

January 22, 2008

Dear Senator Reid,

We, the undersigned organizations who care deeply about both individual rights and effective intelligence-gathering, strongly urge you to bring only the Judiciary Committee's version of S. 2248, the FISA Amendments Act of 2007, to the floor if you choose to bring up wiretapping legislation. We vigorously oppose the Intelligence Committee version for both authorizing warrantless, mass collection of Americans' international communications and granting complete retroactive immunity for the telecommunications industry, among other severe flaws.

We ask that you use your position as Majority Leader – with sole responsibility for determining what legislation comes to the Senate floor – to bring only the clearly superior bill up for debate and support additional improvements that are greatly needed to protect Americans' basic rights. The Judiciary Committee bill is superior to the Intelligence Committee bill for the following reasons:

- Bulk Collection: Most importantly, the Judiciary version prevents the government from engaging in mass, untargeted collection of all communications coming into or going out of the United States. The Judiciary Committee fixed an important loophole in the Intelligence Committee approach that would allow bulk collection, which will inevitably sweep in vast numbers of purely innocent communications for government analysis and use.
- Significant Purpose Test: Surveillance tactics in the U.S. that allow the government to obtain the contents of phone and email communications of people in this country without a court order are unconstitutional and un-American. Unlike the Intelligence bill, the Judiciary version makes clear that once a significant purpose of the government's surveillance is to acquire the communications of a particular person here, it must go to the Foreign Intelligence Surveillance Court for a court order based on probable cause.
- Meaningful Exclusivity: The Judiciary iteration of S. 2248 states in no uncertain terms that FISA is the exclusive means for foreign intelligence wiretapping on American soil, and clarifies that vague assertions of Article II presidential authority do not eviscerate the entire statute. The Intelligence Committee version also creates an unacceptable loophole to FISA's protections against warrantless electronic surveillance by removing some wiretapping from the purview of the statute by changing FISA's definition of "electronic surveillance."
- Immunity: Unlike the Intelligence Committee bill, the Judiciary version does not grant blanket immunity to the telecommunication companies that facilitated the President's warrantless wiretapping program. It defers that major policy decision that affects the individual statutory and constitutional rights of Americans. There is no need to immunize past misconduct to obtain future compliance.

- Oversight: As provided in the Judiciary version of S. 2248, any new electronic surveillance permitted by the legislation should be temporary, subject to a two-year sunset, and include vigorous reporting requirements and an audit of warrantless surveillance going back to 2001.

Sincerely,

American Civil Liberties Union  
People For the American Way  
American Humanist Association  
PEN American Center  
American Library Association  
Arab American Institute  
Asian American Justice Center  
Association of Research Libraries  
Bill of Rights Defense Committee  
Bob Barr  
Council on American-Islamic Relations  
Common Cause  
Defending Dissent Foundation  
Democracy for America  
Electronic Frontier Foundation  
No2Torture  
Equal Justice Society  
Federation of American Scientists  
Friends Committee on National Legislation  
Global Rights  
Hate Free Zone  
Hip Hop Caucus  
Japanese American Citizens League  
Grassroots America  
Liberty Coalition  
Moveon.org  
Muslim Public Affairs Council  
National Association of Criminal Defense Lawyers  
OMB Watch  
PrivacyActivism  
Progressive Democrats of America  
TeleSpan Publishing Corporation  
U.S. Bill of Rights Foundation  
United for Peace and Justice  
World Peace Mission  
Justice Through Music  
Velvet Revolution

Doctors for Open Government (DFOG)  
The Multiracial Activist  
Backbone Campaign  
September Eleventh Families for Peaceful Tomorrows  
Citizens Outreach Project  
National Immigrant Solidarity Network  
CODEPINK: Women for Peace  
National Lawyers Guild--National Office  
Bruce Schneier  
Pain Relief Network  
OpenTheGovernment.org  
American Association of Law Libraries (AALL)  
Concerned Foreign Service Officers  
American Conservative Defense Alliance  
Republican Liberty Caucus  
American Booksellers Foundation for Free Expression (ABFFE)  
Sikh American Legal Defense and Education Fund (SALDEF)

**Regional Organizations**

Central Florida Jobs Committee (Saint Petersburg, Florida)  
PeaceAction Montgomery (MD)  
Progressive Democrats of America--Ohio  
Rural Organizing Project  
The Teaneck Peace and Justice Coalition (NJ)  
The Wisconsin Network for Peace and Justice  
Topanga Peace Alliance (CA)  
Tri-Valley CAREs (CA)  
Whatcom Peace and Justice (Bellingham, WA)  
The Greenwich Village Coalition for Peaceful Priorities (NY)  
CODEPINK Tallahassee (FL)  
Connie Hogarth Center for Social Action  
AWARE, the Anti-War-Anti-Racism Effort of Urbana, Illinois  
Somerville/Medford United for Justice with Peace  
Peace Coalition of Southern Illinois/Fellowship of Reconciliation  
Nashoba Valley Peace & Justice  
Cambridge United for Justice with Peace  
Iowa Peace Network  
Susan Oehler for the Western NC Peace Coalition  
Fairfax County Privacy Council (VA)