

September 25, 2009

Senator Russell Feingold  
506 Hart Senate Office Building  
Washington, DC 20510

Senator Bernard Sanders  
332 Dirksen Senate Office Building  
Washington, D.C. 20510

Senator Richard Durbin  
309 Hart Senate Office Building  
Washington, DC 20510

Senator Daniel Akaka  
141 Hart Senate Office Building  
Washington, D.C. 20510

Senator Jon Tester  
724 Hart Senate Office Building  
Washington, DC 20510

Senator Ron Wyden  
223 Dirksen Senate Office Building  
Washington, DC 20510

Senator Tom Udall  
110 Hart Senate Office Building  
Washington, DC 20510

Senator Robert Menendez  
528 Hart Senate Office Building  
Washington, D.C. 20510

Senator Bingaman  
703 Hart Senate Office Building  
Washington, DC 20510

Senator Jeff Merkley  
107 Russell Senate Office Building  
Washington, D.C., 20510

Dear Senator,

On behalf of a diverse group of public interest and other advocacy organizations, we wish to express our support for S.1686, the Judiciously Using Surveillance Tools In Counterterrorism Efforts (JUSTICE) Act. We commend you for introducing legislation that will amend many provisions of law that have diminished Americans' privacy over the last eight years and we urge Congress to pass this bill as soon as possible.

Your legislation recognizes that amending the three expiring provisions of the Patriot Act is only the first step towards restoring Americans' privacy. Passed in 2001, the Patriot Act and its reauthorizing legislation in 2006 loosened restrictions on domestic surveillance. The 2008 FISA Amendments Act removed the warrant requirement for wiretapping certain communications going into and out of the country. Taken together, these two laws vastly expanded the government's ability to collect information on Americans.

As Congress begins the process of reauthorizing portions of the Patriot Act, it is critical to take this opportunity to consider and amend these broader authorities that grant the government extraordinary authority to conduct surveillance on U. S. soil. For example, while authority for National Security Letters does not expire this year, the Department of Justice Inspector General found substantial NSL abuses, while a federal appeals court has ruled that the gag provisions of the national security letter statute violate the First Amendment, demonstrating a clear need for reform. Moreover, several other Patriot Act provisions have also been found unconstitutional.

We strongly urge the adoption of the JUSTICE Act, which addresses many of these problems. For example, JUSTICE would:

- Increase protections for communications such as phone calls and emails. S. 1686 amends the FISA Amendments act of 2008 to insure that international wiretapping programs are more targeted and that calls or emails into or out of the U. S. have greater protections. It also requires FISA wiretap orders to identify either the person or place to be tapped instead of permitting warrants that reference neither.
- Provide reasonable safeguards for sensitive records. The Justice Act requires some nexus between a suspected terrorist or spy and private records to be seized. For example, it restricts the national security letter statute and the FISA business orders provision of the Patriot Act so that government requests must relate to terrorists, their activities, or those in communication with them, thereby protecting the phone, credit, library and other records of innocent Americans. The bill also provides a meaningful opportunity to challenge in court both the order to produce records and the accompanying gag order.
- Respect the privacy of homes and businesses. S. 1686 amends the so-called “sneak and peek” provisions that make it easier for the government to search a home or business in criminal cases without simultaneously telling the owner. The bill insures that secret searches do not become the norm by carefully limiting the circumstances in which this power is available.

Once again, thank you for sponsoring the JUSTICE Act to reform the provisions of law that have so seriously infringed on our privacy. We look forward to working with you to make sure this important piece of legislation becomes law.

Sincerely,

American Association of Law Libraries  
 American Association of University Professors  
 American Booksellers Association  
 American Booksellers Foundation for Free Expression  
 American Civil Liberties Union  
 American Library Association  
 Asian American Legal Defense and Education Fund  
 Association of American Publishers  
 Association of Research Libraries  
 Bill of Rights Defense Committee  
 The Brennan Center for Justice  
 Center for Democracy & Technology  
 The Center for Justice & Accountability  
 Center for National Security Studies  
 Competitive Enterprise Institute  
 Cyber Privacy Project  
 Defending Dissent Foundation  
 Electronic Frontier Foundation  
 Fairfax County Privacy Council  
 Feminists for Free Expression  
 The Freedom and Justice Foundation  
 The Freedom to Read Foundation  
 Friends Committee on National Legislation

Government Accountability Project  
Grassroots International  
Kinder USA  
League of United Latin American Citizens  
League of Women Voters of the U.S.  
Liberty Coalition  
Muslim Public Affairs Council  
National Association of Criminal Defense Lawyers  
National Black Police Association  
National Coalition Against Censorship  
National Lawyers Guild--National Office  
OMB Watch  
People For the American Way  
The Rutherford Institute  
U.S. Bill of Rights Foundation  
The Woodhull Freedom Foundation