



April 16, 2007

The Honorable John D. Rockefeller, IV  
The Honorable Christopher S. Bond  
U.S. Senate Select Committee on Intelligence  
211 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Rockefeller and Vice Chairman Bond,

On behalf of the American Civil Liberties Union, and its hundreds of thousands of activists and members, and fifty-three affiliates nationwide, we write to urge you in the strongest terms to oppose legislation drafted by the Department of Justice (“DOJ”) that would effectively pardon telecommunication companies for illegal behavior over the last five years and rewrite the Foreign Intelligence Surveillance Act (“FISA”) to facilitate further warrantless surveillance on American soil.<sup>1</sup>

Only a few short weeks ago this Congress was finally informed about the DOJ’s use of National Security Letters (“NSLs”) and found that this power – no longer limited to collecting information on terrorists – is being abused to collect vast amounts of data on innocent Americans that is stored indefinitely in massive federal databases accessible by tens of thousands of users. Instead of contemplating ways to exponentially increase those powers, this Congress should be figuring out ways to rein them in, protect constitutional rights, and focus our antiterrorism resources on suspected terrorists.

While the Administration claims that the changes it proposes to FISA would “modernize” it, they would better be described as changes to gut the judicial oversight mechanisms carefully crafted to prevent abuse, while expanding the universe of communications that can be intercepted under FISA. They would cast the intelligence community into the realm of the 1970’s and earlier, when warrants were largely optional and abusive spying was not limited to subjects who had done something wrong. In fact, despite numerous hearings about “modernization” and “technology neutrality” over the last year, the Administration has not publicly provided Congress with a single example of how current standards in FISA have either prevented the intelligence community from using new technologies or proven unworkable

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<sup>1</sup> FISA Modernization Provisions of the Proposed Fiscal Year 2008 Intelligence Authorization, Title IV, available at <http://www.fas.org/irp/news/2007/04/fisa-proposal.pdf>.

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