

GROUNDBREAKER AND THE SECRET REQUEST

A couple of you have pointed to the Rocky Mountain News article that claims to confirm what we've long suspected—that Joseph Nacchio was denied the ability to defend himself fully because of the Bush Administration's invocation of "state secrets." I'm going to work through the filings available at the RMN site, but here's an April 2007 filing that is fairly detailed about Nacchio's claims. The program Nacchio claims he would have gotten, btw, is called "Groundbreaker."

Although Mr. Nacchio is allowed to tell the jury that he and James Payne went into that meeting expecting to talk about the "Groundbreaker" project and came out of the meeting with optimism about the prospect for 2001 revenue from NSA, the Court has prohibited Mr. Nacchio from eliciting testimony regarding what also occurred at that meeting. [at least one sentence redacted] The Court has also refused to allow Mr. Nacchio to demonstrate that the agency retaliated for this refusal by denying the Groundbreaker and perhaps other work to Qwest.

It appears that Groundbreaker was just a private net for the government that would be relatively safe from hacking, so that's not the big secret. Though they later say that the meeting was to discuss,

a Qwest "CyberCenter" solution to the Groundbreaker networking issue.

And then, in another section, this filing quotes from a July 2006 interview with Qwest's gov't relations person.

Subsequent to the meeting, the customer

came back and expressed disappointment at Qwest's decision. Payne [Qwest's govt relations person] realized at this time that "no" was not going to be enough for them. Payne said they never actually said no and it went on for years. In meetings after meetings, they would bring it up. At one point he suggested they just tell them, "no." **Nacchio said it was a legal issue and they could not do something their general counsel told them not to do ... Nacchio projected that he might do it if they could find a way to do it legally.** [my emphasis]

Note to the Senate: this guy says he's in jail because he refused to break the law. Yet you want to let AT&T off scot-free.

Update: And for those of you who want to ask Jello Jay Rockefeller why AT&T should have immunity for breaking the law while Joseph Nacchio rots in jail, indirectly, because he refused to break th law, Christy has the list of phone numbers.