

Frequently Asked Questions About the Class Action Lawsuit Against Verizon Communications Inc. for Alleged Collaboration with Illegal Domestic Wiretapping Program Filed by the Pascazi Law Firm.

What is the Class Action Lawsuit Against Verizon About?

Pascazi filed a class-action lawsuit against Verizon, alleging and accusing the telecom giant of violating the law and the privacy of its customers and others by collaborating with the National Security Agency (NSA) in its massive and illegal domestic spying program to wiretap and data-mine Americans' communications.

What is the Lawsuit Seeking?

Pascazi, on behalf of a nationwide class of VERIZON customers and those who's communications traffic passed over and through VERIZON's networks, is suing to hold VERIZON responsible for its alleged illegal collaboration in the government's domestic spying program, which has violated the law and damaged the fundamental freedoms of the American public. The lawsuit request a declaratory judgment and monetary damages under the law. The laws provide that the victims can receive damages of at least \$21,000 for each affected person.

If the NSA Did The Illegal Wiretapping And Data-Mining, Why Are You Suing VERIZON?

Because VERIZON allegedly violated the law, and the rights of its customers and others, by allegedly allowing and assisting with the illegal wiretapping and data-mining. The government's spying program on ordinary Americans would not be possible without VERIZON's alleged collaborating in violating Americans' privacy. VERIZON should stand up for Americans' privacy.

Why Has PASCAZI Brought a Class Action?

We believe and allege that all VERIZON customers and others have had their privacy violated by VERIZON's actions, and importantly, bringing the case as a class action is the only sure way to make sure that VERIZON is held accountable to the "everyman" for its alleged transgressions of the law. We hope that the risk of serious statutory damages under the Electronic Communications Privacy Act and the Telecom Act of 1996 will provide sufficient incentives to resist the government's continued invasion of privacy.

Is the Fight Against Warrantless Spying on Ordinary Americans a Partisan Issue?

No. Opposition to the domestic surveillance program has come from both sides of the aisle, among Republicans, Democrats and Conservatives alike. Mr. David Keene, chairman of the American Conservative Union said, "This is not a partisan issue; it is an issue of safeguarding the fundamental freedoms of all Americans so that future administrations do not interpret our laws in ways that pose constitutional concerns."

Other conservatives who have spoken out about the domestic surveillance program include:

- Former U.S. Rep. Bob Barr;
- Senator Arlen Specter;
- Senator Chuck Hagel;
- Richard Epstein, Conservative Law Professor at the University of Chicago;
- Bruce Fein, Former Justice Department Official under President Reagan;
- Larry Pratt, Executive Director of Gun Owners of America;
- Grover Norquist, President of Americans for Tax Reform;
- Paul Weyrich, Chairman and CEO of the Free Congress Foundation; and
- Alan Gottlieb, Founder of the Second Amendment Foundation.

What is the NSA Domestic Spying Program?

It has been widely reported, and virtually confirmed by administration officials, that, sometime in 2001, the President authorized the NSA to intercept telephone and Internet communications of Americans inside the United States, without the authorization of any law or court. Under the program, the NSA is intercepting and analyzing millions of ordinary Americans' communications, with the help of the country's and perhaps the world's largest phone and Internet companies. The President has stated that he authorized the domestic spying in 2001, that he has reauthorized the program more than 30 times since its inception, and intends to continue doing so.

What is the National Security Agency?

The National Security Agency is a United States government intelligence agency that is responsible for the collection and analysis of foreign communications. According to the NSA site, it "coordinates, directs, and performs highly specialized activities to protect U.S. government information systems and produce foreign signals intelligence information."

Is Secretly Wiretapping U.S. Citizens Without Legal Process Prohibited by the Foreign Intelligence Surveillance Act?

Yes. The Foreign Intelligence Surveillance Act, 50 U.S.C. § 1801 et seq., (FISA) provides the exclusive statutory framework for the use of electronic surveillance in the context of foreign intelligence gathering. It prohibits surveillance in the United States of communications to or from a person in the United States, unless authorized by statute. With limited exceptions, this means that the U.S. Foreign Intelligence Surveillance Court (FISC) must authorize such surveillance.

What is the U.S. Foreign Intelligence Surveillance Court (FISC)?

The FISC is a special court set up by FISA that meets in secret to decide whether to authorize electronic surveillance in the context of foreign intelligence gathering. Only the government is allowed to appear before this court.

Does the Domestic Spying Program Produce Better Results Than FISA?

No. Recent reports have shown that the data from this wholesale surveillance did little more than commit FBI resources to follow up leads, "virtually all of [which], current and former officials say, led to dead ends or innocent Americans."

"We'd chase a number, find it's a school teacher with no indication they've ever been involved in international terrorism - case closed," said one former FBI official, who was aware of the program and the data it generated for the bureau. "After you get a thousand numbers and not one is turning up anything, you get some frustration." Lowell Bergman, *Spy Agency Data After Sept. 11 Led F.B.I. to Dead Ends*, NY Times, Jan. 17, 2005. Wasting counter-terrorism resources on innocent school teachers makes America no safer and less free.

Who Decides Whether the Test is Met to Conduct Domestic Spying Under the Illegal Warrentless Program?

NSA shift supervisors. According to U.S. Attorney General Gonzales, the "judgment is made by the operational work force at the National Security Agency using the information available to them at the time, and the standard that they apply, and it's a two-person standard that must be signed off by a shift supervisor..." Under FISA, the federal FISC judges decide if the standard is met. Only five times out of over 19,000 applications have the FISC judges refused to allow the surveillance.

Is Wiretapping for Traditional Law Enforcement Purposes Covered by FISA?

No. Agencies conducting traditional law enforcement activities, within the United States, are required under the 4th Amendment to secure a warrant from a traditional court, before engaging in wiretapping. In fact the 4th Amendment states: "... [N]o warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Haven't Certain Terrorists Been Placed on Trial in American Courts Under Our Traditional Law Enforcement System?

Yes. This conduct by the government further blurs the line between intelligence activities governed by FISA and traditional law enforcement activities.

Doesn't FISA Allow the Government Expanded Powers In Times of War?

Yes. For 15 days if Congress declares War the President is given expanded powers as Commander in Chief. The Congress has not declared War in 55 years. Even if we accept, for sake of argument, that Congress had given its consent to a War on terrorism in 2001; 15 days has come and gone a long, long time ago.

What's VERIZON's Alleged Role in the Program?

PASCAZI alleges that under the NSA domestic spying program, major telecommunications companies, and VERIZON specifically, gave the NSA direct access to their vast databases of communications records, including information about whom their customers have phoned or emailed. PASCAZI alleges that VERIZON, in addition to allowing the NSA direct access to the phone and Internet communications passing over its networks, also gave the government unfettered access to its over 19,000 Gigabyte databases of caller information, allegedly some of the largest databases in the world.

Is the Domestic Spying Program Larger than Described?

Yes. When the government attempts to describe limits to the domestic spying program, note how carefully those comments are limited to "the NSA activities described by the President." This does not foreclose the possibility that there are more activities than described by the President, and numerous news reports have described a far wider program, which surveils the communications of ordinary Americans. This case is about VERIZON's alleged collaboration with the entire domestic spying program.

Are Ordinary American's Communications Exposed by VERIZON's Alleged Collaboration?

Yes. The lawsuit alleges that VERIZON has provided the government with unfettered access to the communications records of ordinary Americans whose communications go through the VERIZON network. Some individuals may be singled out for further investigation and more extensive wiretapping, but this case is not about specific targeted information that a court has ordered VERIZON to produce, but rather alleged wholesale access to all communications records in the VERIZON databases and the information transiting VERIZON's vast networks.

Who Exactly is the Case Against?

VERIZON Communications, Inc. VERIZON acquired MCI, Inc., formerly WorldCom, last year and closed on the deal this January. At closing, MCI, Inc. became a wholly owned subsidiary of VERIZON Communications Inc. Additionally, 20 fictitious parties were named as defendants in the case. This was done in case it is uncovered during the discovery phase of the legal process that others, perhaps other telcos, were involved in the alleged violations of Americans' privacy. The suit would then be amended to include the true names of any newly discovered offending parties.

If the Lawsuit Succeeds Will the Government Still be Able to Surveil Terrorists?

Yes. Wiretaps on terrorists are allowed under the law, and this lawsuit is not challenging the wiretap laws. Americans can be both safe and free; if the government truly believes it has probable cause to wiretap a suspect, it can order VERIZON to provide information under FISA, for up to 72 hours before going to the court. Benjamin Franklin is credited as saying- he who trades freedom for security deserves neither.

How Big is VERIZON?

VERIZON constitutes one of the largest telecommunications providers in the United States and the World. VERIZON is a Delaware corporation with its principal place of business at 1095 Avenue of the Americas, New York, NY 10036. VERIZON is a Dow 30 company, is a self proclaimed leader in delivering broadband and other communication innovations to wire-line and wireless customers. VERIZON claims to operate America's most reliable wireless network, serving 51.3 million customers nationwide. VERIZON claims to have 48.8 million U.S. Wire-line Access Lines; 5.1 million Broadband Connections, and one of the most expansive wholly-owned global IP networks with a presence in 140+ countries. VERIZON has a diverse workforce of approximately 250,000 and generates annual consolidated operating revenues of approximately \$90 billion.

Why Are the First and Fourth Amendments at Issue for VERIZON?

Because VERIZON is allegedly acting as the government's agent in the government's violation of the Bill of Rights. Accordingly, the lawsuit makes Constitutional claims in addition to alleging that VERIZON violated the electronic privacy and telecommunications laws.

What Can I do To Help?

You can write or call VERIZON and ask them to stop the alleged collaboration with the government's domestic spying program. You can also ask them to divulge quickly, exactly and fully to PASCAZI the facts of the matter. You can urge them to quickly settle the Class Action suit, and establish a substantial fund to pay those that have been allegedly victimized.

VERIZON can be reached at:

Ivan G. Seidenberg, Chairman and CEO, 1095 Avenue of the Americas, New York, NY 10036
Phone: +1 212.395.2121

Copyright 2006 Michael S. Pascazi Esq. All Rights Reserved.

This document contains trademarks that are the property of their respective owners.