

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, Exec. Dir., 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
Fuerza Mundial/End the End Game
National Legal Sanctuary for Community
Advancement
Ann Benson, Directing Attorney, Washington
Defender Association Immigration Project