

September 25, 2007

Senator Harry Reid  
Majority Leader  
United States Senate  
Washington, DC 20510

Dear Majority Leader:

We, the undersigned privacy, civil liberties, government openness and faith-based organizations, write to ask you to insist on public hearings on any proposed legislation to alter the Foreign Intelligence Surveillance Act (FISA) before either the Senate Select Committee on Intelligence or the Senate Judiciary Committee votes on such legislation. Public hearings with Members of both committees on any proposed legislation involving surveillance that affects the rights of people in the U.S. are greatly needed.

This opportunity for public examination is essential.

This is especially crucial in the aftermath of what happened in August when substantial changes to FISA, crafted by the administration, were passed by Congress without any public hearings with anyone other than administration witnesses speaking to Senators. Intelligence Committee hearings with administration witnesses alone are not enough to instill public confidence in this process, given all of the concerns that have been raised about the administration's actions. There has been no fair opportunity to explore areas of profound disagreement or even common ground.

With four full months before the so-called "Protect America Act" (PAA) is set to sunset, this is not the time to rush through additional changes to FISA/PAA without meaningful public input. We understand from the statements of the Director of National Intelligence that Senators have made themselves available to meet numerous times with the administration about its interpretation of the PAA over the past few weeks. And, we believe the administration's statements have been incomplete and inaccurate regarding both the intended and unintended consequences of the PAA and other changes the administration desires. However, the Intelligence Committee has yet to hold a single public hearing, to hear the views of anyone other than the administration, about the serious concerns the public has with the PAA's effect on the rights of people in the U.S. The committee has also not yet held any public hearing to assess the administration's push to make this law permanent, expand it, and give amnesty from liability to companies that provided the government warrantless access to Americans' communications.

We believe Congress cannot fulfill its constitutional responsibilities by voting on legislation making the PAA permanent, extending the law's sunset or giving immunity for past warrantless surveillance of Americans, without public hearings about these very controversial proposals.

We implore you not to compound the mistakes made in August with rushed action on FISA/PAA in the coming weeks. The rights and civil liberties of Americans are too important to proceed in this way.

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Thank you for considering our views.

Sincerely,

Center for National Security Studies  
American Civil Liberties Union  
Former Congressman Bob Barr,  
21st Century Liberties Chair for Freedom &  
Privacy, American Conservative Union  
Bill of Rights Defense Committee  
Liberty Coalition  
DownsizeDC.org  
OpenTheGovernment.org  
American Library Association  
American Association of Law Libraries  
American Booksellers Foundation for Free  
Expression  
Federation of American Scientists  
American Conservative Defense Alliance  
American Policy Center  
The Rutherford Institute  
Shane Cory, Executive Director, Libertarian  
National Committee  
Fund for Constitutional Government  
Defending Dissent Foundation  
Privacy Activism  
People for the American Way  
American-Arab Anti-Discrimination  
Committee  
Asian Law Caucus  
Muslim Advocates  
National Immigrant Solidarity Network  
Pakistani American Public Affairs Committee  
National Immigration Project  
Catholic Charities Hawaii  
Minnesota Advocates for Human Rights  
Labor Council for Latin American  
Advancement, Massachusetts Chapter  
Rural Organizing Project--  
Advancing Democracy in Rural Oregon  
Ellen Smith, Managing Editor and Owner,  
Mine Safety and Health News  
Grassroots Leadership

Open Society Policy Center  
Electronic Frontier Foundation  
Bruce Fein  
The Constitution Project  
League of Women Voters  
U.S. Bill of Rights Foundation  
Doug Bandow, Vice President, Citizen  
Outreach Project  
Mary Brumder, Executive Director,  
Government Accountability Project  
Association of Research Libraries  
Special Libraries Association  
Center for Financial Privacy and Human  
Rights  
Republican Liberty Caucus  
Bill Moyer, Executive Director, Backbone  
Campaign  
OMB Watch  
National Lawyers' Guild--National Office  
National Association of Criminal Defense  
Lawyers  
Fairfax County Privacy Council  
American Friends Service Committee  
Friends Committee on National Legislation  
Japanese American Citizens League  
Sikh American Legal Defense and  
Education Fund  
Council on American-Islamic Relations  
National Immigration Project  
ADC Michigan  
CAUSA  
EnviroJustice  
Velvet Revolution  
Justice Through Music  
Pain Relief Network  
National Legal Sanctuary for Community  
Advancement  
Ann Benson, Directing Attorney, Washington  
Defender Association Immigration Project