

GOVERNMENT RECENTLY RELEASED INFORMATION PROVING LARRY KLAYMAN HAS STANDING

Re: Compliance Incident Involving In Re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things from AT&T, the Operating Subsidiaries of Verizon Communications Inc., and Cellco Partnership d/b/a Verizon Wireless, and Sprint Relating to al Qaeda and Associated Terrorist Organizations and Unknown Persons in the United States and Abroad Affiliated with al Qaeda and Associated Terrorist Organizations and the Government of Iran and Associated Terrorist Organizations and Unknown Persons in the United States and Abroad Affiliated with the Government of Iran and Associated Terrorist Organizations, Docket Number BR 10-10 (TS)

As I noted, the DC Circuit Court reversed Judge Richard Leon's injunction against the phone dragnet. The judges disagreed on whether Larry Klayman had standing – because he is a Verizon Wireless but not Verizon landline subscriber, which had been the only thing confirmed by the government. All agreed he had not shown he had the high certainty of standing required to uphold an injunction against the program. But the per curiam opinion did agree that the case has not been mooted, because by immediately restarting the bulk program after the passage of USA F-ReDux, the government showed that the harm could recur.

That's important, because information proving that Klayman does have standing has recently been released in an official (albeit probably inadvertent) release.

Part of the IG Reports on the phone dragnet Charlie Savage obtained by suing shows that – at least in 2010 – the Primary Order for the phone dragnet went to AT&T, Sprint, Verizon's subsidiaries (the former MCI part of Verizon's business, which I believe is its backbone), and "Cellco Partnership d/b/a Verizon Wireless."

I'll say more about what I think this really means in a later post – and why I think the suit against bulk surveillance needs to be, and can

be, tweaked somewhat to ensure standing.

But for the moment, know that for at least one 90 day period in 2010, Verizon Wireless as well as Verizon's landline was ordered to turn over phone records.