

October 23, 2007

Hon. Patrick J. Leahy, Chairman
Hon. Arlen Specter, Ranking Minority Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510-6275

Dear Chairman Leahy and Ranking Minority Member Specter:

We understand that the Judiciary Committee will soon consider the FISA Amendments Act (FAA) recently reported by the Senate Select Committee on Intelligence, or other legislation of its own to replace the Protect America Act, which expires in February.

Any such legislation is bound to be very complex and to raise serious concerns about surveillance that, while targeted at persons abroad, is likely to affect the rights of people in the United States. It may also, like the FAA, include broad immunity for telecommunications carriers who assisted with warrantless, illegal surveillance that continued for more than five years. In addition, it may also, like the FAA, include a sunset so far into the future that Congress would not for many years automatically be prompted to adjust the law to address any abuses of the surveillance authorities the law grants. The Senate Select Committee on Intelligence conducted no public hearings on the FAA and its mark-up was conducted in a closed session.

We write to ask that the Judiciary Committee chart a different course. The Committee has a strong record of holding open hearings on major re-writes of the Foreign Intelligence Surveillance Act, such as would occur if the Committee considered the FAA or other complex legislation of its own to replace the Protect America Act. Prior to considering amendments to such a bill, the Judiciary Committee should hear at open hearings from experts on FISA and civil liberties about how the bill will affect the privacy rights of Americans. We ask that you conduct those hearings as soon as is practicable on the legislation you intend to consider.

Sincerely,

American-Arab Anti-Discrimination Committee

American Civil Liberties Union

American Library Association

Association of Research Libraries

Bill of Rights Defense Committee

Brennan Center for Justice, NYU School of Law

Center for American Progress Action Fund

Center for Democracy and Technology

Center for National Security Studies

Constitution Project

Council on American-Islamic Relations

Defending Dissent Foundation

DownsizeDC.org., Inc.

Electronic Frontier Foundation

Federation of American Scientists

Friends Committee on National Legislation

League of Women Voters of the United States

Liberty Coalition

National Lawyers Guild – National Office

OMB Watch

Open Society Policy Center

People For the American Way

U.S. Bill of Rights Foundation

cc: Members of the Senate Judiciary Committee