

WHY KEISLER

Wildarseguess here. But I have a hypothesis for why Bush pulled his Clement-Keisler headfake this morning.

Recall that, just last week, BushCo made an unusual intervention into the FCC's deliberations over Net Neutrality.

Well, a lot of people have noted that Keisler's most notable achievement at DOJ was his role in spiking the tobacco settlement. Now, combine what that says about Keisler's personality: that he's willing to abuse the legal process to help out big corporate donors, with this case that he argued for AT&T back when he worked for Sidley & Austin, where Keisler worked in Telecom law.

The Second Circuit recently held in *AT&T v. Conboy* that transfers of personal information collected by a company do not necessarily cause injury or give rise to cognizable damages. Peter Keisler of Sidley & Austin argued the case on behalf of AT&T. The decision was announced on February 26, 2001.

AT&T prevailed over plaintiffs who claimed AT&T had improperly distributed their customer proprietary network information (CPNI) to AT&T's former credit card branch, Universal Card Service (UCS), in order to assist in credit-card debt collection. The Conboys accused AT&T of obtaining the information through its role as their long-distance service provider. The information allegedly disclosed consisted of their names, unlisted telephone number, billing address, and details of their long-distance calls.

Gosh. I wonder if DOJ is going to be dealing with anything similar in the near future? You think maybe Bush was trying to get a good friend of Telecom in the AG seat as he attempts to ram

through further amendments to FISA, most notably immunity for the Telecoms for ... providing customer pen data to people who shouldn't have had it?