

The Fourth Amendment to the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Dear Member of Congress,

I urge you to oppose — and to do all in your power to obstruct — the extension of expiring Patriot Act provisions, whether via a "straight" reauthorization of any length, the USA FREEDOM Act, or otherwise. The sunset of these provisions would begin the restoration of adherence to Constitutional principles after years of illegal and unconstitutional surveillance that has violated the rights and trust of essentially all Americans.

Since the extent of the government's surveillance programs were revealed to the public, Americans of all political affiliations have risen up against the government's collection of data about all of our lives. Thousands of people have gathered at protests across the country — including at dozens of "Sunset" vigils just last week — and more than ten thousand websites have engaged in protest. Your office has heard from hundreds or thousands of constituents, and Congress as a whole has received millions of emails and phone calls in opposition to mass spying.

Last Saturday, the Senate rejected two bills that would have reauthorized expiring sections of the Patriot Act — either carte blanche for two months or in an updated form (via USA FREEDOM) until 2019 — and their rejection should be sustained. The passage of these dangerous bills would not reduce the threat of terrorism — as mass phone metadata collection has repeatedly been deemed ineffectual — but would represent an ongoing threat to the privacy rights of Americans.

A "straight" re-authorization of expiring provisions would allow for mass spying to continue unabated. USA FREEDOM would codify and deepen certain surveillance powers — and would even provide immunity for companies that facilitate illegal government spying requests. Other proposals which have been floated in recent days — such as data retention mandates proffered by Senators Feinstein and Burr — are desperately out of touch with the 83% of Americans who are concerned by the storage of their personal data by companies for surveillance purposes [1] and must be rejected out of hand.

More broadly, it is simply impossible to properly vet new legislation or substantive amendments to USA FREEDOM at this late hour — particularly as we contend with the opacity born of a regime of secret law and with agencies willing to so egregiously torture the English language that all Americans' phone records have been deemed "relevant to" an investigation.

A sunset of expiring Patriot Act provisions would immediately end certain violations of Americans' Constitutional rights, setting a foundation for further restoration of privacy protections and for structural reforms that might allow us to hold rogue surveillance agencies accountable for the first time in more than a generation.

Please stand on the right side of history by opposing and obstructing reauthorization of expiring Patriot Act provisions.

Thank you.

[1] "NSA surveillance opposed by American voters from all parties, poll finds," The Guardian, 5/18/15 (<http://www.theguardian.com/us-news/2015/may/18/us-voters-broadly-opposed-nsa-surveillance>)