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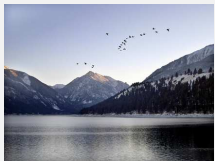
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Ex-Islamic charity wins ruling in wiretap case

By **Sherry Rainey, The Oregonian**
February 27, 2009, 10:02PM

A ruling in the 9th U.S. Circuit Court of Appeals on Friday clears the way for a case that could ultimately determine whether the Bush administration broke the law by wiretapping the attorneys of an Oregon chapter of an Islamic charity. The Justice Department had asked for a stay in the case, arguing that national security would be compromised if a lawsuit brought by Al-Haramain Islamic Foundation, a defunct charity that once operated in Ashland, was allowed to proceed.

The suit is the only one of its kind to have qualified for the standing needed to challenge the government's warrantless wiretapping program. The Obama administration has continued to cite the so-called state secrets privilege as its defense, following the tactics of the Bush administration.

On Friday, a federal appeals court in San Francisco rejected the Justice Department's request for an emergency stay. The Justice Department had asked to delay court hearings after it appeared Al-Haramain lawyers would finally be granted access to a document that showed the government had illegally tapped phone calls between the director of the charity and his lawyers. Court watchers are waiting to see if the Obama administration appeals the case to the U.S. Supreme Court.

Charles Miller, a spokesman for the civil division of the U.S. Department of Justice, said Friday that the office would not comment on the ruling. The case began in 2006 after the Bush administration "inadvertently disclosed a document" to Al-Haramain attorneys and several others affiliated with the case, said Steven Goldberg, a Portland-based lawyer for the defunct charity. Goldberg said that he is prohibited from talking about the specifics of the document but that "we believe it was evidence of the fact that our people were subjected to unlawful surveillance."

After the mistake was discovered, the document was returned to the government, which placed it under lock and key, arguing that it was a state secret that could threaten national security if disclosed. Goldberg and other lawyers for Al-Haramain, however, argued that they needed it to prove the wiretapping.

A number of organizations, including the American Civil Liberties Union, have attempted to sue the government over similar circumstances but were denied standing because they "couldn't prove that their rights had been violated," Goldberg said.

"That left our case as the only one that could prove our clients were subject to this program," he said. "But the only way we could prove that was through this document that we no longer had access to."

Al-Haramain has been locked in an ongoing, multi-track legal battle with the federal government since the U.S. Treasury Department declared the Saudi-based group a terrorist organization in 2004.

The Saudi government forced the group to disband, but the Bush administration redesignated it in 2008, saying it was still attempting to operate.

The 9th Circuit eventually agreed that the disputed document was protected as a state secret. But the court ruled that Al-Haramain could try to find another way to show it had standing to sue the government over domestic wiretapping, including using their "recollections" of the document.

"We then made a preliminary showing that we were subject to surveillance," Goldberg said, adding that U.S. District Judge Vaughn Walker, the chief judge for the District of Northern California, "said 'there sure looks like there's meat on them bones.'"

In January, Walker ordered the government to process the applications for Goldberg and two of his fellow attorneys to apply for the top security clearance needed to access the document. On Feb. 12, Goldberg and one other attorney received notification that their applications were "favorably adjudicated."

The government sought the stay this week to prevent the attorneys from finally getting access to the document. Goldberg said he and his fellow attorneys were disappointed that the new administration had chosen to fight the case.

"We're not seeing any difference between the two administrations," he said. Goldberg expressed relief over Friday's ruling.

"Finally, after three years, we are supposed to proceed to the merits of this case," he said. "Ultimately, we're trying to determine whether the Bush administration broke the law. We're finally entering a stage of this case where we're going to get to that question."

-- Michelle Roberts; michelleroberts@news.oregonian.com

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Posted by gladstone
February 27, 2009, 10:19PM

The Oregonian, the ex-Islamic charity and the 9th circuit: all on the same team.

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Posted by marsinthesky
February 27, 2009, 11:06PM

Anything to throw a monkeywrench into the protecting the US from another bunch of Islamists with boxcutters slashing the throats of flight attendants before they crash planes into skyscrapers. You've really got to love these lawyers, leftwing ideology must triumph reason.

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BI-MART

YOU COULD WIN THIS TUESDAY!





NO IMAGE

Posted by [artyracer](#)
February 27, 2009, 11:33PM

It's not a monkey wrench. It's called the Constitution of the United States and the Bill of Rights. The same documents that give you the right to spew your uninformed opinions also give every american the freedom from illegal government intrusion into their lives. How would you like it if you suddenly found out that the government had tapped your phone and listend in on every conversation you've had for the last few years???

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NO IMAGE

Posted by [dfdawgs](#)
February 27, 2009, 11:35PM

George Bush does not bother me. The terrorists do. These lawyers in their skirts do. Waterboarding and wiretaps are nothing compared to what will happen to them if they attack us again. Obama will take it very personally. In the immortal words of Stonewall Jackson the civil war general. 'kill them kill them all'

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NO IMAGE

Posted by [jexpat](#)
February 27, 2009, 11:39PM

gladstone:

That team would be those who stand by the US Constitution and against cowards who would toss every American's rights in the garbage because of their irrational fears.

There are frightened and foolish people like that in most societies- just a whole lot more of them in the America these days (thanks in no small part to AM radio and Fox "news").

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NO IMAGE

Posted by [txvlt51](#)
February 27, 2009, 11:56PM

If I were NOT an Islamic charity which had the Saudi's holding my leash post 9/11 I think it would be amusing if I were wiretapped. I am not and have never been a terrorist. Now if I were an Islamic charity with the Saudi's holding my leash AND HAD NOTHING TO HIDE they could tap me all they want. Being a new citizen who wanted to live here UNDER THE CONSTITUTION I would do everything I could to distance myself form terrorist's and HELP my new country. The Saudi's yanked the leash of this 'charity' pretty hard. Told them to disband it say's. People who 'spew' uninformed opinions like you artyracer need to STOP shouting down people who have a differing opinion from the one YOU have protected by the constitution.

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Posted by [metetzky](#)

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BI-MART No 442568 A

Check your member number at your home store every Tuesday to see if you've won!

February 28, 2009, 6:36AM

Just as I would expect, this misguided crowd of posters (except for artyracer) takes every opportunity to side with the terrorists against the US Constitution. Whether it's "kill them all" or "I have nothing to hide", you guys can't grasp that the Constitution isn't a tool that only applies to an amorphous "us" and not to the "them" you fear so much. Gladstone, you're right that we're on different teams. My team consists of patriots who think we can fight external forces without abandoning our form of government, and without ceding all control to an all-powerful leader (whether it's Bush or Obama). Your team are authoritarians without principle. txvit51 please retake your course on what this country is all about, and try to understand that the laws protect everyone.

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NO IMAGE

Posted by [srwmww](#)
February 28, 2009, 8:58AM

If we become more like terrorists to fight terrorism, the terrorists have won.

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NO IMAGE

Posted by [poidoggy](#)
February 28, 2009, 10:41AM

Amazing how many scaming hysterical little girls come out of the woodwork to defend the real terrorist and enemies that have ransacked our economy and destroyed our constitution; "OUR GOVERNMENT". Every decent person I know, including a couple of republicans, are ready and willing to hack any outside enemies in the middle east to a thousand little pieces if they really threaten us with their barbaric extremism. But until that time it is "our" goverment that represents the real threat to every American and disgraces all those who sacrificed so much for our freedom. It is clearly those right wing minions posing as patriots at this point who are the real cowards and traitors.

9/11 and the Ilegal war in Iraq had nothing to do with middle eastern extremism. Wake up you obedient boot lickers. They just uncovered documents showing how King Cheney planned on deviding and selling off Iraqi oil fields to other nations long before 9-11. Any one that accepts the government's version of what happened on 9-11 has their head burried in the sand and has no interest in truth.

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NO IMAGE

Posted by [dell4100](#)
February 28, 2009, 11:32AM

The 9th Circuit Court of Appeals is a joke. They have been overturned more than a ham & cheese omelet. obama has his priorities all wrong. Rather than deal with the economy in a meaningful way, he first decides to close Gitmo, stop terrorist trials and release known terrorists. Something is very wrong with all of this and when the American people finally wake up, obama will be run out of town on a rail!

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NO IMAGE

Posted by [dell4100](#)
February 28, 2009, 11:34AM

The liberal koolaid drinkers are out in force and obediently follow their Master,

The One, Lord Obama all the way to the Dark Side! Anyone who actually thinks that the U. S. Government destroyed the World Trade Center on 9/11 needs to have their head examined!

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Posted by [poidoggy](#)
February 28, 2009, 1:45PM

Anyone that thinks a thin skinned alluminum aircraft hull penetrated and passed through three hardened, steel reinforced concrete rings of the worlds most heavily fortified and defended building, obviously "Can't Handle The Truth".

Oh, and then there is the multi-ton titanium jet engines that would have done great damage slamming into the building many yards outside of the small hole made by the missle that did hit.

No damage there. And I'm sure it was just coincidental that it slammed right into the Army Office of Accounting that had just begun the investigation into the over three hundred billion dollars missing from the Pentagon budget under Rumsfeld. Gee what a shame, all records destroyed; no more investigation. Same thing with the demolition of building 7 at the trade center. Huge investigation for securities fraud under way. All records destroyed.

You don't need to be a conspiracy nut to figure this case. You just need to trust your own common sence and judgment more so that the lies of mainstream media and the most corrupt government in history.

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Posted by [doris4u](#)
February 28, 2009, 1:55PM

Whether you agree with Poidoggy or not, you have to admit that eveything our government told us about 9-11 was a lie. Have you been living in a cave Dell4100?

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Posted by [psage](#)
February 28, 2009, 1:57PM

Hopefully, the 9th will be over turned like they always are because of their incredible poor judgement and understanding of the law. Most people don't understand the danger to turning over the methods of gathering data to the public.

A few years ago, an NSA big mouth told the press they were listening to Bin Laden and his mother talk of the phone. This was reported to Bin Laden and he stopped using a phone for his operation. A few years later, 4,000 people die when the US knows nothing about the 911 attack, all because Bin Laden had been tipped off.

I'm sure no one wants to repeat this mistake.

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Posted by [h3rman](#)
February 28, 2009, 2:25PM

The Constitution should do a better job of protecting Americans, not towel-heads bent on our destruction. Sometimes you gotta crack a few eggs to make an omelette.

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Posted by [coaststeve](#)
February 28, 2009, 5:21PM

Towel heads???? Wow....super racist is in da house..

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Posted by [dell4100](#)
February 28, 2009, 8:26PM

doris4u, you must be deranged. Please enlighten the rest of us with your vast knowledge of the U. S. Government conspiracy to bomb the World Trade Center and Pentagon? I can't wait to hear the truth!

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Posted by [dell4100](#)
February 28, 2009, 8:29PM

Isn't it wrong to kill people to show that killing people is wrong? Only if you are coaststeve? Super moron in da house!

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Posted by [coaststeve](#)
March 01, 2009, 10:12AM

Not real sure of the point of your post dell. Are you trying to say that you approve of the racist insult of the above poster? Maybe take your meds and try again in an hour or so. And if I understand your question, yes, I do think it is wrong to kill people to show that killing people is wrong.

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Posted by [megancolin](#)
August 25, 2009, 11:21AM

Yes I agree with you guys,Nice opinion!
<http://www.topix.com/content/prweb/2009/07/todd-diroberto-of-american-satellite-hosts-independence-day-charity>

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