

ATTORNEYS FACE APPEALS COURT IN ACLU CHALLENGE TO BUSH SPY PROGRAM

On January 31, 2007 in Cincinnati, American Civil Liberties Union (ACLU) attorneys went head-to-head with the National Security Agency (NSA) over the president's illegal spying program. In a federal courtroom, the ACLU argued that the court must exercise its proper authority and require the president to follow the law.

The hearing was the next step in the ACLU v. NSA case, following the 2006 federal court ruling that found the Bush administration's program unconstitutional.

"Unchecked government spying has no place in a democratic society," said Ann Beeson, Associate Legal Director of the ACLU and lead attorney in the case. "Under our Constitution, the president does not have the authority to ignore laws he does not like, whenever he wants."

Despite unyielding claims that they could not comply with the laws that govern domestic surveillance, the Bush administration conceded in January that the Foreign Intelligence Court has an oversight role in NSA. But the president is still claiming the "inherent authority" to engage in warrantless eavesdropping, and even his own attorneys acknowledged that nothing would stop him from resuming warrantless surveillance at any time. In Cincinnati, the ACLU argued that only an order from the court saying that the president cannot violate the law would prevent that from happening.

More information, including legal briefs and plaintiff statements, is online at: <http://www.aclu.org/safefree/nsaspying/index.html>