

January 8, 2018

The Honorable Nancy Pelosi
Democratic Leader
H204, The Capitol
Washington, DC 20515

Dear Minority Leader Pelosi,

As your constituents and as civil liberties advocacy groups, we urge you to support robust search warrant protections for the countless Americans whose emails are swept up during massive, unconstitutional NSA surveillance. Your leadership on this issue is crucial, and with your record defending Californians' civil liberties, we trust we can rely on you to fight for constitutional protections for all Americans.

As you know, Section 702 of the FISA Amendments Act was scheduled to sunset at the end of 2017, but a last-minute maneuver extended the deadline to January 19, 2018. Section 702, written expressly to allow surveillance of non-U.S. persons not living in the United States, is now used by the NSA to justify its collection of Americans' emails, chat logs and browser history.

We understand that Section 702 is a contentious issue that does not easily break along party lines. Sens. Kamala Harris and Dianne Feinstein, along with Republicans like Rep. Ted Poe, support fixes to what is commonly referred to as the "backdoor" search loophole—a workaround in NSA surveillance collection that allows intelligence community agents to read Americans' emails incidentally collected under Section 702 without first obtaining a warrant.

As Sen. Feinstein said upon proposing her backdoor search fix to the Senate Select Committee on Intelligence last year:

"The Fourth Amendment of our Constitution provides basic privacy rights for all Americans. I believe the Supreme Court has been clear that in order to access the content of an American's communications, the government is required to get a probable cause warrant. The same standard should apply to Section 702."

Leader Pelosi, we, the undersigned, urge you to protect your constituents and the American people. Please, require any bill that extends Section 702 to include warrant requirements on American communications.

Sincerely,

Aspiration Tech
Electronic Frontier Foundation
Freedom of the Press Foundation
Internet Archive