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**Congress of the United States**  
**House of Representatives**

Committees:  
Government Reform  
Education  
and the  
Workforce

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May 11, 2006

Alberto Gonzales  
Attorney General  
Department Of Justice  
950 Pennsylvania Ave NW  
Washington, D.C. 20530-0001

Dear Attorney General Gonzales:

I urge an immediate investigation into possibly illegal coercion by NSA employees to force Qwest Communications into complying with NSA demands for phone records despite the illegality of the request.

According to today's article in the USA Today, the NSA has been illegally collecting the phone call records of tens of millions of Americans. The USA Today article quotes anonymous sources that claim, "it's the largest database ever assembled in the world," and the agency's goal is "to create a database of every call ever made".<sup>1</sup> In essence, the NSA now has detailed records of most domestic calls. The information apparently includes the originating phone number, destination phone number, and length of time for each call.

The only phone company to comply with the law of the land and refuse the NSA demand for records was Qwest Communications. However, the USA today article clearly suggests that at least one NSA employee attempted to illegally coerce Qwest Communications by suggesting that Qwest's refusal to comply would harm future Qwest efforts to secure contracts with the government.

"The agency [NSA] suggested that Qwest's foot-dragging might affect its ability to get future classified work with the government. Like other big telecommunications companies, Qwest already had classified contracts and hoped to get more."<sup>2</sup>

We cannot allow government officials to coerce companies who do not comply with illegal requests. The NSA employee or employees who attempted to coerce Qwest Communications should be prosecuted under Title 18, Chapter 41, Sec. 872. *Extortion by officers or employees of the United States* or Title 18, Chapter 95, Sec. 1951. *Interference with commerce by threats or violence*.

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<sup>1</sup> USA Today. NSA has massive database of Americans' phone calls. Leslie Cauley. May 11, 2006.

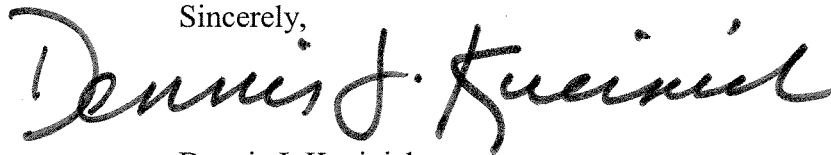
<sup>2</sup> *ibid*.

Sec. 872. *Extortion by officers or employees of the United States* states, “Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both.

Sec. 1951. *Interference with commerce by threats or violence* states, “Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do. The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.”

In your capacity at Attorney General, you should use the full force of these and any other federal statutes to protect those who stand up and do the right thing. Qwest Communications correctly saw the illegality of the NSA program and they should not be punished for their patriotic stand. The NSA employees who attempted to coerce Qwest should be prosecuted.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, flowing style with a large initial "D".

Dennis J. Kucinich  
Ranking Member  
Subcommittee on National Security, Emerging threats,  
and International relations

DJK:ap