the above questions by June 22, 2006. If you have any questions, please feel free to contact my office at 202-225-2111. Thank you.**

**Sincerely, Jan Schakowsky**
**Member of Congress**