

November 16, 2009

The Honorable Senator Patrick Leahy
United States Senate

Dear Senator Leahy:

We are writing to express our continuing desire to see much-needed reform to provisions of the USA PATRIOT Act (including its 2006 reauthorizing legislation) and the 2008 FISA Amendments Act, which have diminished Americans' privacy over the last eight years. These laws dramatically loosened restrictions on domestic surveillance and expanded the government's ability to collect information on people innocent of any wrongdoing.

We are especially concerned that, according to the Office of the Inspector General (OIG) of the Department of Justice, the FBI issued 192,499 National Security Letter requests from 2003-2006. In its 2007 and 2008 reports, the OIG documented widespread errors and abuses in the use of USA PATRIOT Act authorities that, if permitted to go unchecked, endanger the future of our democratic society. Among the egregious abuses are:

- Issuance of NSLs prior to opening an investigation--the required pre-condition;
- Using "exigent letters" not authorized by law to quickly obtain information without ever issuing the NSL that it promised to issue to cover the request;
- Using a single NSL to obtain records about thousands of individuals;
- Issuing NSLs to circumvent adverse rulings of the FISA Court;
- Retaining indefinitely the information obtained with NSLs, even after determining that the subject of the NSL is not suspected of any crime or espionage, and sharing the information with thousands of law enforcement agents and intelligence agencies.

Because we are committed to protecting the constitutional rights that are essential to a free and open democracy, we urge you to do everything in your power to work for reforms, including:

- Allowing Section 215 to sunset, returning to previous standards limiting the use of FISA warrants to gather information only about terrorism suspects and other agents of foreign powers;
- Amending the National Security Letter authority so that it can be directed only at people who have a connection to terrorism or espionage;

- Allowing nondisclosure (“gag”) orders of limited scope and duration only when necessary to protect national security and only upon the authority of a court, and ensure that targets of such orders have a meaningful right to challenge them before a fair and neutral arbiter;
- Amending the mass international communications collection program authorized under the FISA Amendments Act of 2008 to better protect the privacy of Americans' phone calls and e-mail messages;
- Providing greater oversight of the uses of the various provisions of the USA PATRIOT Act.

We thank you for your past efforts to protect civil liberties, and look forward to working with you to make these important changes.

Sincerely,

American Civil Liberties Union of Vermont
Brattleboro Literary Festival
Burlington Branch of the Women’s International League for Peace and Freedom
New England Independent Booksellers Association
Peace and Justice Center
Sherburne Memorial Library
Vermont Library Association
Vermont Press Association
Vermont School Library Association
Windham County Reads